



# Supreme Court of the Philippines Philippine Judicial Academy



## **PHILJA Fax/Electronic Alerts**

Issue 13-2  
February 2013

### **Judge: Violation of the New Code of Judicial Conduct for the Philippine Judiciary**

Canons 2 and 4 of the New Code of Judicial Conduct for the Philippine Judiciary provide:

#### CANON 2 INTEGRITY

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SEC. 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SEC. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

x x x                      x x x                      x x x

#### CANON 4 PROPRIETY

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

SEC. 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

x x x                      x x x                      x x x

It is not commendable, proper or moral for a judge to be going out with a woman not his wife. Such is blemish to his integrity, as well as that of the Judiciary.

For going out in public with a woman not his wife, respondent judge failed to abide by the above-cited canons of the New Code of Judicial Conduct for the Philippine Judiciary

For violation of the said Code, respondent was reprimanded and fined P5,000. He was also admonished, not to socially mingle with cockfighting enthusiasts and bettors. **(A.M. No. MTJ-11-18-01, February 27, 2013)**

#### **Judges: Gross ignorance of the law**

Sections 3 and 4, Rule 71 of the rules of Court provide:

Sec. 3. *Indirect contempt to be punished after charge and hearing.* – After a charge in writing has been filed, and **an opportunity given to the respondent to comment thereon** within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

x x x x

Section 4. *How proceedings commenced.* – Proceedings for indirect contempt may be initiated *motu proprio* by the court against which the contempt was committed by an order or any other formal charge **requiring the respondent to show cause why he should not be punished for contempt.**

In all other cases, **charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned.** If the contempt charges arose out of or related to a principal action pending in the court, the petition for contempt shall alleged that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision (Emphasis supplied)

Respondent judge disregarded established rules of procedure when he held complainant in contempt of court without the required verified complaint.

For ignorance of the law, respondent was fined P10,000.00 and sternly warned. **(A.M. No. RTJ-12-2335, March 27, 2013)**

#### **Judges: Gross inefficiency**

In *Office of the Court Administrator vs. Javellana, 481 Phil., 327-328 (2004)*, the Court held that a judge cannot choose his deadline for deciding cases pending before him. Without an extension granted by the Court, the failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

Respondent judge failed to decide 70 cases within the reglementary period and failed to resolve 27 incidents submitted for resolution.

For gross inefficiency, respondent was fined P40,000.00 and sternly warned. **(A.M. No. RTJ-13-2342, March 6, 2013)**

#### **Judges: Gross inefficiency; violation of Supreme Court Rules, Directives and Circulars; and Gross Ignorance of the Law**

In In Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 45, Urdaneta City, Pangasinan, the Court held that:

“An orderly and efficient case management system is no doubt essential in the expeditious disposition of judicial caseloads, because only thereby can the judges, branch clerks of courts, and the clerk-in-charge of the civil and criminal dockets ensure that the court records, which will be the bases for rendering the judgments and dispositions, and the review of the judgments and the dispositions on appeal, if any, are intact, complete, updated, and current. Such a system necessarily includes the regular and continuing physical inventory of cases to enable the judge to keep abreast of the status of the pending cases and to be informed that everything in the court is in proper order. In contrast, mismanaged or incomplete records, and the lack of periodic inventory definitely cause unwanted delays in litigations and inflict unnecessary expenses on the parties and the State.”

Respondent judge failed to decide cases within the mandatory period to do so. Two of such cases remained undecided for 10 years. She also failed to make even just the initial action on 223 cases filed in her court.

More, respondent issued a warrant of arrest in violation of the Rule on Summary Procedure which provides that the accused should first be notified of the charges against him and given the opportunity to file his counter-affidavits and other countervailing evidence.

For gross inefficiency, violation of Supreme Court rules, directives, and circulars; and gross ignorance of the law, respondent was dismissed from the service with forfeiture of all benefits and with prejudice to reemployment in the government including GOCC's. **(A.M. No. MTJ-12-1817, March 12, 2013)**

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