



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Violation of Supreme Court Rule

Under Section 1, Rule 36 of the Rules of Court, judges are mandated to directly prepare a judgment or final order determining the merits of the case, stating clearly and distinctly the facts and law on which it is based. This requirement is an assurance to the parties that, in reaching judgment, judges do so through the process of legal reasoning. Judges should take pains in drafting their orders, stating clearly and comprehensively the reasons for their issuances, which are necessary for the full understanding of the action taken.

Respondent judge failed to strictly follow the said Rule when he signed the questioned orders in Special Proceedings No. 16 and 18 which were crafted by his Clerk of Court. He did not even bother to read the case records before signing the questioned orders. He should have known that first level courts have no jurisdiction over petitions for voluntary rehabilitation of drug dependents; and should have refrained from signing said orders.

Respondent was fined P20,000.00 with the warning that a repetition of the same or similar act will be dealt with more severely. **(A.M. No. MTJ-05-1572, January 30, 2008)**

Judges: Gross ignorance of the law

Under Section 32 (2) of Batas Pambansa Blg. 129, as amended, first level courts have exclusive jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years.

Respondent judge promulgated a sentence in Criminal Case No. 118324-R imposing a penalty of six (6) months and one (1) day of prision correccional to six (6) years and one (1) day imprisonment upon the accused. This is a clear violation of the law.

When the law is sufficiently basic, a judge owes it to his office to know and simply apply it. Anything less would be constitutive of gross ignorance of the law. It is completely inexcusable for an experienced judge such as respondent to ignore basic law already well-ingrained through constant usage.

As respondent had compulsorily retired in 2003, the penalty of dismissal or suspension can no longer be applied. Nevertheless, considering his past infractions of similar nature, he was fined in the amount of P40,000.00 to be deducted from his retirement benefits. **(A.M. No. MTJ-05-1572, January 30, 2008)**

Granting petitions for bail without observing the three-day notice rule constitutes gross ignorance of the law.

Respondent judge did not observe the three-day notice rule as mandated in Section 4, Rule 15 of the Rules of Court when he granted the petitions for bail of the accused who were charged with a capital offense. He did not even give the prosecution the opportunity to show that the evidence of guilt of the accused was strong. Due process requires that the prosecution must be given the opportunity to present within reasonable time all the evidence it may desire to produce, before the court should resolve the motion for bail.

Respondent judge has been dismissed from the service in a previous case. Yet, the Supreme Court fined him P20,000.00 for gross ignorance of the law to be deducted from any of his remaining accrued leave credits in his favor. **(A.M. No. RTJ-92-822, February 4, 2008)**

Judges: Gross ignorance of the law; gross misconduct

Failure to abide by Administrative Circular No. 20-95 (pertinent provisions of which were incorporated in Section 5 of Rule 58 of the Rules of Court) constitutes the offense of grave abuse of authority, misconduct and conduct prejudicial to the proper administration of justice. Also, failure to comply with the clear provisions on the issuance of TROs constitutes gross ignorance of the law and gross inefficiency.

Respondent judge did not conduct a summary hearing before granting the TRO. The records also show that there was no proper notice to the complainant and the other defendants in Civil Case No. 1912-03 that an application for the issuance of a TRO had been filed; and that said case was not raffled to respondent's sala.

The Supreme Court after considering the previous infractions of respondent, most of which were for ignorance of the law, imposed the extreme penalty of dismissal from the service with forfeiture of all benefits except his accrued leave credits. **(A.M. No. 04-1826, February 6, 2008)**

Judges: Undue delay in rendering judgment

No less than the Constitution mandates that all cases or matters must be decided or resolved within twenty-four (24) months from date of submission to the Supreme Court, and unless reduced by the Supreme court, twelve (12) months for all lower collegiate courts, and three months for all other lower courts.

Decision-making, among others, is the primordial and most important duty of every member of the bench. Judges have the sworn duty to administer justice without undue delay, for justice delayed is justice denied. Judges should therefore be prompt in the performance of their judicial duties for undue delays erode the people's faith and confidence in our justice system and bring it into disrepute.

