



# Supreme Court of the Philippines Philippine Judicial Academy



## *PHILJA Fax/Electronic Alerts*

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### **Judges: Undue Delay in resolving a motion; Dereliction of Duty**

The Constitution mandates that all lower courts should decide or resolve cases or matters before it within three months from date of submission. Accordingly, rule 3.05, Canon 3 of the Code of Judicial conduct directs judges to dispose of the court's business promptly and decide cases within the required periods. The New Code of Judicial conduct for the Philippine Judiciary which took effect on June 1, 2004, also states in Canon 6, Sec. 5 thereof that judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

Indeed, the Court has always impressed upon judges the need to decide cases promptly, expeditiously and with dispatch, for it cannot be gainsaid that justice delayed is justice denied. Any delay in the administration of justice, no matter how brief, deprives a litigant of his right to a speedy disposition of his case and undermines the people's faith and confidence in the judiciary. Judges should therefore be mindful of the crucial role they play in keeping the flames of justice alive and burning and must never slumber, so to speak, in the hour of service to their countrymen.

In the present case, respondent failed to show that he was heavily laden with cases, that he asked the Court for extension of time within which to resolve the actions pending before him, or that he requested that his assignments be lessened. The Court therefore cannot fully exonerate him from liability and shall only consider his length of service and multiple assignments as mitigating circumstances.

Herein respondent was found guilty of undue delay in resolving a motion, for which he was **FINED** in the amount of P11,000.00 to be deducted from his leave credits. **(A.M. No. MTJ-06-1629, 14 November 2007)**

### **Judges: Violation of Canon 3, Rule 3.03, 3.04, 3.05 of the Code of Judicial Conduct and Canons 2, 3, 4, 6, 7, 9, 14 and 16 of the Canons of Judicial Ethics**

As the Court has repeatedly pronounced, any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment. Mere imputation of judicial misconduct without sufficient proof to sustain the same will never be countenanced. Indeed, if a judge should be disciplined for misconduct, the evidence against him should be competent, because the judiciary to which he belongs, demands no less.

Complaint against herein Judge was **DISMISSED** for lack of merit. **(A.M. No. RTJ-07-2088, 17 October 2007)**

### **Judges: Dismissal of the Administrative Complaints for lack of merit**

Gross misconduct. Complainant failed to present evidence to prove his allegations against respondent. **(A.M. OCA IPI No. 03-1635-P, 17 October 2007)**

Considering the Memorandum dated 30 June 2004 of the Office of the Court Administrator (OCA) relative to the instant administrative case, the Court, upon the recommendation of the OCA, further resolves to **DISMISS** the complaints filed against herein judge while he was still in the private law practice for lack of merit. **(A.C. No. 5702, 17 October 2007)**

x x x finding that in complainant's letter dated 03 March to the Chief Justice, he explained that he filed the complaint because of his sad experience with the said judge and was surprised that he is being held liable for contempt.

Upon recommendation of the OCA, this case is **CONSIDERED CLOSED** and **TERMINATED** with **WARNING** to complainant that a repetition of similar act of filing a baseless complaint will be dealt with severely. **(A.M. OCA IPI No. 06-2466-RTJ, 03 October 2007)**

The errors being attributed to the respondent judge pertain to the exercise of her adjudicative functions which should have been assailed in judicial proceedings instead of in the present administrative case; and that

lacking any proof of malice or bad faith, neither the respondent judge nor the counsel for the plaintiff can be faulted for citing the same jurisprudence.

Upon the recommendation of the OCA, the letter-complaint against herein judge was **DISMISSED** for lack of merit. **(A.M. No. 07-2650-RTJ, 08 October 2007)**

The Court **NOTES** the report dated 21 August 2007 of the Office of the Court Administrator [OCA] on the letter-complaint dated 02 April 2007 alleging that respondent Judge engages in business, appears in a labor dispute, violates a contract signed by him, and knowingly disregards laws on proper documentation, submitting that absent any substantial evidence that respondent Judge's activities as officer or trustee detract from the dignity of the court or otherwise interfere with the performance of his official duties, administrative sanction against him is not warranted; and that it was shown that his appearance before the NLRC was on account of his being named as respondent in a labor case and not as counsel.

Upon the recommendation of the OCA, the instant administrative complainant against respondent Judge is **DISMISSED** for lack of merit. **(A.M. No. 07-1900-MTJ, 15 October 2007)**

The Court **NOTES** the Report dated 28 August 2007 of the Office of the Court Administrator [OCA] on the verified complaint x x x for grave abuse of authority and discretion and ignorance of the law x x x, an action for support, finding that the issues raised in the instant administrative complaint requires purely judicial action that should be threshed out in court and not in an administrative tribunal; and that the complaint did not present evidence that would show that the acts of respondent Judge were imbued with malice or bad faith.

