



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judge: Gross Inefficiency**

Failure to decide or resolve cases within the reglementary period constitutes gross inefficiency.

The New Code of Judicial Conduct requires that a judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness. Rule 3.05 Canon 3 of the Code admonishes all judges to dispose of the Court's business promptly and decide cases within the period specified in Section 15 (1) and (2), Article VIII of the Constitution.

Respondent judge failed to decide and act on current and inherited cases, as well as to resolve incidents in various cases pending before him within the reglementary period provided by law. Worse, he failed to comply with the directives of the Court Administrator to decide said cases. Neither did he ask for extensions of time within which to comply with said directives.

For gross inefficiency, respondent judge was fined P20,000.00 and for violation of Canons 1 and 2 as well as Rules 1.03, 10.03 and 12.04 of the Code of Professional Responsibility he was fined P10,000.00. **(A. M. No. RTJ-07-2045, January 19, 2010)**

### **Social Welfare Officers: Dishonesty**

In *Estarido-Teodoro vs. Segismundo*, A. M. No. P-08-2523, April 7, 2009, dishonesty has been defined as the disposition to lie, cheat, deceive, or defraud, untrustworthiness, lack of integrity, lack of honesty, probity or integrity in principle, lack of fairness and straightforwardness, disposition to defraud, deceive or betray.

Falsification of daily time records is an act of dishonesty.

The attendance logbook of the RTC-OCC, to which they belong for August 1, 2008 does not contain their names, yet on their bundy cards, respondents made it appear that they were present on said day.

For dishonesty, respondent social welfare officers were suspended for six months and sternly warned. **(A. M. No. P-10-2763, February 10, 2010)**

### **Sheriffs: Gross misconduct**

A sheriff is guilty of violating the Rules if he fails to (1) prepare an estimate of expenses to be incurred in executing a writ, for which he must seek the court's approval; (2) to render an accounting, and (3) to issue an official receipt for the total amount he receives from the judgment debtor or interested party.

Sheriffs are not allowed to receive any voluntary payments from parties in the course of the performance of their duties. To do so would be inimical to the best interest of the service because even assuming that the payments were given and received in good faith, this fact alone would not dispel the suspicion that such payments were made for less than noble purposes.

Both respondents miserably failed to comply with the Rules. They demanded and collected money from the complainant allegedly to defray the expenses for the implementation of the writ without an estimate of expenses for the approval of the court. More, they did not deposit the sums they received with the clerk of court nor render an accounting and liquidated the said amount to the court. They also issued temporary receipts which were handwritten on scraps of papers.

For grave misconduct, both respondents were dismissed from the service with forfeiture of all retirement benefits and privileges except accrued leave credits. **(A.M. No. P-01-25657, January 25, 2010)**

**Sheriffs: Simple neglect of duty**

Section 14 of Rule 39 of the Rules of Court provides:

Sec. 14. Return of writ of execution. The writ of execution shall be returnable to the court issuing it immediately after the judgment has 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.** Such writ shall continue in effect during the period within which the judgment may be enforced by motion. **The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires.** The returns or the periodic report shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties. (emphasis ours)

Respondent failed to submit periodic reports on the status of the writ of execution assigned to him every 30 days until the writ was fully satisfied in violation of said Section 14 of Rule 39.

For simple neglect of duty, respondent sheriff was suspended for one month and one day and sternly warned. **(A.M. No. P-09-2600, December 23, 2009)**

**Utility Worker: Gross Misconduct**

In *Loyao, Jr. vs. Caube*, 450 Phil 38, 46-47, the Supreme Court defined misconduct as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of the parties or to the right determination of the cause. It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose. The term "gross" connotes something out of all measure, beyond allowance; not to be excused; flagrant; shameful.

The act of respondent utility worker of taking off the shock absorber of the motorcycle, which forms part of the prosecution's evidence without the knowledge of the evidence custodian or the owner, for personal gain, and thereafter replacing the same with a damaged one to prevent detection constitutes gross misconduct.

For gross misconduct, respondent utility worker was dismissed from the service with forfeiture of all retirement benefits except accrued leave credits. **(A.M. No. P-05-2085, January 20, 2010)**

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