



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 06-01
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FLASH!!!

Starting this January 2006 issue, we shall include the program of activities/schedule of seminars of the Philippine Judicial Academy for the following month of each issue.

PHILJA Schedule of Seminars for February to March 2006 (as of February 1, 2006)

Feb. 6-7 - Re-Orientation Seminar on Court-Annexed Mediation (Cebu Mediation Program) Oath Taking of Newly Accredited Mediators, Cebu City

Feb. 7 - RTD on R.A. 9208, R.A. 9262 and IRRs for NCJR Judges (Batch 1)

Feb. 8 - Rule on Civil Forfeiture Seminar, Discovery Suites, Ortigas

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| Feb. 8-9 | - | Establishment of PMC Talisay, Argao, Bogo Toledo, Cebu city |
| Feb. 9 | - | Code of Conduct Seminar, 1 st Batch, Manila |
| Feb. 10 | - | Code of Conduct Seminar, 2 nd Batch, Manila |
| Feb. 13-24 | - | Orientation for Newly Appointed Judges, Tagaytay |
| Feb. 15-17 | - | RJCEP (Round 4) Region VIII, Tacloban |
| Feb. 15-17 | - | Environmental Law Seminar (HARIBON) Dumaguete and Panay, Iloilo City |
| Feb. 16-18 | - | JURIS Faculty Development Workshop for Judge's Training, Ridgewood Residence, Baguio |
| Feb. 20-21 | - | Re-Orientation Seminar on Court-Annexed Mediation – Davao Mediation Program |
| Feb. 21 | - | RTD on R.A. 9208, R.A. 9262 and IRRs for NCJR Judges (Batch 2) |
| Feb. 21-23 | - | JURIS Course on Court-Annexed Mediation and Judicial Settlement Conference for Judges, Baguio Country Club, Baguio City |
| Feb. 23 | - | Code of Conduct Seminar, 3 rd Batch, Manila |
| Feb. 24 | - | Code of Conduct Seminar, 4 th Batch, Manila |
| Feb./March | - | Special IP Program for Judges Trying IP Cases |
| Mar. 2 | - | Code of Conduct Seminar, 5 th Batch, Manila |
| Mar. 3 | - | Code of Conduct Seminar, 6 th Batch, Manila |
| Mar. 9-10 | - | Arbitration Conference, Manila |
| Mar. 13 | - | Orientation and Teambuilding of Trainers/ Facilitators FC Video Modules |
| Mar. 21 and 23 | - | Discussion Seminar on R.A. 9208, R.A. 9262 and IRRs for CA Justices |
| Mar. 14-16 | - | RJCEP (Round 4) Region XI, Davao City |
| Mar. 21 | - | Discussion Forum for Sandiganbayan Justices |
| Mar. 21-23 | - | Workshop on the Family Court Video Training Module (Selected FC Judges), Tagaytay |
| Mar. 29-31 | - | Orientation Program for Newly Appointed Clerks of Court (First Level) |

Judges: grave abuse of discretion

Grave abuse of discretion may arise when a lower court or tribunal violates or contravenes the Constitution, the law or existing jurisprudence. By grave abuse of discretion is meant, such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.

No grave abuse of discretion can be imputed against respondent Judge for allowing the formal amendment of the information. The original information is sufficient in form. Allowing the amendment does not alter the defense of the accused. Indeed, it only states with precision that which is already contained in the original information. Petition is denied. **(G.R. No. 167474, November 15, 2005)**

Judges: violation of the Code of Judicial Conduct

"The Court has repeatedly held that an administrative complaint is not the appropriate remedy for every erroneous decision or order issued by a judge where a judicial remedy is available except when respondent's orders were shown to be tainted with bad faith, dishonesty, fraud or corrupt motive."

The administrative complaint against respondent Judge was dismissed for being judicial in nature. **(A.M. No. OCA-IPI No. 04-2110-RTJ, December 7, 2005)**

Judges: ignorance of the law, grave misconduct, manifest bias and partiality, and conduct unbecoming a court employee

"The record does not support complainant's contention that respondent should have refrained from deciding the case after defendants have asked for his inhibition. No such motion to inhibit appears on record. Thus, respondent is indeed obliged to decide the case. However, we do note that the decision dated October 29, 2004 was only mailed and received by defendants four (4) months thereafter. Nonetheless, absent any proof, we cannot impute any malice or deception on the part of respondent."

