



Supreme Court of the Philippines  
Philippine Judicial Academy



*PHILJA Fax/Electronic Alerts*

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**OCA Circular No. 170-2003**

**To:** All Clerks of Court, Officers-in-Charge in the Office of the Clerks of Court of the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, Regional Trial Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Circuit Trial Courts, Municipal Trial Courts and the Shari'a Circuit Courts

**Subject:** Remittance of Collections of Original Legal Fees under Rule 141 of the Rules of Court, As Amended

The amount necessary to implement the Special Allowance, as provided for in Section 3 of Republic Act No. 9227, "shall be sourced from, and charged against, the legal fees originally prescribed, imposed and collected under Rule 141 of the Rules of Court prior to the promulgation of the Amendments under Presidential Decree No. 1949, dated July 18, 1984".

For that purpose, the following guidelines are hereby prescribed:

1. All Clerks of Court or Officers-in-Charge in the Office of the Clerk of Court, shall stop remitting to the National Treasury all collections of original legal fees previously deposited to the account of the General Fund;
2. Henceforth, Clerks of Court or Officers-in-Charge in the Office of the Clerk of Court shall remit their collections of original legal fees to a separate account under the name of:

*"Special Allowance for Justices and Judges Fund or SAJJ Fund"*

with the Land Bank of the Philippines, under Savings Account No. 0591-1744-28;

3. The income or interest earned from said fund shall form part of the SAJJ Fund;
4. In localities where there are no branches of the Land Bank of the Philippines, the collections for the original legal fees shall be remitted by way of Postal Money Order (PMO) payable to the Chief, Fiscal Management and Budget Office, Supreme Court;
5. A separate set of booklets of official receipts and cash books shall be exclusively used for SAJJ Fund for record and control purposes;
6. A separate Monthly Report shall likewise be submitted to the Chief Accountant, Office of the Court Administrator, every 10<sup>th</sup> day of the month, together with the duplicate copy of the official receipts issued and the validated copy of the deposit slips.

Strict compliance is hereby enjoined.

This Circular shall take effect immediately.

December 2, 2003

  
PRESBITERO J. VELASCO, Jr.  
Court Administrator

**Judges: Acts of a judge in his judicial capacity:**

The acts of a judge in his judicial capacity are not subject to disciplinary action. He cannot be subjected to liability – civil, criminal or administrative – for any of his official acts, no matter how erroneous as long as he acts in good faith. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith or deliberate intent to do an injustice will be administratively sanctioned. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be in-fallible in his judgment.

The records fail to indicate any improper motive on the part of respondent when he rendered the assailed decision. Case against him was dismissed for lack of merit. **(AM No. RTJ-03-1748, November 11, 2003)**

**Judges: Gross ignorance of procedural rules:**

It is a violation of the rules on procedure when respondent judge ordered the arrest and incarceration of complainant for the latter's absence during the scheduled promulgation of judgment.

Respondent should have issued first an order directing complainant to show cause, within a reasonable time, why he should not be punished for indirect contempt of court and reset the promulgation of judgment to some other time at the convenience of the court. If the explanation is not satisfactory to the court, then and only then, that a penalty should be imposed upon the contemnor. Respondent was fined P40,000.00. **(AM No. RTJ-03-1813, November 13, 2003)**

**Judges: Overintrusive questioning of prosecution witnesses**

Judges should avoid abruptly interrupting the direct examination of witnesses and lawyers should be given ample latitude in the direct examination of their witnesses for these testimonies can make or break their cases.

The overintrusive questioning of the prosecution witnesses by respondent judge was improper. The timing of the questions was bad enough but worse still was the nature of the questions propounded by respondent. The questions tending to erode the credibility of the star witnesses for the prosecution were more proper to be propounded by the counsel for the accused in cross examination. The questions that may be propounded by a judge are limited in scope and shape and for no other purpose but to clarify, to promote justice or to prevent waste of time. It must be done sparingly and with great circumspect.

For gross misconduct, respondent was fined P20,000.00 and sternly warned. **(AM NO. RTJ-02-1741, November 27, 2003)**

**Judges: Use of intemperate language**

A judge who is commanded at all times to be mindful of his high calling and his mission as a dispassionate and impartial arbiter of justice is expected to be a cerebral man who deliberately holds in check the tug and pull of purely personal preferences which he shares with his fellow mortals.

