



Supreme Court of the Philippines
Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 07-02
February 2007

Judges: Gross ignorance of the law and procedure

In the instant case, respondent judge clearly erred in issuing Resolution dated September 17, 2004 and resolved the possessory rights of the parties notwithstanding that said case is an action for indirect contempt. The only issue submitted for resolution was whether or not respondents had committed indirect contempt of court. Respondent judge should know the limits of his jurisdiction and that the same is vested by law and not dependent on the prayer of the parties. Thus, by ruling on matters pertaining to preliminary possessory rights, respondent judge exceeded his jurisdiction.

Respondent judge should be reminded that an indirect contempt proceeding is different from and may just be incidental to a main case. It is a separate proceeding which deals with defiance of the authority, justice, or dignity of the court, or any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice.

As an advocate of justice and a visible representation of the law, a judge is expected to be proficient in the interpretation of our laws. When the law is elementary, not to know it constitutes gross ignorance of the law. Ignorance of the law, which everyone is bound to know, excuses no one – not even judges. *Ignorantia juris quod quisque scire tenetur non excusat.*

Thus, for resolving the possessory rights of the parties in an action for indirect contempt, and for allowing the intervention after a decision has already been rendered, respondent judge exceeded his jurisdiction and disregarded the rules of procedure. He is therefore guilty of gross ignorance of the law and procedure.

Respondent judge was found **GUILTY** of gross ignorance of the law and procedure. He was ordered to pay a **FINE** in the amount of P40,000.00 with **WARNING** that a repetition of the same or similar acts will be dealt with more severely. **(A.M. No. RTJ-06-2002, November 24, 2006)**

Judges: Grave abuse of authority

Those who don the judicial robe have been reminded time and again that besides the basic equipment of possessing the requisite learning in the law, a magistrate must exhibit that hallmark judicial temperament of utmost sobriety and self-restraint which are indispensable qualities of every judge. It has repeatedly been stressed that the role of a judge in relation to those who appear before his court must be one of temperance, patience and courtesy. A judge who is commanded at all times to be mindful of his high calling and his mission as a dispassionate and impartial arbiter of justice is expected to be “a cerebral man who deliberately holds in check the tug and pull of purely personal preferences and prejudices which he shares with the rest of his fellow mortals.”

A judge should be the last person to be perceived as a petty tyrant holding imperious sway over his domain because courts are looked upon by people with high respect and are regarded as sacred places where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around their vicinity diminishes their sanctity and dignity. Such an image is, however evoked by the acts of respondent judge in this case as underscored by the heavy-handed use of contempt powers against complainants. Certainly respondent judge should not take advantage of his public office to oppress or abuse others. He should always remember that boorish and overbearing behavior can only bring his office into disrepute and erode public respect of it.

For improperly citing complainants in contempt and ordering their detention, respondent judge was **FINED** in the amount of P25,000.00 for gravely abusing his authority. He is likewise **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely. **(A.M. No. RTJ-06-1970, November 30, 2006)**

Judges: Gross ignorance of the law

Injunction is an extraordinary remedy to be resorted to when there is a pressing necessity to avoid injurious consequences that cannot be remedied under any standard compensation. A court may issue an

injunction only if it is fully convinced of its extreme necessity and after it has complied with the procedural requirements set by law.

In the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action. However, the assailed judicial acts must not be in gross violation of clearly established law or procedure, with which every judge must be familiar. Every judge, while presiding over a court of law, must have the basic rules at the palm of his hands and maintain professional competence at all times.

Respondent judge was held liable for **GROSS IGNORANCE OF THE LAW** and **FINED** in the amount of P21,000.00. The Court **STERNLY WARNED** herein respondent that a repetition of the same or similar acts in the future shall merit more severe sanction. **(A.M. No. RTJ-05-1901, November 30, 2006)**

Clerks of Court: Shortage

Clerks of courts should be reminded that they are the chief administrative officers of their respective courts. They are judicial officers entrusted to perform delicate functions with regard to the collection of fees and are expected to correctly and effectively implement regulations such that even undue delay in the remittances of amounts collected by them at the very least constitutes misfeasance. Being the custodian of the court's funds and revenues, records, property and premises, the Clerk of Court is likewise liable for any loss, shortage, destruction or impairment of said funds and property.

Herein respondents were **FINED** in the amount of Five Thousand Pesos (P5,000.00) each and ordered to jointly and equally restitute the shortage in the collections in the total amount of P572,579.61.

