



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: gross negligence and inefficiency

Judges should take the necessary steps to ensure that correct procedures in the collection and deposit of court funds are dutifully carried out by their personnel charged therewith.

By clearing his branch clerk of court from all accountabilities; the respondent was made to assume the responsibilities of restituting the shortages incurred by the former.

Respondent was found guilty of gross negligence and inefficiency and ordered to reconstitute the amount of P98,637.20. (A.M. No. 00-3-108-MCTC, January 28, 2005)

Judges: ignorance of the law

Under Section 5 of Rule 102 of the rules of Civil Procedure on Habeas Corpus, a court may grant the writ if it appears upon presentation of the petition that the writ ought to be issued.

Respondent judge was well within his authority when he issued the writ as no hearing is required before a writ may be issued.

The acts of a judge pertaining to his judicial functions are not subject to disciplinary power unless they are committed with fraud, dishonesty, corruption or bad faith. Case against respondent was dismissed for lack of merit. (A.M. No. RTJ-05-1898, January 31, 2005)

Judges: undue delay in disposing or deciding cases

The existence of a heavy caseload or the assignment of additional functions do not make a judge less liable for delay. If the caseload of a judge prevents her from disposing of cases within the reglementary period, all she has to do is to inform the Supreme Court of the reasons for the delay and ask for a reasonable extension of time to dispose of her cases.

Respondent made no such request and her failure to decide cases in time merits administrative sanctions. (A.M. No. RTJ-04-1869, January 31, 2005)

Judges: delay in the submission of certificate of service

Judges are expected to be more diligent in preparing their monthly certificate of service by verifying every now and then the status of the cases pending before their sala. They cannot be excused by the acts of their subordinates as court employees are not the guardians of a judge's responsibility.

Respondent's delay in the submission of his certificate of service and disregard of the directive of the Court warrant disciplinary action. He was fined P15,000.00. (A.M. No. 02-5-107-MTCC, December 9, 2004)

Judges: charge of bias and partiality cannot be presumed; complainant bears the onus of proving the averments of his complaint

In administrative proceedings, the complainant bears the onus of establishing by substantial evidence, the averments of his complaint. Notatu dignum is the presumption of regularity in the performance of a judge's functions, hence, bias, prejudice and even undue interest cannot be presumed, specially weighed against a judge's sacred allegation under oath of office to administer justice without respect to any person and do equal right to the poor and to the rich. Bare allegations of bias are not enough in the absence of clear and convincing evidence to overcome the presumption that the judge will undertake his noble role to dispense justice according to law and evidence without fear or favor. Mere suspicion that a judge is partial is not enough.

Complainant miserably failed to support its allegation of bias and partiality of respondent, hence, for lack of merit, case against the latter was dismissed. (A.M. No. RTJ-03-1750, January 14, 2005)

Judges: gross ignorance of the law

When the law is so elementary, not to know it or to act as if one does not know it constitutes gross ignorance of the law.

Section 4 (1) of P.D. 1606 as amended by RA 8249 provides that employees of the executive branch classified as Grade 27 or higher under the Compensation and Position Classification Act of 1989 are within the exclusive original jurisdiction of the Sandiganbayan and not of the MTC.

Respondent judge erred in denying complainant's motion to quash on the ground of lack of jurisdiction. Complainant is a salary grade 28 employee and he allegedly committed the crimes in relation to his office. Respondent was fined P20,000.00 (A.M. No. MTJ-04-1552, December 16, 2004)

Judges: grant of bail without hearing constitutes gross ignorance of the law

When a preliminary investigation is conducted by a municipal trial court judge, he is obligated, upon conclusion of the preliminary investigation, to transmit to the provincial or city fiscal for appropriate action the resolution of the case which must contain a brief statement of findings of fact and of the law supporting his action, together with the entire records of the case.

Respondent judge clearly acted irregularly when he motu proprio fixed and granted bail to the accused without hearing the side of the prosecution. Irrespective of his opinion that the evidence of guilt against the accused is not strong, the law and jurisprudence require that an actual hearing be conducted before bail may be granted, if bail is at all justified. Moreover, having conducted the preliminary investigation respondent has no legal authority to determine the character of the crime and regardless of his belief as to the nature of the offense committed, his only duty after conducting the preliminary investigation is to transmit to the provincial prosecutor his resolution of the case together with the entire records of the same. Respondent was fined P30,000.00. (A.M. No. MTJ-04-1529, December 16, 2004)

Judges: gross misconduct

Judges must at all times be temperate in their language, refraining from inflammatory or excessive rhetoric or from resorting to the language of vilification.

Respondent judge's behavior was incompatible with judicial temperament expected of him. He was discourteous not only to complainant but also to the trial judge. His actuation constitutes palpable violation of Canon 2, Rule 2.01 and Canon 3, Rule 3.04 of the Code of Judicial Conduct. He was fined P21,000.00. (A.M. No. RTJ-04-1864, December 16, 2004)

Judges: judicial indolence is gross inefficiency

Judicial indolence is considered gross inefficiency. The mandate to promptly dispose of cases or matters applies also to motions or interlocutory matters or incidents pending before a magistrate. Unreasonable delay of a judge in resolving a pending incident is a violation of the norms of judicial conduct and constitutes gross inefficiency that warrant the imposition of an administrative sanction against the defaulting magistrate.

