



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross incompetence and gross inefficiency

Rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and for the orderly and speedy discharge of judicial business. Said rules are regarded as mandatory. Also, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to administer justice without delay by disposing of the court's business promptly and deciding cases within the period prescribed by law.

Respondent judge failed to decide 102 criminal cases and 43 civil cases in violation of the Code of Judicial Conduct. He cannot take refuge behind the common excuse of heavy caseload to justify his failure to decide and resolve cases promptly. He could have asked the Court for a reasonable period of extension to dispose of the cases but did not. His inefficiency caused not only unnecessary financial strain but also physical and emotional anxiety to litigants.

For gross incompetence and gross inefficiency, respondent judge was fined P50,000.00 to be deducted from his retirement benefits. **(A.M. No. RTJ-09-2198, January 18, 2011)**

Judges: Gross ignorance of the law

The Supreme Court in *Social Security System vs. Isip, G.R. No. 165417, April 4, 2007*, declared that "x x x when a judgment is final and executory, it becomes immutable and unalterable. It may no longer be modified in any respect either by the court which rendered it or even by this Court. The doctrine of immutability and unalterability of a final judgment has a two-fold purpose, to wit: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely."

Respondent judge reversed and modified a final and executory order of the acting judge not upon the instance of any of the parties in Civil Case No. 3383-R but motu proprio in violation of settled jurisprudence. Respondent failed to meet the exacting standards of judicial conduct and integrity. He has shown himself unworthy of the judicial robe and place of honor reserved for guardians of justice.

Parenthetically, respondent judge has twice penalized for gross ignorance of the law.

For gross ignorance of the law respondent judge was dismissed from the service. **(A.M. No. RTJ-07-2062, January 18, 2011)**

Judge: Ignorance of the law

The vacuum in a first level court created by the absence of a presiding judge is not remedied by a take over of the duties of the still-to-be appointed or designated judge which exactly was what respondent judges did.

One of the respondents who is the RTC executive judge thereat should have complied with the provision of Chapter V of the Guidelines in the Selection and Appointment of Executive Judges and Defining their Powers, Prerogative and Duties which provides:

"Section 1. Designation of Judges of the First Level Courts to Try Cases. (a) The Executive Judge of the RTC shall have authority to designate a municipal judge within his/her area of administrative supervision to try cases of other courts of the first level within said area of administrative supervision in case of official leave of absence, inhibition, disqualification, or preventive suspension of the municipal judge concerned, or of permanent or temporary vacancy in the position. Such designation shall be effective immediately, unless revoked by the Supreme Court.

The Executive Judge shall furnish the Office of the Court Administrator with copies of the orders of designation effected under this Section within five (5) days from the date of such designation."

Respondent executive judge instead of designating one of the municipal judges within her area of administrative supervision to act on the pending cases in the vacant sala, acted on eight (8) cases thereat, while the other respondent acted on one case without authority as he was promoted to the position of RTC judge.

For ignorance of the law, both respondents were fined P21,000.00 each and sternly warned that the commission of the same or similar offense shall be dealt with more severely. **(A.M. No. RTJ-09-2173, January 18, 2011)**

Judges: Gross misconduct

Canon 3 of the New Code of Judicial Conduct in relation to a judge's impartiality provides, inter alia, as follows:

“Sec. 2. – Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and the judiciary.

Sec. 3. – Judges shall, so far as reasonable, so conduct themselves as to minimize the occasions on which it will be necessary for them to be disqualified from hearing or deciding cases”

Respondent judge violated the above provision when he received accommodations from complainant for the building materials he needed for the construction of his house. He compromised his position as a judge. Although at the time he and his family had business dealings with complainant there was no pending case involving complainant, he should have been more circumspect in securing the construction materials. The sphere of complainant's business operations was within his territorial jurisdiction and is not a remote possibility that a case might be filed in his court with complainant as a party. In such a case his business and financial dealings with the complainant would create a doubt about his fairness and impartiality in deciding the case and would tend to corrode the respect and dignity of the court.

For gross misconduct, respondent judge was dismissed from the service with forfeiture of all benefits and with prejudice to his re-employment in the government service including GOCC's. **(A.M. No. RTJ-09-2189, January 18, 2011)**

Judges: Impropriety

In *Augustin vs. Mercado*, A.M. P-07-2340, July 26, 2007, the Supreme Court declared that employees of the court have no business meeting with litigants or their representatives under any circumstance. Said prohibition is more compelling when it involves a judge who, because of his position, must strictly adhere to the highest tenets of judicial conduct.

Respondent judge committed an impropriety when he sent a letter, in his official letterhead, to complainant to discuss a matter pending before his own court.

Canon 2 of the Code of Judicial Conduct provides that “a judge should avoid impropriety and the appearance of impropriety in all activities.”

For committing acts of impropriety in violation of the Code of Judicial Conduct, respondent judge was fined P5,000.00. **(A.M. No. RTJ-11-2267, January 9, 2011)**

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