



PHILJA E-Alerts

The PHILJA Electronic Alerts is published by the Research, Publications and Linkages Office of the Philippine Judicial Academy, with office at the 3rd Floor of the Supreme Court Centennial Building, Padre Faura Street corner Taft Avenue, Manila.

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Issue 17-2

February 2017

JUDGES

- **Undue delay in rendering a decision**

In complaints for forcible entry and unlawful detainer as in this case, Section 10 of the Rules on Summary Procedure specifically requires that the complaint be resolved within 30 days from receipt of the last affidavits and position papers. Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency.

In the same vein, Sections 2 and 5 of Canon 6 of the New Code of Judicial Conduct enjoin the judges to devote their professional activity to judicial duties and to perform them, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness. This obligation to render decision promptly is further emphasized in Administrative Circular No. 3-99 which reminds all judges to meticulously observe the periods prescribed by the Constitution for deciding cases because failure to comply with the prescribed period transgresses the parties' constitutional right to speedy disposition of their cases.

The Court has always reminded the judges to attend promptly to the business of the court and to decide cases within the required periods for the honor and integrity of the Judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Any delay in the disposition of cases erodes the public's faith and confidence in the Judiciary. Thus, judges should give full dedication to their primary and fundamental task of administering justice efficiently, in order to restore and maintain the people's confidence in the courts.

In this case, the explanation given by respondent Judge was too flimsy. His being inexperienced as a newly appointed judge and his explanation that the delay was not intended to prejudice the plaintiffs are not persuasive because it is his duty to resolve the cases within the reglementary period as mandated by law and the rules. These excuses only show his lack of diligence in discharging administrative responsibilities and professional competence in court management. **A judge is expected to keep his own listing of cases and to note therein the status of each case so that they may be acted upon accordingly and without delay. He must adopt a system of record management and organize his docket in order to monitor the flow of cases for a prompt and effective dispatch of business.**

Finding respondent judge guilty of undue delay in rendering a decision, the Court ordered him to pay a fine in the amount of P10,000 with stern warning that a repetition of the same or similar offense shall be dealt with more severely. **[A.M. No. MTJ-16-1887 (Formerly OCA IPI No. 15-2814-MTJ), January 9, 2017]**

- **Gross ignorance of the law; violation of Rules 1.01 and 3.01, Canon 3 of the Code of Judicial Conduct**

Respondent judge violated Administrative Circular No. 7-A-92 when she issued the June 3, 2013 Order directing the immediate archiving of Criminal Case No. xxxxx-13, after ordering the issuance of the warrants of arrest against the accused in the same order. The archiving of cases is a generally acceptable measure designed to shelve cases but is done only where no immediate action is expected. A.C. No. 7-A-92 enumerated the circumstances when a judge may order the archiving of a criminal case as follows:

- (a) If after the issuance of the warrant of arrest, the accused remains at large for six months from the delivery of the warrant to the proper peace officer, and the latter has explained the reason why the accused was not apprehended; or
- (b) When proceedings are ordered suspended for an indefinite period because:
 - 1) the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently, or to undergo trial, and he has to be committed to a mental hospital;
 - 2) a valid prejudicial question in a civil action is invoked during the pendency of the criminal case unless the civil and the criminal cases are consolidated; and
 - 3) an interlocutory order or incident in the criminal case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction; and
 - 4) when the accused has jumped bail before arraignment and cannot be arrested by his bondsman.

When respondent judge issued the warrants, she also archived the case. She, however, did not cite any ground in A.C. No. 7-A-92 for the suspension of the proceedings. What she did was unprecedented. She did not even bother to wait for the return of the warrants or wait for the six-month period. By doing so, she exhibited bias, if not incompetence and ignorance of the law and jurisprudence. It could also be that she knew it, but **she opted to completely ignore the law or the regulations**. Certainly, it was a case of grave abuse of discretion as her actuations were not in accord with law or justice.

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In the June 13, 2013 Order, respondent judge recalled the warrants of arrest against three of the accused. She, however, failed to explain why she issued the warrants inadvertently. She merely wrote that the warrants of arrest were "*inadvertently issued*" without any explanation why there was such inadvertence in the issuance. The Court cannot accept this. There was clearly an abdication of the judicial function. The records of the case were forwarded by the OCP and they contained not only the information but all the supporting documents like the statement of witness A and the corroborating statements of witnesses B, C and those of witnesses D and E, the farm overseers at the X Farm.