Respondent judge used intemperate language in his Order by stating that complainant's lawyers acted "wickedly" and possessed "wicked minds". As a dispenser of justice, he should have demonstrated finesse in his choice of words as normally expected of man of his stature. Judges must observe judicial decorum which requires a magistrate to be at all times temperate in his language, refraining from inflammatory or excessive rhetoric or from resorting to language of vilification.

Respondent was found guilty of vulgar and unbecoming conduct and was admonished. **(AM No. MTJ-02-1422, November 22, 2003)**

**Judges: Gross misconduct:**

Judges should respect all people appearing before the courts, be they lawyers or litigants.

Respondent was impatient and discourteous in dealing with complainant. He ordered complainant's arrest without according him the elementary right to challenge the order for his presence during the promulgation of judgment. The violation of complainant's rights to due process cannot be denied despite his satisfactory explanation.

Respondent's penchant for improper words disappointed the Court. He called the complainant a fact fabricator, a congenital liar, an "Indian" and dim-witted. For gross misconduct he was fined P40,000.00. **(AM No. RTJ-03-1813, November 21, 2003)**

**Judges: Personal behavior in and outside the court:**

A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary, and avoid impropriety and the appearance of impropriety in all activities. His personal behavior, not only while in the performance of official duties but also outside the court, must be beyond reproach for he is the visible personification of law and justice.

Respondent Judge admitted to facilitating a meeting between the contending political factions with the aim of forging a settlement. He should have known that the disputes between the factions involved grave felonies which could not be the subject of compromise. His actuations constitute simple misconduct and was fined P20,000.00. **(AM No. RTJ-01-1638, December 8, 2003)**

**Judges: Unexplained failure to decide cases and resolve motions and incidents:**

The unexplained failure of a judge to decide cases and resolve motions and incidents within the reglementary period renders him administratively liable. Delay reinforce in the mind of litigants the impression that the wheels of justice grind ever so slowly.

Respondent judge never resolve the motion filed on June 6, 2000 to cite the defendant in contempt, and has not satisfactorily explained his failure. Respondent was fined P11,000.00 and sternly warned. **(AM No. MTJ-03-1513, November 12, 2004)**

**Judges: Holding of court session on a Saturday; failure to send written notice of arraignment to offended party**

The holding of court session on a Saturday is a blatant violation of Administrative Circular No. 3-99 which provides that the session hours of all Regional Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall be from 8:30 in the morning to noon and from 2:00 to 4:30 in the afternoon, from Monday to Friday.

By setting the arraignment on a Saturday, and failing to send written notice to the offended party, respondent judge eroded public confidence in the integrity and impartiality of the judiciary. Respondent was fined P40,000.00 and sternly warned. **(AM No. MTJ-03-1487, December 1, 2003)**

**Sheriff: Failure to fully implement writ**

It has been impressed time and time again upon sheriffs to see to it that the final stage in the litigation process – the execution of judgment – be carried out promptly. They should exert every effort to do so in order to ensure the speedy and efficient administration of justice.

Respondent sheriff's return of service was filed only on May 25, 2000 or six months late – a violation of Circular No. 12 which requires the submission to the judge of a report within 10 days from receipt on actions taken on all writs and processes assigned to them.

Respondent was fined an amount equivalent to his one month salary. **(AM No. MTJ-03-1513, November 12, 2003)**

*Chancellor, Philippine Judicial Academy*  
Ameurfina A. Melencio Herrera

*Head, Research and Linkages Office*  
Prof. Sedfrey M. Candelaria

***Editors***

Dean Eulogia M. Cueva      Atty. Orlando B. Cariño

***Editorial Assistants***

Atty. Jack Andrew O. Miranda  
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Atty. Amelia T. Guillamun

***Staff***

Romano A. Zapico  
Rodrigo G. Javier  
Joseph Arvin S. Cruz  
Blythe M. Lumague

The *PHILJA Fax/Electronic Alerts* is issued monthly by the Research and Linkages Office of the Philippine Judicial Academy with offices at the 3<sup>rd</sup> Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel No. (02)552-9518; Telefax; (02)552-9526  
E-mail address: research\_philja@yahoo.com

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