Upon the recommendation of the OCA, the instant administrative complaint was **DISMISSED** for lack of merit. **(A.M. No. 07-2647-RTJ, 15 October 2007)**

The Court **NOTES** the Report dated 13 September 2007 of the Office of the Court Administrator [OCA] on the complaint against respondent for gross ignorance of the law, gross violation of accused's constitutional rights and incompetence x x x submitting that the acts complained of relate to the validity of the proceedings before the respondent as well as to the propriety of respondent's orders in the subject case which could be best resolved by judicial remedies provided for under the Rules of Court and not by way of an administrative complaint

Upon the recommendation of the OCA, the instant administrative case against respondent judge was **DISMISSED** for being judicial in nature. **(A.M. OCA-IPI No. 07-2657-RTJ, 17 October 2007)**

The Court **NOTES** the Report dated 30 August 2003 of the Office of the Court Administrator [OCA] on the complaint against respondent for harassment, x x x submitting that (1) there is nothing irregular when respondent issued the disputed resolution, and even assuming that, indeed, he erred in the issuance thereof, still, she could not be held administratively liable because there is no proof that such error of judgment was tainted with bias or partiality, fraud, dishonesty, bad faith, deliberate intent to do an injustice, or gross ignorance; and (2) the charge of harassment stands on a hollow ground as no evidence was presented showing acts constituting harassment

Upon the recommendation of the OCA, the instant complaint is **DISMISSED** for lack of merit and for being judicial in nature. **(A.M. OCA IPI No. 07-1898-MTJ, 17 October 2007)**

The Court **NOTES** the Report dated 03 September 2007 of the Office of the Court Administrator [OCA] on the verified complaint dated 05 July 2007, for abuse of authority and ignorance of the law x x x finding that contrary to the complainant's allegations, records show that respondent Judge did not conduct the preliminary investigation because the same was done by the public prosecutor; that the respondent Judge's actuation was in accordance with section 12(b) of the 1991 Revised Rule of Summary Procedure ; and that the complainant might have been misled by the tenor of the printed form of the subpoena to entertain the erroneous belief that it was for the purpose of preliminary investigation considering that as indicated therein the same was issued pursuant to Section 3, Rule 112 of the Revised Rule of Criminal Procedure.

Upon recommendation of the OCA, the Court resolves to:

- (1) **DISMISS** the complaint against respondent judge for lack of merit; and
- (2) **DIRECT** herein Judge to **CHANGE** the tenor of the printed form of the subpoena to keep it abreast with prevailing rules of procedure. **(A.M. No 07-1903-MTJ, 15 October 2007)**

The Court **NOTES** the Report dated 11 September 2007 submitted by the Office of the Court Administrator [OCA] on the verified complaint dated 24 July 2006 against respondent for gross ignorance of the law and disrespect of Administrative Circular No. 8-92 x x x, finding that (a) respondent's alleged refusal to dismiss the criminal complaints against complainants pertains to the performance of her judicial function which cannot be the subject of an administrative complaint; and (b) there is no evidence to prove that respondent issued the assailed orders because of any improper or corrupt motives, hence she cannot be held guilty of gross ignorance of the law.

Upon the recommendation of the OCA, the administrative complaint against respondent is **DISMISSED** for lack of merit. **(A.M. OCA IPI No. 07-1905-MTJ, 17 October 2007)**

The Court **NOTES** the Report dated 07 September 2007 of the Office of the Court Administrator [OCA] on the verified complaint affidavit against respondent for inexcusable negligence, [gross ignorance of the law] and inaction to resolve motions x x x.

Upon the recommendation of the OCA, the instant administrative complaint was **DISMISSED** for lack of merit. **(A.M. OCA IPI No. 07-2653-RTJ, 03 October 2007)**

The Court resolves to **NOTE** the Report dated 10 August 2007 of the Office of the Court Administrator [OCA] relative to the unverified letter-complaint x x x for gross ignorance of the law and for being "anti-Moro or Muslim" x x x:

- (1) When respondent judge inherited the subject case, the former was bound by the latter's ruling on the authority to bring the action in behalf of the plaintiff, hence based on the principle of *res inter alios acta*, complainants cannot accuse herein respondent of any infraction of the rules or law for an act made by the former judge;
- (2) No malice or bad faith on the part of herein respondent was shown by complainants;
- (3) It was only after receipt of the complainants' comment on the plaintiff's motion for issuance of special order of demolition that the other respondent judge issued a writ of demolition on 06 February 2007, thus, complainants were given their day in court before the demolition of their houses was effected;
- (4) Contrary to complainants' allegation, Civil Case no. 7682 for declaration of nullity of TCT No. 64086 which they filed on 13 April 2007 will not preclude the execution of the judgment in the forcible entry case; and
- (5) It was impertinent for complainants to accuse respondents of bigotry against Muslims because nothing is Anti-Muslim in deciding the subject civil case based on the facts obtaining therein and the applicable rules and laws, since plainly and simply, it is a matter of rendering justice and it just so happened that all the defendants in the case are Muslims.

Upon the recommendation of the OCA, the instant administrative complaint against herein respondents were **DISMISSED** for lack of merit. **(A.M. OCA IPI No. 07-2642-RTJ, 01 October 2007)**

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