



Supreme Court of the Philippines  
Philippine Judicial Academy



*PHILJA Fax/Electronic Alerts*

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**PHILJA Schedule of Seminars for March to April 2006**  
**(as of March 6, 2006)**

Mar. 1	Advance Mediation Course
Mar. 2-3	Sandiganbayan Computer Skills Training
Mar. 2-3	Judicial Reform Advocacy Orientation-Workshop on the Code of Conduct for Court Personnel of the Court of Appeals-Manila
Mar. 2-3	Re-Orientation Seminar for Court-Annexed Mediators and Oath taking Ceremony of Newly Accredited Metro Manila Mediators
Mar. 8-9	Code of Conduct Batch 5-6
Mar. 8-10	JURIS Course on Court-Annexed Mediation and Judicial Settlement Conference for Judges
Mar. 13	Orientation and Teambuilding of Trainers/ Facilitators FC Video Modules
Mar. 15-16	Philippine Women Judges Association Convention Seminar
Mar. 15-17	RJCEP (Round 4) Region XI
Mar. 16	Launching of the UK Embassy Funded Skills Video
Mar. 20-21	Sandiganbayan Computer Skills Training
Mar. 20-22	Orientation and Training for Judges on Mediation
Mar. 21-23	Workshop on the Family Court Video Training Module (Selected FC Judges)
Mar. 21 and 23	Discussion Seminar on R.A. 9208 and IRR's for Ca Justices
Mar. 22	Discussion Forum for Sandiganbayan Justices
Mar. 23-24	Sandiganbayan Computer Skills Training
Mar. 23-24	Arbitration Conference
Mar. 27-28	Sandiganbayan Computer Skills Training
Mar 29-31	Orientation for Newly Appointed Clerks of Court (First Level)
April 4-5	Career Enhancement Program (MCLE Compliance) for SC-CA Attorneys (Batch 1)
Apr. 5	Orientation on Mediation for Court Personnel
April 5-7	Cluster 6 for Regions 1-2, Regional Multi Sectoral Seminar-Workshop on Juvenile and Domestic Relations Justice (Advanced Level)
Apr. 18-20	Workshop on the Family Court Video Training Module (Selected FC Judges)
April 19-21	Environmental Law Seminar (HARIBON) Samar and Bohol
April 25-27	RJCEP (Round 4) Region VI
April 26-28	JACOPHIL Convention

Judges: gross inefficiency

Canon 3, Rules 3.08 to 3.10 of the Code of Judicial Conduct which provide:

Rule 3.08 – A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

Rule 3.09 – A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

Rule 3.10 – A judge should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may become aware.

Respondent's contention that the Court personnel are to blame for the resultant delay in the disposition of cases before his sala holds no water in view of the foregoing rules. In legal contemplation, the judge presiding over a branch of a court is the head of that branch. As head of the MCTC therefore, it is precisely respondent's responsibility to organize the personnel and supervise the work to ensure that the cases are resolved on time.

For failure to decide and resolve cases within the ninety (90)-day reglementary period, respondent judge was fined in the amount of Php11,000.00 which amount shall be deducted from his retirement benefits. (A.M. No. 05-10-299-MCTC, December 14, 2005)

Unreasonable delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature. No less than the Constitution mandates that lower courts must dispose of their cases promptly and decide them within three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court concerned. Failure to resolve a case or motion submitted for decision or resolution within the required period violates the constitutional right of the parties to a speedy disposition thereof. In addition, a judge's delay in resolving within the prescribed period, pending motions and incidents constitutes a violation of Rule 3.05 of the Code of Judicial Conduct requiring judges to dispose of court business promptly.

For unduly delaying the resolution of several motions, respondent judge was fined in the amount of Php20,000.00 with a stern warning that a repetition of the same or similar act will be dealt with more severely. (A.M. RTJ-05-1964, November 29, 2005)

Lack of computer facilities and resource materials cannot vindicate a judge of liability for his failure to decide and resolve cases on time. Verily, delay in the preparation of decisions could not be excused by lack of computers, as a judge could cause the preparation of these decisions by manual typewriter. While a computer can help ease the court's workload, the lack of it should not be used to justify the snail pace movement of cases.

As regards respondent's designation as acting presiding judge in other courts and hearing inhibited cases, the same cannot exonerate him from liability for the delay in disposing promptly the business of his court. This is because he is not precluded from asking for an extension of the period within which to decide a case if this is necessary. The Court has always been sympathetic to requests made by judges for extension of time for deciding cases and other matters and incidents related thereto.

For gross inefficiency, respondent judge was fined in the amount of Php20,000.00. He was further admonished to be more diligent in the performance of his sworn duty as dispenser of justice. (MTJ No. 05-1606, December 09, 2005)

#### Judges: undue delay in rendering decisions or orders

The Constitution mandates trial judges to dispose of the court's business promptly and to decide cases and matters within three (3) months from the filing of the last pleading, brief or memorandum. In the disposition of cases, members of the bench have always been exhorted to observe strict adherence to the foregoing rule to prevent delay, which is a major culprit in the erosion of public faith and confidence in the justice system.

