



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judge: Gross ignorance of the law**

In *Cabigao vs. Del Rosario, G.R. No. 76838, April 17, 1990, 184 SCRA 374, 378*, the Supreme Court laid down the doctrine that no court has the power to interfere by injunction with the judgments or decrees of a court of concurrent jurisdiction having power to grant the relief sought by injunction.

In *Yau vs The Manila Banking Corporation*, the Supreme Court likewise held that undue interference by one court in the proceedings and processes of another is prohibited by law. Adherence to a different rule would sow confusion and wreak havoc on the orderly administration of justice, and in the ensuing melee, hapless litigants will be at a loss as to where to appear and plead their cause.

The acts of respondents-judges in issuing a TRO, and extending the same disregarded the basic precept that no court has the power to interfere by injunction with the judgments or orders of a co-equal and coordinate court of concurrent jurisdiction having the power to grant the relief sought by injunction.

When the respondents - judges acted on the application for the issuance of a TRO, they were aware that they were acting on matters pertaining to a co-equal court which was already exercising jurisdiction over the subject matter in Civil Case No. 434-T. Nonetheless, they still opted to interfere with the order of a co-equal and coordinate court of concurrent jurisdiction in blatant disregard of the doctrine of judicial stability.

For gross ignorance of the law, respondent judges were each fined P21,000.00. They were also sternly warned. **(A.M. No. RTJ-09-2170, December 16, 2009)**

### **Judges: Undue delay in rendering an order**

In *Biggol vs. Pamintuan, A.M. No. RTJ-08-2101, July 23, 2008, 559 SCRA, 344*, the Supreme Court stressed that undue delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature.

The respondent judge's explanation that the motions pending before him were defective does not hold water. If he indeed believe that the motions were defective, he could have simply acted on them and indicated the supposed defects in his resolutions instead of just leaving them unresolved.

For undue delay in rendering an order, respondent judge was fined P11,000.00. **(A. M. No. RTJ-09-2170, December 16, 2009)**

### **Judges: Violation of the New Code of Conduct for the Philippine Judiciary on Propriety**

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

Sections 13, 14, and 15 of Canon 4 of the New Code of Conduct for the Philippine Judiciary provide:

SEC. 13. Judges and members of their families shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by him or her in connection with the performance of judicial duties.

Sec. 14. Judges shall not knowingly permit court staff or others subject to their influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with their duties or functions.

SEC. 15. Subject to law and to any legal requirements of public disclosure, judges may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

Respondent judge fell short of the exacting standards set by the said New Code of Judicial Conduct. His acts of receiving lawbooks, cellular phones and monthly cellular phone prepaid cards from the property custodians of the late Rev. Fr. Aspiras, who was then the ward of the court constitute impropriety.

For violating Sections 13, 14 and 15 of Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary, respondent judge was fined P20,000.00. **(A.M. No. RTJ-07-2055, December 17, 2009)**

#### **Stenographer: Goss misconduct**

In *CSC vs. Belagan, Gr. No. 132164, October 19, 2004, 440 SCRA 578*, the Supreme Court declared that a court employee is not prohibited from helping individuals in the course of performing his official duties, but his actions cannot be left unchecked when the help extended puts under suspicion the integrity of the Judiciary.

Respondent stenographer used her official position as an employee of the Judiciary to attempt to influence complainant judge to rule in favor of a litigant who was the landlord of respondent.

For gross misconduct, respondent stenographer was suspended for one year without pay and fined P20,000.00. **(A.M. No. P-09-2676, December 16, 2009)**

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