The Financial Management Office is **DIRECTED** to **DEDUCT** equally from the respondents money value of their leave credits the sum of Five Hundred Seventy Two Thousand Five hundred Seventy nine Pesos and Sixty One Centavos (P572,579.61). **(A.M. No. P-06-2124, December 19, 2006)**

Clerks of Courts: Simple neglect of duty

As a clerk of court, herein respondent is specifically mandated to safeguard the integrity of the court and its proceedings, and to maintain the authenticity and correctness of court records. She invoked as excuses the fact that the discrepancies in the docket inventory she submitted was unintentional, and that she had a heavy case load at that time. In our view, her averments were but lame excuses that were unacceptable and did not justify her neglect of duty.

Respondent was found **GUILTY** of simple neglect of duty, and was **FINED** in the amount of P5,000.00. Let a copy of this resolution be spread in her service record, another copy furnished to the Office of the Chief Prosecutor, Department of Justice, where she is now employed. **(A.M. No. P-06-2172, December 6, 2006)**

Clerks: Simple misconduct

The established norm of conduct for court employees has always been to maintain a hands-off attitude where unofficial and/or irregular dealings with party-litigants are concerned. Such an attitude is indispensable for two reasons: (1) to maintain the integrity of the courts, and (2) to free the court personnel from suspicion of any misconduct. For the conduct of each employee of a court of justice must, at all times, not only be characterized with propriety and decorum, but above all, beyond suspicion.

Accommodating a person at the expense of the legal processes tends to frustrate and betray the public trust in the judicial system.

Respondents were found guilty of **SIMPLE MISCONDUCT** for which they were **SUSPENDED** from office for One (1) Month and One (1) Day without pay, effective upon receipt of this Decision, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely. **(A.M. No. RTJ-05-1907, December 6, 2006)**

Judges: Gross neglect of judicial duty, stark inefficiency in the performance of official functions, manifest indifference

The Constitution mandates all cases be decided or resolved by lower courts within three months from submission. The Court has consistently impressed upon judges the need to decide case promptly and expeditiously for the reason that justice delayed is justice denied. Every judge should decide cases with dispatch and should likewise be careful, punctual and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to resolve cases submitted for decision within the period fixed by law is not excusable and constitutes gross inefficiency that warrants the imposition of administrative sanction.

Considering the gravity of respondent's omissions and absence of any explanation whatsoever on his part, his dismissal from the service is not unwarranted. The administration of justice demands that those who

don judicial robes be able to comply fully and faithfully with the task set before them. In this regard, respondent miserably failed. The wheels of justice would hardly move if respondent is allowed to continue working in the judiciary. Thus, as recommended by the Office of the Court Administrator, after a thorough judicial audit, and considering the un rebutted audit reports on record, we are constrained to impose upon respondent the penalty of dismissal from service.

Herein respondent was found **LIABLE** for gross neglect of judicial duty, stark inefficiency in the performance of official functions, and manifest indifference to his responsibilities concerning speedy disposition of cases. He was ordered **DISMISSED** from the service, with forfeiture of all benefits except accrued leave credits, if any, and with prejudice to re-employment in any government branch or instrumentality, including government-owned or controlled corporations. **(A.M. No. MTJ-06-1661, January 25, 2007)**

Judges: Serious charge of gross misconduct due to violations of the Canons of the Code of Judicial Conduct

Judges should therefore be prompt in the performance of their judicial duties for delay in the administration of justice is a common complaint. They are enjoined to strictly comply with the reglementary period of 90 days in disposing of a case submitted for decision.

A judge's failure to observe time prescription for the rendition of judgment in derogation of an speedy administration of justice constitutes a ground for administrative sanction. The Court is not unaware of, and certainly not without sympathy for, the heavy caseload of most judges. Thus, as it has so often stated on a number of occasions, all that a judge has to do is to request additional time to decide cases, and such requests, if meritorious, are almost invariably granted by the Court.

Respondent judge was found guilty of the serious charge of gross misconduct due to violation of the Canons of the Code of Judicial conduct and provisions of Supreme Court Administrative Circular No. 4-2004, as well as of making untruthful statements in the monthly reports; and ordered to pay a **FINE** in the amount of P40,000.00 directly to this Court, with a stern warning that a commission of the same or similar offense will be dealt with more severely. **(A.M. No. RTJ-06-2010, January 25, 2007)**

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