It could only mean that she failed to comply with her constitutional mandate to personally determine the existence of probable cause before ordering the issuance of the

warrants of arrest. As the presiding judge, it was her task, upon the filing of the Information, to first and foremost determine the existence or non-existence of probable cause for the arrest of the accused. It was incumbent upon her to assess the resolution, affidavits and other supporting documents submitted by the prosecutor to satisfy herself that probable cause existed and before a warrant of arrest could be issued against the accused. If she did find the evidence submitted by the prosecutor to be insufficient, she could order the dismissal of the case, or direct the investigating prosecutor either to submit more evidence or to submit the entire records of the preliminary investigation, or she could even call the complainant and the witness to answer the courts probing questions to enable her to discharge her duty.

Most probably, she did her duty to examine and analyze the attached documents but because she took pity on the young accused (never mind the victim), she chose to ignore or disregard them. Nonetheless, **“when the inefficiency springs from failure to consider so basic and elemental a rule, law or principle in the discharge of duties, the judge is either insufferably incompetent and undeserving of the position she holds or is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority.”**

x x x x

The well-settled rule that once a complaint or information is filed before the trial court, any disposition of the case, whether as to its dismissal or the conviction or acquittal of the accused, rests on the sound discretion of the said court is not absolute. Although a motion to dismiss the case or withdraw the Information is addressed to the court, its grant or denial must always be in the faithful exercise of judicial discretion and prerogative. For **the judge’s action must neither impair the substantial rights of the accused nor the right of the State and the offended party to due process of law.** x x x

x x x x

In the present case, the Court agrees with the observation of the OCA that there was haste in the disposition of Criminal Case No. xxxxx-13. It must be noted that the Information for the said case was instituted by the OCP on May 10, 2013. Thereafter, on June 3, 2013, respondent judge issued the order finding probable cause for the issuance of a warrant of arrest. Barely 10 days had lapsed, however, or on June 13, 2013, she recalled the warrants of arrest against three accused due to oversight or inadvertence. And on August 15, 2013, in the Omnibus Order, she lifted the warrants of arrest she issued and dismissed the case for lack of probable cause.

Although no direct evidence was presented to show that respondent judge was influenced by improper considerations, the Court cannot close its eyes in the manner by which Criminal Case No. xxxxx-13 was dismissed. Her actuations put in serious doubts her integrity and honesty, both as a person and a member of the Bench, qualities which every magistrate should possess.

Respondent judge dismissed Criminal Case No. xxxxx-13 without taking into consideration the earlier resolution of the OCP and failed to evaluate the evidence in support thereof, which sustained a finding of probable cause against the accused.

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Considering the strong evidence on hand presented by the OCP, it would have been more prudent for respondent judge to conduct summary hearings in view of the conflicting statements of the prosecution and defense witnesses. Although this is not actually required by

the rules, when the direct and circumstantial evidence are so detailed and corroborative of one another in every particular, it behooved upon her to make further inquiries. Precipitate dismissal of the case, in the face of overwhelming evidence, can only raise quizzical eyebrows.

Indeed, in her Omnibus Order dismissing the case, her reasoning that there was *no probable cause* was strained and taxed one's credulity. As earlier stated, respondent judge wrote that the statement of witness A simply depicted the stages of initiation rites and failed to show that the accused conspired to inflict fatal injuries on the victim. Despite the admission on the part of the accused that initiation rites were indeed conducted on July 29, 2012 and that they were present in the different stages of the initiation rites, she brushed aside these admissions and the narrations of the prosecution witnesses and simply opted to believe the claim of the accused that it was witness A and witness A alone, who inflicted the fatal blow on his recruit.