Respondent judge is administratively liable for undue delay in rendering judgment on twenty-three (23) cases submitted for decision prior to his optional retirement. He was fined P20,000.00 to be deducted from his retirement pay and benefits. **(A.M. No. RTJ-05-1892, January 24, 2008)**

Clerk of Court: Misconduct

Clerks of Court are the Chief Administrative Officers of their respective courts. They must show competence, honesty and probity since they are charged with safeguarding the integrity of the court and its proceedings.

Respondent's acts of not faithfully reflecting in the Monthly Report of Cases the list of cases submitted for decision before respondent judge and issuing a false certification to the effect that no pending case submitted for decision had remained unresolved by the latter, obviously fell short of the standard required of him as clerk of court. His acts constitute misconduct.

Respondent was fined P10,000.00 for misconduct and sternly warned that a repetition of the same or similar infraction shall be dealt with more severely. **(A.M. No. RTJ-05-1892, January 24, 2008)**

Stenographer: Immoral conduct

Pari delicto and abandonment are not valid defenses against charges of immoral conduct.

The immoral conduct of respondent's husband does not cancel out the immoral conduct of respondent or bar him from filing a complaint against her.

As an employee of the court, respondent is expected to act with moral uprightness. The image of a court of justice is mirrored by the conduct, official and otherwise, of its personnel, from the judge to the lowest of its rank and file, who are all bound to adhere to the exacting standards of morality and decency in both their professional and private actuations. These norms, it should be kept in mind, are ever so essential in preserving the good name and integrity of the judiciary.

Tempering justice with mercy, and after considering the fact that it was the complainant who left and abandoned respondent; that respondent has been in the service for 26 years; that this is her first offense; and that to suspend her, a mother and breadwinner, will affect the subsistence of her child who is an innocent victim, the Supreme Court fined respondent P10,000.00 and is reprimanded

and warned that the commission of similar offense will be dealt with more severely **(A.M. No. CA-07-22-P, January 25, 2008)**

Sheriffs: Failure to observe Section 10 of Rule 141 of the Rules of Court; dereliction of duty; serious misconduct

The sheriff executing the writ must submit for the court's approval an estimate of the expenses to be incurred, and for the interested party to deposit the amount with the clerk of court ex-officio sheriff, which expenses shall then be disbursed to the executing sheriff subject to his liquidation within the same period for rendering a return on the writ.

A sheriff cannot just unilaterally demand sum of money from a party-litigant without observing the proper procedure. To do so would be tantamount to dishonesty or extortion.

Respondent sheriff received the amount of P4,000.00 from complainant before any estimate could be approved by the court in contravention of the procedure set forth in Section 10 of Rule 141 of the Rules of Court. He was suspended for three months and one day without pay and sternly warned and commission of similar offense will be dealt with more severely. **(A.M. No. 06-2173, January 28, 2008)**

Sheriffs: Dishonesty; grave misconduct; conduct prejudicial to the best interest of the service

Sheriffs cannot just unilaterally demand and receive money from the parties. Section 10 of Rule 141 of the Rules of Court provides the procedure to be followed: (1) the sheriff must make an estimate of the expenses, (2) the court must approve the estimate, (3) the party must deposit the amount with the clerk and ex-officio sheriff, (4) the clerk of court ex-officio sheriff must disburse the amount to the deputy assigned to effect the process, (5) the deputy sheriff must make a liquidation, (6) the court must approve the liquidation, (7) any unspent amount must be returned to the party, and (8) the deputy sheriff must submit a full report.

Respondents completely failed to observe the said procedure. They have unlawfully demanded and received money from the complainant. Their position that they used the money to defray the costs of the execution; that "there was no need for the submission of an estimate for the court's approval because it was their usual practice that once an agreement has been arrived at with the parties, they just talk verbally on the matter"; that they were "not aware" of the provisions of Section 10; and that their "usual" practice was to directly demand and receive money from the parties, served as the last nails to seal their fate.

The Supreme Court found both respondents guilty of dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service.

As respondent RTC Sheriff has already retired, the Supreme Court directed the forfeiture of his retirement benefits; and dismissed respondent MeTC sheriff from the service. **(A.M. No. P-04-1889, November 23, 2007)**

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