



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: No authority to directly suspend his employees

Section 1 of Chapter VIII of A. M. No. 03-8-02-SC – Guidelines on the Selection and Appointment of Executive Judges and Defining their Powers, Prerogatives and Duties, approved on January 27, 2004 and took effect on February 15, 2004 provides:

CHAPTER VIII. Administrative Discipline

SECTION 1. Disciplinary jurisdiction over light offenses. - The Executive Judge shall have the authority to act upon and investigate administrative complaints involving light offenses as defined under the Civil Service Law and Rules (Administrative Code Of 1987), and the Code of conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), where the penalty is reprimand, suspension for not more than thirty (30) days, or a fine not exceeding thirty (30) days salary and as classified in pertinent Civil Service resolutions or issuances, filed by (a) judge against a court employee, except lawyers, who both work in the same station within the Executive Judge's area of supervision; or (b) a court employee against another court employee, except lawyers, who both work in the same station within the Executive Judge's area of supervision;

In the preceding instances, the Executive Judge shall conduct the necessary inquiry and submit to the Office of the Court Administrator the results thereof with a recommendation as to the action to be taken thereon, including the penalty to be imposed, if any, within thirty (30) days from termination of said inquiry. At his/her discretion, the Executive Judge may delegate the investigation of complaints involving light offenses to any of the Presiding Judges or court officials within his/her area of administrative supervision. (underscoring mine)

Respondent was found to have overstepped the limits of his authority when he suspended complainant.

For such infraction the respondent judge was not penalized but was only warned. **(A. M. No. P-09-2602, December 1, 2010)**

Judges: Undue delay in rendering decision

In *Office of the Court Administrator vs. Reyes*, A. M. No. RTJ-05-1892, January 24, 2008, the Court stressed the importance of complying with the constitutionally prescribed periods for deciding cases as follows:

The honor and integrity of the judiciary is measured not only by fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution in the discharge of official duties.

Respondent judge decided complainant's case beyond the prescribed period of 90 days . He was fined P10, 000.00 **(A.M. No. RTJ-06-2007, December 6, 2010)**

Judges: Making untruthful statements in his certificate of service

In *Bolalin vs. Judge Occiano*, 334 Phil, 178, 184 (1997) the Court held that a judge's submission of false certificates of service seriously undermines and reflects on the honesty and integrity expected of an officer of the court. A certificate of service is not merely a means to one's paycheck but is an instrument by which the Court can fulfill the constitutional mandate of the people's rights to a speedy disposition of cases.

Respondent judge made untruthful statements in his certificate of service for the months of May and June 2005 for which he was fined P15,000.00 and sternly warned. **(A.M. No. RTJ-06-2015, December 15, 2010)**

Clerk of Court: Dishonesty

The significance of accomplishing Personal Data Sheet (PDS) with utmost honesty cannot be overemphasized. It is a requirement under the Civil Service Rules and Regulations in connection with one's employment in the government.

Respondent falsified her PDS by stating she is a BSC graduate when in fact she was not. Her acts amount to dishonesty by misrepresentation and falsification of an official document.

For dishonesty, respondent was dismissed from the service. **(A.M. No. P-10-2833, December 14, 2010)**

Sheriff: Simple misconduct

Monetary judgments are enforceable only against property unquestionably belonging to the judgment debtor. Properties belonging to third persons cannot be levied upon.

If the judgment obligor cannot pay the full amount stated in the writ, the sheriff can proceed to levy on his properties as provided in Section 9 (b) of Rule 39.

Section 9 (b) of Rule 39, provides:

Sec. 9. Execution of judgments for money: how enforced. -

x x x

(b) Satisfaction by levy. – If the judgment obligor cannot pay all or part of the obligation in cash, certified bank check or other mode of payment acceptable to the judgment obligee, the officer shall levy upon the properties of the judgment obligor of every kind and nature whatsoever which may be disposed of for value and not otherwise exempt from execution giving the latter the option to immediately choose which property or part thereof may be levied upon, sufficient to satisfy the judgment. If the judgment obligor does not exercise the option, the officer shall first levy on the personal properties, if any, and then on the real properties if the personal properties are insufficient to answer for the judgment.

Respondent violated the rules when he levied upon the property of complainant who was not the judgment obligor.

For simple misconduct, respondent was fined P10,000.00. **(A.M. No. P-07-2383, December 15, 2010)**

Philippine Judicial Academy

Chancellor
Adolfo S. Azcuna

Founding Chancellor Emeritus
Ameurфина A. Melencio Herrera

Head, Research, Publication and Linkages Office (RPLO)
Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Staff

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3rd Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9621
E-mail address: research_philja@yahoo.com. For link to e-library: www.supremecourt.gov.ph.

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