Respondent judge should know that the presence or absence of the elements of the crime is evidentiary in nature and is a matter of defense that may be passed upon after a full-blown trial on the merits. A hearing is absolutely indispensable before a judge can properly determine whether the prosecution's evidence is strong or weak. x x x

x x x x

A judge may dismiss the case for lack of probable cause **only in clear-cut cases** when the evidence on record plainly fails to establish probable cause—that is when the records readily show uncontroverted, and thus, established facts which unmistakably negate the existence of the elements of the crime charged.

x x x x

Although judges are generally not accountable for erroneous judgments rendered in good faith, such defense in situations of infallible discretion adheres only within the parameters of tolerable judgment and does not apply where the basic issues are so simple and the applicable legal principle evident and basic as to be beyond permissible margins of error.

Time and again, the Court has earnestly reminded judges to be extra prudent and circumspect in the performance of their duties. This exalted position entails a lot of responsibilities, foremost of which is proficiency in the law. They are expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith. **When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that would be constitutive of gross ignorance of the law.**

x x x x

Thus, Rule 1.01 of the Code of Judicial Conduct requires a judge to be the embodiment of competence, integrity and independence. They are likewise mandated to be faithful to the law and to maintain professional competence at all times. A judge owes the public and the court the duty to be proficient in the law. He is expected to keep abreast of the laws and prevailing jurisprudence. Basic rules must be at the palms of their hands for ignorance of the law by a judge can easily be the mainspring of injustice.

Unfortunately, respondent judge fell short of this basic canon. Her utter disregard of the laws and rules of procedure, to wit: the immediate archiving of Criminal Case No. xxxxx-13, the recall of the warrant of arrest which she claimed were issued inadvertently and the hasty dismissal of the case displayed her lack of competence and probity, and can only be considered as grave abuse of authority. All these constitute gross ignorance of the law and incompetence.

Having been found guilty of gross ignorance of the law and violation of Rule 1.01 and Rule 3.01 of Canon 3 of the Code of Judicial Conduct, respondent judge was meted the penalty of dismissal, with forfeiture of retirement benefits, except leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations. **[A.M. No. RTJ-16-2472 (Formerly OCA IPI No. 13-4141-RTJ), January 24, 2017]**

COURT EMPLOYEES

- **Grave Misconduct**

In the present case, respondent process server denied that he assaulted complainant judge. He claimed that it was complainant who lambasted him with the use of insidious and insulting words and suddenly pushed him away. He explained that he merely pulled the hands of complainant as he was about to lose his balance when the former pushed him. This claim, however, was refuted by the sworn statements of E and C. Both E and C narrated that complainant went out of his chamber and asked respondent process server to call A but instead of complying, he pointed his finger towards complainant and confronted him in an angry and menacing manner. Thereafter, he forcibly grabbed complainant and arm-locked his neck and body.

Without a doubt, respondent failed to live up to the ethical norm expected of him as an employee of the Judiciary. Shouting at complainant judge and physically assaulting him within the court premises in the presence of the court employees clearly exhibit rudeness and disrespect not only towards him but to the court as well. Granting that he was provoked by complainant's uncouth behavior, his conduct remains inexcusable. Court employees are expected to be well-mannered, civil and considerate in their actuations, both in their relations with co-workers and the transacting public. Boorishness, foul language and any misbehavior in court premises must always be avoided.

Time and again, the Court has stressed that fighting or misunderstanding is a disgraceful sight reflecting adversely on the good image of the Judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Professionalism, respect for the rights of others, good manners, and right conduct are expected of all judicial officers and employees. Their behavior and actuations must be characterized by propriety and decorum and should at all times embody prudence, restraint, courtesy and dignity.

Under Section 46(A)(3), Rule 10 of the Revised Rules on Administrative Cases in Civil Service, grave misconduct is a grave offense punishable by dismissal even for the first offense. In the present case, the Court notes that this is not the first time that respondent was found administratively liable. In the case of *Aquino v. Israel*, he was found liable for misconduct and fined in the amount of P1,000 for punching a co-employee. He seemed undeterred despite the earlier warning that any repetition of similar infraction would be dealt with more severely. Given the foregoing, the recommended penalty of suspension for a period of two years is insufficient. The Court imposes upon him the supreme penalty of dismissal. He has no place in the Judiciary. His dismissal was with prejudice to reemployment in any branch or instrumentality of the government including government-owned and controlled corporations and all his benefits, except accrued leave credits were forfeited. **[A.M. No. P-16-3564 (Formerly OCA IPI No. 10-3503-P), January 24, 2017]**