Here, respondent judge was remiss in his duty to promptly resolve and decide incidents and cases brought before his sala. Hence, the Court fined him in the amount of Php10,000. (A.M. No. 05-2-113-RTC, December 07, 2005)

#### Judges: acts of a judge in his judicial capacity

An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by his erroneous order or judgment. Disciplinary proceedings and criminal actions do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary. An inquiry into a judge's civil, criminal and/or administrative liability may be made only after the available remedies have been exhausted and decided with finality. In this case, not only did the complainant fail to avail of such remedies, but also later realized such failure and retracted his charges against the respondent Judge. The instant administrative complaint against respondent Judge is dismissed for lack of merit. (A.M. No. MTJ-05-1617, November 18, 2005)

#### Judges: gross ignorance of the law and procedure and violation of Canons of Judicial Ethics

In the present case, respondent issued an order citing complainant in direct contempt of court and ordered his arrest and subsequent detention without affording him the opportunity to post bail. As a result, complainant was detained for fourteen (14) days and only the writ of habeas corpus issued by the Court of Appeals saved her from further detention. The complainant was not able to post bond for temporary liberty apparently because the warrant of arrest issued by respondent judge indicated that she is not entitled to such a privilege. The words 'NO BAIL RECOMMENDED' were written on the face of the warrant of arrest.

Section 2, Rule 71 of the 1997 Rules of Civil Procedure allows the person subject of a direct contempt judgment to file a bond to be fixed by the court as a remedy for the imposition of the judgment. In making it appear that complainant is not entitled to post a bond, respondent has gone beyond his authority.

For gross ignorance of law and procedure and violation of the Canons of Judicial Ethics, respondent judge was fined in the amount of Php 40,000.00. (A.M. No. RTJ-04-1875, November 09, 2005)

#### Judges: gross ignorance of the law, grave abuse of authority and serious misconduct

Respondent's act of allowing the presentation of the defense witnesses in the absence of complainant public prosecutor or a private prosecutor designated for the purpose is thus a clear transgression of the Rules which could not be rectified by subsequently giving the prosecution a chance to cross-examine the witnesses.

Respondent's intention to uphold the right of the accused to a speedy disposition of the case, no matter how noble it may be, cannot justify a breach of the Rules. If the accused is entitled to due process, so is the State.

Respondent Judge was ordered to pay a fine of Php5,000.00 with warning that a repetition of the same or similar acts in the future will be dealt with more severely. (A.M. No. RTJ-05-1944, December 13, 2005)

**Judges: gross ignorance of the law or procedure under Rule 140 of the Rules of Court**

In declaring the government answerable to the attorney's fees of the plaintiff and other costs of the suit, the respondent utterly disregarded the well-established rule that costs of suit are not recoverable against the government (Section 1, Rule 142, Rules of Court).

It is clear that respondent Judge ought to be sanctioned for his failure to properly apply the court procedure. As can be seen, the law involved is simple and elementary. When the law is sufficiently basic, a judge owes it to his office to simply apply it, and anything less than that would be constitutive of gross ignorance of the law.

Respondent Judge not only failed to perform his duties in accordance with the Rules, but he also acted willfully and in gross disregard of the law and controlling jurisprudence. He was ignorant of the basic and simple procedural rules by issuing the writ of execution and pronouncing the costs of suit against the government. Verily, respondent Judge's actions visibly indicate his lack of sufficient grasp of the law.

For issuing the writ of execution and pronouncing the costs of the suit against the government, respondent Judge was fined Php20,000.00 with a stern warning that a repetition of the same or similar act will be dealt with more severely. (A.M. No. RTJ-05-1959, December 09, 2005)

**Legal Researchers/Officer-in-charge: simple neglect of duty**

Under the Revised Rules of Civil Procedure, the notice to be sent to the appellant must contain a statement that the records of the case are already with the court. This notice will set in motion the appellate procedure before the Regional Trial Court and, more importantly, the running of the 15-day period within which the appellant must file his appeal memorandum. Corollarily, if there is no such notice sent to petitioner or if the notice does not contain a statement that the court *a quo* has already received the records of the case, the appellate procedure, as well as the reglementary period, does not commence to run.

In the present case, respondent issued a "Notice of Docketing of Case under Appeal." Allegedly realizing that the notice "was incorrect," respondent immediately retrieved the record of the case and corrected the original copy on file and on duplicate copies thereof by deleting the phrase in the first paragraph "by this Court on even date" and placing, in its stead, the phrase "and the original records and exhibits were received by this Court on even date."

It turned out that a copy of the original notice had already been sent to the counsel for defendant-appellant and no copy of the corrected notice was sent. In view of the tenor of the original notice, defendant-appellant took no action on his appeal hence his appeal was dismissed on the ground that he failed to file an appeal memorandum within the prescribed period.

For simple neglect of duty, respondent was suspended for One (1) Month and One (1) Day without pay, with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely. (A.M. No. P-04-1911, October 25, 2005)

**Sheriffs III: gross neglect of duty**

It is mandatory for a sheriff to execute a judgment and make a return on the writ of execution within the period provided by the Rules of Court. Section 14, Rule 39 of the Rules on Civil Procedure provides that the writ of execution shall be returnable to the court immediately after the judgment had been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor and shall make a report to the court every thirty (30) days until judgment is satisfied in full or its effectivity expires.

In the present case, records showed that the writ of execution was issued on December 17, 1998 and the return on the writ was made two years after, on November 17, 2000.

For failure of respondent to make the required report, the Court found him guilty of gross neglect in the performance of his duties. Since dismissal from the service is no longer possible because respondent sheriff had already been dismissed from the service for absence without official leave (AWOL), the Court fined him in the amount of Php5,000.00 and all his retirement and other benefits, except accrued leave credits were forfeited. Further, he was disqualified from re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations and financial institutions. (A.M. No. P-05-2088, November 11, 2005)

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