



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

Section 5 of the Revised Rules on Summary Procedure provides that only complaints, compulsory counter-claims and cross claims pleaded in the Answer, as well as the Answers to said pleadings, are allowed. The said Rules also expressly prohibit the filing of a memorandum

Respondent Judge committed an error when he issued an order requiring the parties to submit their respective memoranda in an ejectment case. His order violated the Revised Rules on Summary Procedure. Section 17 (f) thereof provides that memoranda are among the prohibited pleadings.

Respondent again violated the same Rules when he rendered his decision beyond the required 30-day period.

In *Tugot v. Coliflores*, A.M. No. MTJ-00-1332, 16 February 2004, the Supreme Court stressed that "The adoption of the Rule on Summary Procedure is part of the commitment of the judiciary to enforce the constitutional right of litigants to a speedy disposition of their cases. It was promulgated to achieve an expeditious and inexpensive determination of cases x x x."

For gross ignorance of the law, the respondent judge was fined P40,000 and sternly warned that a repetition of a similar offense shall warrant a more severe penalty. **(A.M. No. MTJ-07-1688, February 10, 2009)**

Judge: Simple misconduct

In *Office of the Court Administrator v. Legaspi*, A.M. No. RTJ-05-1893, 14 March 2006, the Supreme Court ruled that "the trial judge is expected to adopt a system of record management and organize his docket in order to bolster the prompt and effective dispatch of business. Proper and efficient court management is the responsibility of the judge. It is incumbent upon judges to devise an efficient recording and filing system in their courts so that no disorderliness can affect the flow of cases and their speedy disposition x x x"

Respondent judge was negligent in the discharge of his duties when he failed to supervise his employees particularly those in charge of the docket books. His failure resulted in the incomplete entries therein.

For simple misconduct, respondent judge was fined P15,000 to be deducted from his retirement benefits **(A.M. No. RTJ-08-2137, February 10, 2009)**

Clerk of Court: Simple neglect of duty

Clerks of Court perform a delicate function as the custodians of the court's funds, revenues, records, properties and premises. They are primarily responsible in effectively implementing regulations regarding fiduciary funds. They are liable for any loss, shortage, destruction or impairment of such funds and property.

Respondent's supervision and monitoring of the financial transaction of the court was perfunctory. He failed to detect the vicious technique employed by his cashier in siphoning off the court's collection. His defense of limited knowledge of accounting and bookkeeping procedures did not exonerate him.

Respondent clerk of court was found guilty of simple neglect of duty and fined P5,000.00. He was also warned that a repetition of the same or similar offense will be dealt with more severely. **(A.M. No. 1-06-2200, February 4, 2009)**

Clerk of Court II: Grave misconduct

Section 7, Rule 136 of the Rules of Court requires that the clerk of court shall keep all records, papers, files, exhibits and public property committed to his charge.

During an examination of the cash account of respondent as clerk of court, the audit team found a shortage of P238,220.00 in the fiduciary account which she could not explain. She only promised to replenish the shortage.

While there was no direct proof of misappropriation, respondent as accountable officer was held responsible for the shortage in her account which she could not explain.

The OCA believes that her promise to replenish the shortage in her account should be deemed an admission that she misappropriated the amount of P238.220.00 for herself.

For dishonesty and grave misconduct, respondent clerk of court II was dismissed from the service with forfeiture of retirement benefits except accrued leave credits, with prejudice to re-employment in the government service including GOCCs. **(A.M. No. P-04-1807, December 23, 2008)**

OIC Clerk of Court: Dishonesty

Under his designation as OIC clerk of court, respondent, in addition to his duties as interpreter, was authorized to issue official receipts for all monies intended for the court, to deposit the same in the official depository bank, to remit the amounts to the proper government agencies, to regularly submit the required reports to the Supreme Court, and to effect withdrawals of monies from the bank when authorized by a court order and countersigned by the presiding judge.

Respondent failed to perform his duties as the designated OIC Clerk of Court. He malversed his collection of P8,473.00 in the Judiciary Development Fund. He also did not turn over his responsibilities to his successor before he left his station.

For dishonesty, respondent OIC clerk of Court was dismissed from the service with forfeiture of retirement benefits, except accrued leave credits, with prejudice to reemployment in the government service including GOCCs. **(A.M. No. P-04-1831, February 2, 2009)**

Sheriff: Neglect and inefficiency in the performance of duty

Sheriffs must read carefully the decision they are ordered to execute, particularly the dispositive portion.

Respondent sheriffs committed the following lapses due to their failure to read and understand the decision of the court they were directed to execute:

1. They turned over to just one of the winning parties all the proceeds of the auction sale to the detriment of the other winning party. In effect, there was an overpayment to one party, leaving the other party holding the proverbial empty bag.
2. They did not turn over to the losing party the excess over the total judgment amount after fully satisfying the judgment in violation of Section 19, Rule 139 of the Rules of Court. As stated above, they turned over all of the proceeds of the execution sale to just one of the winning parties.

For neglect and inefficiency in the performance of their duties, respondent sheriffs were suspended without pay for 3 months. **(A.M. No. P-05-2052, January 30, 2009)**

Stenographer: Incompetence

Section 2, Rule XII of the Omnibus Rules on Appointments and Personnel Action (CSC Memorandum Circular No. 40, series of 1998) provides that an official or employee who is given two (2) consecutive "Unsatisfactory" ratings or who for one evaluation period is rated "Poor" in performance may be dropped from the rolls after due notice. The same Rule also provides that dropping from the rolls is non-disciplinary and shall not result in the forfeiture of any benefits on the part of the official or employee nor in disqualifying him from reemployment in the government.

For obtaining two (2) consecutive unsatisfactory ratings, respondent stenographer was dropped from the rolls. **(A.M. No. 08-12-357-MCTC, February 10, 2009)**

Stenographer: Conduct prejudicial to the best interest of the service

The duty of a stenographer is essentially limited to the transcription of the records of the proceedings during a court session and does not entail dealing in whatever capacity with party litigants, save in cases involving stenographic notes.

Respondent stenographer acted beyond her official function when she indulged in the processing of reconstitution of titles. Worse, she failed to return to the complainant the amount entrusted to her for the transfer to complainant's name the title of an inherited property.

Respondent's act of receiving money from individuals who gave the same to her upon her representation that she could facilitate the transfer of titles to their names because of her position as a court employee tainted the image of the judiciary.

For conduct prejudicial to the best interest of the service, respondent stenographer was dismissed from the service with forfeiture of all retirement benefits except accrued leave credits and with prejudice to reemployment in the government service including GOCC's **(A.M. No. P-08-2453, February 2, 2009)**

Utility Worker: Simple misconduct

Engaging in shady and unsavory acts within court premises, even if conducted only in the restroom diminish the sanctity and dignity of the court. As courts are temples of justice, their dignity and sanctity must at all times be preserved and enhanced. Courts are looked upon by the 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.

Respondent, a court utility worker on duty on a Saturday, was found in the MTC restroom with a woman not his wife, who is herself also married. These circumstances gave rise to a reasonable suspicion that something indecent took place inside the restroom between two consenting individuals.

For simple misconduct, respondent was fined in an amount equivalent to his salary for 2 months to be deducted from his separation benefits. **(A.M. No. P-06-2152, December 10, 2008)**

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