



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

Judges who approve applications for bail of accused whose cases are pending in other courts are guilty of gross ignorance of the law.

Respondent judge erred in approving the bail and issuing the release of the accused whose cases are pending in other courts. He did not present any proof that the judge in whose sala the criminal cases have been filed was unavailable. He also failed to prove that the accused was arrested in his territorial jurisdiction.

Respondent was found guilty of gross ignorance of the law. His entire retirement benefits were ordered forfeited. **(A.M. No. 06-6-340-RTC, October 17, 2007)**

Judges: Undue delay in rendering a decision

Judges are allowed for valid reasons to ask for extension of the 90-day reglementary period. Respondent did not ask for any extension.

His explanation that he incurred the delay because the transcript of stenographic notes was incomplete is unacceptable. Judges are required to personally take down notes of the salient portions of the hearings and to proceed in preparing the decisions without waiting for the transcript of stenographic notes.

The Court considered this infraction as an aggravating circumstance to the offense of ignorance of the law committed by respondent for which his entire retirement benefits were forfeited. **(A.M. No. 06-6-340-RTC, October 17, 2007)**

Judges: Undue delay in deciding cases

Decision-making, among others, is the primordial and most important duty of every member of the bench, and judges have the sworn duty to administer justice without undue delay.

Cognizant of the heavy caseload of the trial courts, the Supreme Court usually allows reasonable extension of time to decide cases.

But respondent judge did not ask for an extension of time to decide twenty-three (23) cases. He was fined P20,000 to be deducted from his retirement benefits. **(A.M. No. RTJ-05-1892, January 24, 2009)**

Clerks of Court: Misconduct

Clerks of Court are the chief administrative officers of their respective courts. They must show competence, honesty, and probity since they are charged with safeguarding the integrity of the Court and its proceedings.

The acts of respondent of not faithfully reflecting in the Monthly Report of Cases the list of cases submitted for decision before his judge and issuing a false certification to the effect that no pending case submitted for decision had remained unresolved by the judge constitute misconduct.

Respondent was fined P10,000. **(A.M. No. RTJ-05-1892, January 24, 2008)**

Sheriffs: Neglect of duty

The filing of a motion for reconsideration does not justify the refusal of a sheriff to perform his ministerial duty. In the absence of any restraining order or instructions to the contrary, a sheriff must proceed with the execution of a judgment with reasonable celerity and promptness; otherwise the decisions, orders or other court processes would be futile.

For failing to satisfactorily implement the writ, respondent sheriff displayed conduct short of the stringent standards required of court employees. He is guilty of simple neglect of duty which is defined as the failure of an employee to give attention to a task expected of him and signifies a disregard of a duty resulting from carelessness or indifference.

Respondent was suspended for six (6) months without pay. **(A.M. No. P-07-2336, January 24, 2008)**

Judges: Gross neglect of judicial duty and inefficiency in the performance of official function

The Supreme Court has consistently impressed upon members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Delay in the disposition of cases not only deprives litigants of their right to speedy disposition of their cases but it also tarnishes the image of the judiciary. Failure to decide cases on time constitutes inefficiency.

Respondent judge left unresolved one hundred sixty-five (165) cases for preliminary investigation and failed to decide 54 cases on time which utterly points to his inefficiency.

He was found guilty of gross neglect of judicial duty and inefficiency in the performance of official function. He was ordered to pay a fine in the amount of P100,000 to be deducted from his retirement benefits (A.M. No. MTJ-03-1472, October 17, 2007).

Judges: Gross misconduct; insubordination

A judge's deliberate and continuous failure and or refusal to comply with the resolutions of the Supreme Court constitute gross misconduct and insubordination.

Resolutions of the Supreme Court should not be treated lightly.

Respondent did not comply with the repeated directives (four in all) of the Supreme Court to show proof that she furnished complainant with a copy of her comment on the complaint.

For gross misconduct, respondent was suspended for six (6) months without pay and sternly warned. **(A.M. No. MTJ-07-1692, December 7, 2007)**

Judges: Exercise of judicial discretion is beyond the realm of administrative inquiry

Unless a judge's exercise of judicial discretion is tainted with bad faith, his acts are not subject to administrative inquiry.

There is no proof that respondent judge was moved by bad faith in rendering the assailed orders, hence, absent the element of bad faith, an erroneous order issued by him cannot be the basis of a charge of any offense; mere error of judgment not being a ground for disciplinary action.

Complainant failed to support his allegation of bias and partiality of respondent.

Complaint against respondent judge was dismissed. **(A.M. No. 07-1893 – MTJ, September 10, 2007)**

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