The administrative complaint against respondent Judge was dismissed for lack of merit. However, respondent Judge was advised to be more diligent in the supervision of the personnel of his court so that decisions are promptly sent to the parties and that the proper procedure is followed in the receipt and filing of documents and papers. **(A.M. No. OCA-IPI No. 05-1659-MTJ, December 7, 2005)**

Judges: gross ignorance of the law

We have held time and again that a judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules. It is imperative that he be conversant with basic legal principles and be aware of well-settled authoritative doctrines. He should strive for excellence exceeded only by his passion for truth, to the end that he be the personification of justice and the rule of law. When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that would be gross ignorance of the law. Here, respondent ordered the release of a convict pending approval of the latter's application for parole and before his completion of the minimum period of the sentence imposed upon him.

For ignorance or utter disregard of the import of the provisions of Sections 5, 16 and 24, Rule 114 of the Rules of Court, respondent was fined in the amount of Php40,000.00 and was sternly warned that a repetition of the same or similar act will be dealt with more severely. **(A.M. No. RTJ-02-1738, November 17, 2005)**

Judges: conduct unbecoming a judge

A judge's personal behavior, not only while in the performance of official duties, must be beyond reproach, being the visible personification of law and of justice. Indeed a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. Propriety and the appearance of propriety are essential to the performance of all the activities of a judge. As such, the esteemed position of a magistrate of the law demands temperance, patience and courtesy both in conduct and in language.

Here, respondent judge was admonished for the improper language in her comment. She called the complainant "greedy and usurer Chinese woman," tagged her lawyer as "lazy and negligent" and branded her own clerk of court as "equally lazy and incompetent." **(A.M. No. RTJ-05-1961, November 11, 2005)**

Judges: gross inefficiency

Under the New Code of Judicial Conduct for the Philippine Judiciary, judges are obliged to "perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness." Only through diligence can a judge do his part in the great work of speeding up the administration of justice and of rehabilitating the Judiciary in the estimation of the people.

Here, respondent judge failed to decide cases and pending incidents within the reglementary period. For gross inefficiency, the Court meted him a fine of P10,000.00 to be deducted from his retirement benefits. (A.M. No. 05-8-539-RTC, November 11, 2005)

Clerks of Court: negligence in the discharge of duties and functions

The Clerk of Court is charged not only with the efficient recording, filing and management of court records but also with administrative supervision over court personnel. She is an essential officer in any judicial system. Her office is the nucleus of activities, adjudicative and administrative. As such she must be reminded that her administrative functions are just as vital to the prompt and proper administration of justice.

Here, respondent Clerk of Court failed to act on certain cases since the time of their filing. She was admonished to be more prudent in the discharge of her functions and duties with a warning that a repetition of the same will be dealt with severely by the Court. (A.M. No. 05-10-299-MCTC, December 14, 2005)

Clerks of Court: failure to submit monthly report of cases on time

Clerks of Court are officers of the law who perform vital functions in the prompt and sound administration of justice. Their office is the core of adjudicative and administrative orders, processes and concerns. One of their most important responsibilities is to conduct monthly physical inventory of cases. Likewise, their duty is to assist in the management of the calendar of the court and in all matters that do not involve the discretion or judgment properly belonging to the judge. As such, they are required to be persons of competence, honesty and probity, and cannot be permitted to be lackadaisical on their jobs.

For failure to submit monthly report of cases on time, respondent was admonished to be more circumspect in the performance of his duties and was sternly warned that a repetition of the same or similar act will be dealt with more severely. (A.M. No. 05-8-539-RTC, November 11, 2005)

Clerks of Court: grave misconduct

Unjustified delay in the remittances of collections by clerks of court constitutes grave misconduct. Being next in rank to judges in the courts of justice, clerks of court are reminded that acts of dishonesty, particularly those that amount to malversation of public funds, will be severely sanctioned. Such acts portray the judiciary as a haven of corruption, instead of a bastion of justice.

Clerks of court perform delicate functions as designated custodians of the court's funds, revenues, records, properties and premises. As such, they are also the courts' treasurers, accountants, guards and physical plant managers. Hence, they are liable for any loss, shortage, destruction or impairment of those funds and property. Here, respondent consistently incurred delays and shortages in the remittances of funds over a period spanning almost 18 years from 1985 to 2003. As far back as June 2002, she was already found to have incurred shortages in her remittances. Despite having been directed by the OCA to submit the necessary documents pertaining to judiciary funds to establish her actual financial accountabilities, she failed to give a satisfactory explanation.

For grave misconduct, respondent was fined in an amount equivalent to her salary for six (6) months, to be deducted from her leave credits. (A.M. No. P-05-1989, October 20, 2005)

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