By his own admission, it took respondent 17 months to resolve a motion for reconsideration. Moreover, he resolved the motion only after the filing of the complaint against him leading one to wonder whether such resolution would have been further delayed had complainant not lodged the case against him. For gross inefficiency, respondent was fined P5,000.00. (A.M. No. RTJ-04-1889, December 28, 2004)

Judges: gross inefficiency

A judge ought to know the cases submitted to him for decision or resolution, and he is expected to keep his own record of cases so that he may act on them without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition.

The case of complainant was pending for eight months after the filing of the last pleading, when he filed a motion for early resolution. The filing of motion notwithstanding, it took respondent another five months to resolve the appeal. For gross inefficiency, respondent was fined P10,000.00. (A.M. No. RTJ-04-1877, December 21, 2004)

Judges: failure to decide cases; extenuating circumstances

As a rule, the mere fact that a caseload is heavy cannot absolve erring judges from charges of inefficiency. They must request extensions of time within which to decide the delayed cases, and the Court normally grants such request if meritorious reasons are given. However, request for extension can be implied when the OCA is informed in writing of a judge's heavy caseload. This principle especially holds true when there are other extenuating circumstances showing sufficient justifications for the failure to resolve cases on time.

The heavy caseload of respondent was known to the OCA, considering that he had been detailed to many vacant salas. It knew the accompanying rigors of travel to these different courts, not to mention his health problems, old age and heavy caseload. The said extenuating circumstances absolved respondent from administrative liability. They justify his failure to act immediately on pending cases. (A.M. No. P-04-1835, January 11, 2005)

Clerk of Court: failure to issue receipt for cash bond received constitutes neglect of duty

The issuance of official receipts for any collection made by any government office, whether fiduciary or accruing to the government, is required to ensure that funds are properly accounted for, not to mention that it is necessary in order to avoid the risk of losing or misappropriating them.

That no prejudice was caused to the government or any party due to respondent clerk of court's delay in issuing the receipt does not exempt her from administrative liability. (A.M. No. P-04-1886, December 9, 2004)

Legal Researcher: grave misconduct; extortion

The image of a court of justice is necessarily mirrored in the conduct of the men and women who work thereat, from the judge to the personnel holding the lowest position. It becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.

Respondent failed in this duty. His acts of demanding money from complainant undoubtedly eroded our people's faith and confidence in the administration of justice. His plain denial of the acts imputed to him cannot overcome the categorical and positive declarations of the complainant and his witnesses that he demanded money from the complainant with the promise that he would help them secure a favorable judgment for complainant. For grave misconduct, respondent was dismissed from the service. **(A.M. No. P-05-1931, January 13, 2005)**

Sheriff: misconduct in the execution of writ

Sheriffs must discharge their duties with due care and utmost diligence because in serving the court's writs and processes and in implementing the orders of the court, they cannot afford to err without affecting the efficiency of the process of the administration of justice.

Respondent admitted under oath that he failed to give complainant a notice to vacate her stall prior to implementing the writ nor did he make an inventory of the items in the stall upon actual closure in violation of Section 10 of Rule 39 of the Rules of Court for which, respondent was suspended for 6 months. **(A.M. No. P-00-1423, December 10, 2004)**

Sheriff: dishonesty

It is the duty of a sheriff as officer of the Court to know that the computation of the amount due must be stated in the writ of execution. He is to execute the directives of the court strictly in accordance with the letter thereof without any deviation therefrom.

Respondent departed from the directive of the court by withdrawing an amount bigger than that stated in the judgment and writ of execution. For dishonesty, respondent was dismissed from the service. **(A.M. No. P-04-1887, December 16, 2004)**

Sheriff: using of attached property for personal purposes

In enforcing a writ of attachment, a sheriff who takes personal property capable of manual delivery shall safely keep it in his custody after issuing the corresponding receipt therefor. The rules, however, do not authorize the sheriff to use the property subject of the attachment while the same is in his custody.

Respondent sheriff blatantly violated Section 7 (b) of Rule 57 of the Rules of Court, when he used the vehicle subject of the attachment for personal purposes. He should have borne in mind that his unauthorized act was violative of the norms of public accountability. He was found guilty of simple neglect and suspended for three months. **(A.M. No. P-05-1930, January 14, 2005)**

Stenographer: traveling abroad without permission; misrepresentation

Pursuant to the resolution of the Supreme Court in A.M. No. 99-12-08-SC dated November 6, 2000, all foreign travels of judges and court personnel regardless of the number of days must be with prior permission from the Supreme Court.

Respondent violated said rule when she traveled abroad without permission. Moreover, her misrepresentation in her application for leave that she will spend her leave in the Philippines when she in fact spent the same abroad amounts to dishonesty, for which she was dismissed from the service. **(A.M. No. P-04-1873, January 13, 2005)**

Utility Worker: gross inefficiency

Court employees should not be reminded practically everyday on how to do their job. They should not take their jobs lightly and they should not refuse to take heed of the reasonable advice of their superiors.

Respondent's obstinate refusal to improve his performance despite constant reminders and warnings and his inability to perform simple errands were sufficiently substantiated by competent evidence.

Respondent was suspended for ten (10) months. **(A.M. No. P-05-1936, January 21, 2005)**

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