



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 08-12
December 2008

Judges: Making untruthful statements in certificate of service

A certificate of service is not merely a means to receive one's salary. It is an instrument essential to the fulfillment by the judges of their duty to dispose of their cases speedily as mandated by the Constitution.

Respondent's denial that he made untruthful statement in his certificate of service is weak in the face of the documentary proofs presented by complainant; and his claim that his signature in the Certificate of service was forged by someone was unsubstantiated as found by the Investigating Justice.

For making untruthful statement in his certificate of service, respondent judge was suspended from office without salary and other benefits for one (1) month (A.M. No. RTJ-07-2053, November 27, 2008)

Judges: Undue delay in transmitting records of a case

Canon 6, Section 2 of the New Code of Judicial Conduct for the Philippine Judiciary provides that judicial duties include tasks relevant to the court's operations, and Rule 3.08 of the Code of Judicial Conduct mandates judges to diligently discharge administrative responsibilities, maintain professional competence in court management and facilitate the performance of administrative functions of court personnel; and Rule 3.09 of the same Code further provides that judges are mandated to organize and supervise the court personnel to ensure the prompt and efficient dispatch of business.

The records of Civil Case No. 789 were transmitted to the RTC only after more than one year and four months and only after complainant made follow-ups. As the one charged with the proper and efficient management of his court, respondent is ultimately responsible for the mistakes of his court personnel.

For undue delay in transmitting the records of a case, respondent judge was fined P11,000.00 and sternly warned that a repetition of the same or similar offense will be dealt with more severely. (A.M. No. MTJ-06-1646, July 16, 2008)

Judges: Undue delay in rendering decision

A judge cannot take refuge behind the inefficiency or mismanagement of his personnel. He is responsible, not only for the dispensation of justice but also for managing his court efficiently to ensure the prompt delivery of court service. Since he is the one responsible for the proper discharge of his official functions, he should know the cases submitted to him for decision especially those pending for more than 90 days.

Respondent judge failed to decide and resolve within the reglementary period nine motions and six cases submitted for resolution and for decision. His explanation that the undue delay was caused by the failure of his clerk of court to apprise him of the cases or incidents pending resolution cannot exculpate him from liability. Also, his claim that the administrative case was filed after his compulsory retirement cannot free him from liability.

For undue delay in rendering decisions, respondent judge was fined P20,000.00 to be deducted from his retirement benefits. (A.M. No. RTC-08-2108, November 25, 2008)

Judges: Gross ignorance of the law

All cases of forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered, shall be governed by the rules on summary procedure. Section 6 of Rule 70 of the Revised Rules of Civil Procedure provides that the defendant shall file his answer within ten (10) days from the service of the

summons and if he fails to answer the complaint within the said period, the court, motu proprio or on motion of the plaintiff shall render judgment as may be warranted by the facts alleged in the complaint.

Respondent judge gave defendants fifteen (15) days from receipt of summons within which to file their answer in violation of the rules on summary procedure.

For gross ignorance of the law, respondent judge was fined P20,000.00 to be deducted from his retirement benefits. **(A.M. No. MTJ-06-1631, September 30, 2008)**

Judges: Gross ignorance of the law

P.D. No. 1818 and R.A. No. 8975, and Supreme Court Administrative Circular No. 11-2000 dated November 13, 2000 prohibits the issuance of temporary restraining orders (TRO) or writs of preliminary injunctions by courts in cases involving government infrastructure projects.

The term infrastructure project was defined by the Court in Republic of the Philippines vs. Silverio, 338 Phil, as : construction, improvement and rehabilitation of roads, and bridges, railways, airports, sea ports, communication facilities, irrigation, flood control and drainage, water supply and sewerage system, shore protection power facilities, national buildings, school buildings, hospital buildings and other related construction projects that form part of the government capital investment.

Respondent judge failed to heed the mandatory ban imposed by PD 1818 and RA 8975 when he issued a TRO in a case involving a government infrastructure project.

For gross ignorance of the law, respondent was fined P40,000.00 to be deducted from his retirement benefits. **(A.M. No. RTJ-08-2133, August 6, 2008)**

Clerk of Court: Simple neglect of duty

One of the duties of the branch clerk of court is to assist his presiding judge in the management of the calendar of the court and all other matters not involving the exercise of discretion or judgment of cases. It is also his duty to conduct periodic docket inventory to ensure that the records of each case are accounted for.

Respondent branch clerk of court failed to perform his duty when he did not update his presiding judge on the status of cases. As a result, nine motions and six cases were not acted upon within the reglementary period.

For simple neglect of duty, respondent was fined P5,000 to be deducted from his retirement benefits. **(A.M. No. RTJ-08-2108, November 25, 2008)**

Legal Researcher: Dishonesty

The Philippine Law Dictionary defines dishonesty as the "concealment of truth in a matter of fact relevant to one's office or connected with the performance of his duties. It is an absence of integrity, a disposition to betray, cheat, deceive or defraud.

The act of punching another's time card in the bundy clock is an act of dishonesty.

For dishonesty, (she punched out the bundy card of another) respondent legal researcher was fined P20,000.00 to be deducted from her retirement benefits. **(A.M. No. P-06-2233, September 26, 2008)**

Stenographer: Simple neglect of duty

OCA Circular No. 7-2003 provides that every court employee must truthfully and accurately enter his/her times of arrival in and departure from the office in his time record, that is Civil Service Form No. 48/bundy card for submission to the office of the Court Administrator at the end of each month.

Respondent stenographer failed to submit her bundy cards on time and worse, her bundy cards submitted to the OCA Leave Division had incomplete or handwritten entries. Clearly, she is guilty of simple neglect of duty for her failure to regularly and faithfully punch her bundy card and submit the same at the end of each month as ordered by OCA Circular No. 7-2003.

For failure to comply with OCA Circular No. 7-2003, respondent stenographer was found guilty of simple neglect of duty for which she was suspended for one month and one day without pay and benefits with a warning that a repetition of the same or similar offense will be dealt with more severely. (A.M. No. P-2380, September 25, 2008)

Cash Clerk: Dishonesty and grave misconduct

Personal problems cannot justify the misuse by any court employee of judiciary funds in his custody. Such are government funds and public servants have absolutely no right to use them for their own purposes.

Misappropriation of judiciary funds constitutes dishonesty and grave misconduct which are grave offenses punishable by dismissal.

Respondent cash clerk admitted that she misappropriated the amount of P600,051.81 in her custody to help her ailing sister who eventually died. But the Court found her excuse unsatisfactory because public servants are mandated to uphold public interest over personal needs.

For dishonesty and grave misconduct, respondent cash clerk was dismissed from the service with forfeiture of all retirement benefits and with prejudice to reemployment in the government including GOCC's. (A.M. No. P-03-1748, September 22, 2008)

Court Aide: Grave misconduct

The carnal knowledge of a 14-year old minor is a blatant disregard of the Court's standard of morality and decency.

Respondent's argument that he was acquitted in the criminal case for rape filed against him was not considered in his favor by the OCA.

His acquittal in the criminal case for rape does not necessarily result in his exoneration in the administrative case filed against him because the quantum of proof necessary to hold him liable is substantial or competent evidence while proof beyond reasonable doubt is necessary to convict an accused in a criminal case.

Respondent's act of having carnal knowledge of a minor is revolting and has no place in the judiciary, the true temple of justice.

For grave misconduct, respondent court aide was dismissed from the service with forfeiture of all retirement benefits and with prejudice to reemployment in the government including GOCC's. (A.M. No. P-02-1666, October 10, 2008)

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