



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 14-02
February 2014

Judges: Delay in resolving a motion

Section 15 (1), Article VIII of the Constitution requires lower court judges to decide a case within the period of ninety (90) days. Rule 3.05, Canon 3 of the Code of Judicial Conduct likewise holds that judges should administer justice without delay and direct every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the ninety (90) day period is mandatory. This mandate applies even to motions or interlocutory matters or incidents pending before a magistrate.

Respondent judge failed to act on the City Prosecutor's motion to withdraw the informations filed against complainants within the prescribed period in violation of said Rule 3.05 for which he was admonished. **(A.M. No. RTJ-14-2367, February 7, 2014)**

Clerk of Court: Simple neglect of duty

A clerk of court has general administrative supervision over all the personnel of the court. The administrative functions of a clerk of court are as vital to the prompt and proper administration of justice as his judicial duties. As custodian of court funds and revenues, the clerk of court is primarily accountable for all funds that are collected for the court, whether personally received by him or by a duly appointed cashier who is under his supervision and control.

Respondent was found remiss in the performance of her duties as clerk of court. Her failure to supervise her employees enabled the collecting officer to misappropriate the court funds.

For simple neglect of duty, respondent was suspended for six (6) months . **(A.M. No. P-05-2015, January 21, 2014)**

Sheriff: Discourtesy in the performance of official duties

In Court Personnel of the Office of the Clerk of Court of the Regional Trial Court of San Carlos City vs. Llamas, A. M. No. P-04-1925, December 16, 2004, 447 SCRA 69, the Court held that:

Public service requires integrity and discipline. For this reason, public servants must exhibit at all times the highest sense of honesty and dedication to duty. By the very nature of their duties and responsibilities, they must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency.

x x x x

At all times, employees of the judiciary are expected to accord respect to the person and the rights of another, even a co-employee. Their every act and word should be characterized by prudence, restraint, courtesy and dignity. Government service is people-oriented; high-strung and belligerent behavior has no place therein.

Rude and hostile behavior often translates a personal conflict into a potent pollutant of an otherwise peaceful work environment; ultimately, it affects the quality of service that the office renders to the public. Letting personal hatred affect public performance is a violation of the principle enshrined in the Code of Conduct and Ethical Standards for Public Officials and Employees, a principle that demands that public interest be upheld over personal ones.

Improper behavior especially during office hours exhibits not only a paucity of professionalism at the workplace, but also great disrespects for the court itself. Such demeanor is a failure of circumspection demanded of every public official and employee. Thus, the Court looks "with great disfavor upon any display of animosity by any court employee" and exhorts every court personnel to act with strict propriety and proper decorum to earn public trust for the judiciary. Colleagues in the judiciary, including those occupying the lowliest position, are entitled to basic courtesy and respect.

In discharging its constitutional duty of supervising lower court and their personnel, this Court cannot ignore the fact that the judiciary is composed essentially of human beings who have differing personalities, outlooks and attitudes; and who are naturally vulnerable to human weaknesses. Nevertheless, the code of Judicial Ethics mandates that court personnel must not only be, but also be perceived to be, free from any impropriety --- with respect not only to their duties in the judicial branch, but also to their behavior anywhere else.

Respondent sheriff was found remiss in his duty of observing courtesy in serving the public. He should have exercised restraint in dealing with the complainant instead of allowing their quarrel to escalate into a hostile encounter. His demeanor tarnished the image not only of his office but also that of the judiciary as a whole.

For discourtesy in the performance of his duties, respondent was admonished and warned to be always courteous in dealing with the public. **(A.M. No. P-12-3069, January 20, 2014)**

Court Stenographer: Gross misconduct

Section 2, Canon 1 of the *Code of Conduct for Court Personnel* has enjoined all court personnel from soliciting or accepting "any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions." Respondent thus violated her sacred oath as a court employee to serve the Judiciary with utmost loyalty and to preserve the integrity and reputation of the Judiciary as an institution dispensing justice to all. Her violation was made worse by her committing it in exchange for easy money. She was thereby guilty of corruption. She compounded her guilt by disobeying the orders of the Court requiring her to explain herself.

Respondent violated said Canon 1 of the Code of Conduct for Court Personnel when she solicited and accepted money from complainant. She misrepresented herself to have the capacity to influence the outcome of the adoption case which complainant filed.

For gross misconduct, respondent was dismissed from the service with forfeiture of all benefits and with prejudice to re employment in the Government including GOCC's. **(A. M. No. P-13-3126, February 4, 2014)**

Philippine Judicial Academy

Chancellor

Adolfo S. Azcuna

Founding Chancellor Emeritus

Ameurфина A. Melencio Herrera

Head, Research, Publication and Linkages Office (RPLO)

Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Staff

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3rd Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9621, E-mail address: research_philja@yahoo.com. For link to e-library: elibrary.judiciary.gov.ph.

If you have any Fax No. or E-mail address, please let us know so we could send the "Alerts" direct to you.