



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

A.M. No. 03-1-09-SC, dated August 16, 2004 (Rule on guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition - Discovery Measures) provides that within 5 days from date of filing of reply, the plaintiff must promptly move ex-parte that the case be set for pre-trial conference. If the plaintiff fails to file said motion within the given period, the Branch Clerk of Court shall issue a notice of pre-trial.

Respondent failed in his duties to follow elementary law when he claimed in his Answer to the Complaint that the party did not in any manner request that the case be scheduled for pre-trial conference. He should know that when the party failed to move for pre-trial conference within the 5-day period, he should have ordered his branch clerk of court to issue a notice of pre-trial pursuant to said Rule.

For ignorance of the law, respondent judge was fined P10,000.00 with a warning that a repetition of the same offense shall be dealt with more severely. **(A.M. No. RTJ-08-2146, November 14, 2008)**

Judges: Gross ignorance of the law and procedure

Section 3 of Rule 71 of the Rules of Court provides that indirect contempt shall be punished after a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel.

Indirect or constructive contempt is committed outside of the sitting of the court and may include misbehavior of an officer of the court in the performance of his official duties or in his official transactions; disobedience of or resistance to a lawful writ, process, order, judgment, or command of a court; or injunction granted by a court or a judge; any abuse or any unlawful interference with the process or proceedings of a court not constituting direct contempt; or any improper conduct tending directly or indirectly to impede, obstruct or degrade the administration of justice.

As the complainant's acts of not appearing during the hearing constituted indirect contempt, respondent should have followed the procedure laid down in Section 3 of Rule 71. She instead immediately cited complainant in contempt of court and issued the bench warrant.

For disregarding the Rules, the Supreme Court found respondent guilty of gross ignorance of the law and procedure and imposed upon her a fine of P40,000.00. **(A.M. No. RTJ-08-2126, January 20, 2009)**

Judges: Abuse of Authority

Supreme Court Circular No. 7, dated September 23, 1974 provides that all cases filed in stations or groupings where there are two or more branches shall be assigned or distributed to the different branches by raffle. No case may be assigned to any branch without being raffled. The raffle of cases should be regularly conducted at the hour and on the day or days to be fixed by the Executive Judge. Only the maximum number of cases, according to their dates of filing, as can be equally distributed to all branches in the particular station or grouping shall be included in the raffle.

Respondent violated the said Circular No. 7 when he took cognizance of a case without the requisite raffle. He cannot excuse himself from his duty as Executive Judge on the pretext that it would be just a waste of time. He ought to know that raffling of cases is his personal duty and responsibility.

For not complying with the provisions of Circular No. 7, respondent judge was found guilty of abuse of authority. He was fined P20,000.00 to be deducted from his retirement benefits. **(A.M. No. RTJ-03-1762, December 17, 2008)**

Judges: Abuse of Authority

The Supreme Court in the case of Daiz versus Adason, 353 Phil 1, 7 (1998), held that a judge commits grave abuse of authority when she hastily issues a warrant of arrest against the accused in violation of the summary procedure rule that the accused should first be notified of the charges against him and given the opportunity to file his counter-affidavits and countervailing evidence.

Respondent judge ordered the arrest of complainant without verifying whether the latter was notified of his scheduled arraignment. True enough complainant was not notified of the scheduled arraignment, hence, he cannot be faulted for his absence.

The Supreme Court ruled that respondent is guilty of abuse of authority for which she was fined P10,000.00. **(A.M. No. MTJ-09-1729, January 20, 2009)**

Judges: Immorality

Immorality, according to the Supreme Court in the case of Madredejo vs. Layao, Jr., (A.M. No. RTJ-98-1424), is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity and dissoluteness; or is willful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community and an inconsiderate attitude toward good order and public welfare.

Respondent judge is a married man, yet he engaged in a romantic relationship with another woman. Granting that his relationship with said woman never went physical or intimate, as he claimed, his own admissions show that his relationship with her was more than acquaintanceship and more than friendly which falls squarely within the definition of immorality.

The Supreme Court considered as mitigating circumstance the fact that this is respondent's first administrative infraction, hence, he was penalized with suspension for six months without salary and benefits. He was also sternly warned. **(A.M. No. RTJ-07-2092, December 8, 2008)**

Sheriff: Simple neglect of duty

Section 14, Rule 39 of the Rules of Court makes it mandatory for a sheriff to make a return of the writ of execution to the Clerk of Court or judge issuing it. Specifically, a sheriff is required to make a return and submit it to the court immediately upon satisfaction in part or in full of the judgment. If the judgment cannot be satisfied in full, to make a report to the court within 30 days after his receipt of the writ and state why full satisfaction could not be made. The sheriff shall continue making a report every 30 days in the proceedings being undertaken by him until judgment is fully satisfied. The reason behind this requirement is to update the court on the status of the execution and to take necessary steps to ensure speedy execution of decisions.

Respondent sheriff failed to make a report to the court on the writ of execution in violation of the aforementioned Rule, hence, he was found guilty of simple neglect of duty. He was fined P5,000.00 and sternly warned that a repetition of the same or similar acts shall be dealt with more severely. **(A.M. No. P-04-1793, December 8, 2008)**

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