



# Supreme Court of the Philippines Philippine Judicial Academy



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

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### **Judge: Judicial Audit of Court Records in the Sala of Retired Judges**

There are no promulgated rules on the conduct of judicial audit and the absence of such rules should not serve as license to recommend the imposition of penalties to retired judges who, during their incumbency were never given a chance to explain the circumstances behind the results of the judicial audit. Hence judicial audits should be conducted at least six (6) months before a judge's compulsory retirement.

The Court discovered inaccuracies in the report of the audit team that conducted the judicial audit in the sala of respondent. Worse, he was never given a chance to explain the results of the judicial audit report because the audit team submitted its report and recommendation after the compulsory retirement of respondent judge. In sum, he was not given his day in court.

The complaint against respondent judge was dismissed and the Financial Management Office of the Office of the Court Administrator was directed to release his retirement benefits. **(A.M. No. RTJ-11-2291, February 8, 2012)**

### **Judge: Simple Misconduct**

The Supreme Court in *Bautista v. Sula*, A.M. No. P-04-1920, 17 August 2007, 530 SCRA 406, 418 defined simple misconduct as follows:

Simple misconduct has been defined as an unacceptable behavior that transgresses the established rules of conduct for public officers. It is an unlawful behavior. "Misconduct in office is any unlawful behavior by a public officer in relation to the duties of his office, willful in character. It generally means wrongful, improper, unlawful conduct motivated by a premeditated, obstinate, or intentional purpose although it may not necessarily imply corruption or criminal intent."

Respondent judge caused the registration of the title of his property in his son's name with the intention of defrauding a possible judgment-obligee. He knew at that time of the registration of the property that he had a pending case and that he could possibly lose the case.

For simple misconduct, respondent judge was fined P20,000. **(A.M. No. MTJ-10-1761, February 8, 2012)**

### **Sheriff: Abuse of authority and violation of Administrative Circular No. 12**

Administrative Circular No. 12 provides as follows:

**TO:** ALL JUDGES AND CLERKS OF COURT OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, AND MUNICIPAL TRIAL COURTS IN CITIES

**SUBJECT:** GUIDELINES AND PROCEDURE IN THE SERVICE AND EXECUTION OF COURT WRITS AND PROCESSES IN THE REORGANIZED COURTS

For the purpose of streamlining the service and execution of court writs and processes in the reorganized courts under Batas Pambansa Blg. 129, otherwise known as "The Judiciary Reorganization Act of 1980", and to better serve the public good and facilitate the administration of justice, the Court sets forth hereunder the following guidelines:

1. All Clerks of Court, who are also *ex-officio* sheriffs, and/or their deputy sheriffs shall serve all court processes and execute all writs of their respective courts within their territorial jurisdiction;
2. All Clerks of Court of the Metropolitan Trial Court and Municipal Trial Courts in Cities, and/or their deputy sheriffs shall serve all court processes and execute all writs of their respective courts within their territorial jurisdiction;

3. The judge of the Regional Trial Court, Metropolitan Trial Court, and the Municipal Trial Court in Cities, in the absence of the deputy sheriff appointed and assigned in his sala, may at any time designate any of the deputy sheriffs in the office of the Clerk of Court. However, the said judge shall not be allowed to designate the deputy sheriff of another branch without first securing the consent of the Presiding Judge thereof;
4. All sheriffs and deputy sheriffs shall submit a report to the judge concerned on the action taken on all writs and processes assigned to them within ten (10) days from receipt of said process or writ. Said Report shall form part of the records of the case;
5. No sheriff or deputy sheriff shall execute a court writ outside his territorial jurisdiction without first notifying in writing, and seeking the assistance of, the sheriff of the place where the execution shall take place;
6. No sheriff or deputy sheriff shall act as special deputy sheriff of any party litigant;
7. The judge may be allowed to designate or deputize any person to serve court processes and writs in remote areas in the absence of the regular sheriff thereat;
8. The sheriff is primarily responsible for the speedy and efficient service of all court processes and writs originating from his court and the branches thereof, and those that may be delegated to him from other courts. He shall submit to the Office of the Court Administrator, Supreme Court, a monthly report which shall indicate therein the number of writs and processes issued and served, as well as the number of writs and processes unserved, during the month, and the names of deputy sheriffs who executed each writ. Unserved writs and processes shall be explained in the report.

These guidelines and procedure shall take effect immediately.

Respondent sheriff violated paragraph No. 5 of said Administrative Circular when he executed the court writ outside the territorial jurisdiction of his Court without notifying in writing and seeking the assistance of the sheriff of the place where he executed the writ.

For abuse of authority and violation of Administrative Circular No. 12, respondent sheriff was fined P5,000 and sternly warned. **(A.M. No. P-12-3027, January 30, 2012)**

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