



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross misconduct for violating the Code of Judicial Conduct

Canon 3, of the Code of Judicial Conduct provides:

Rule 3.01. A judge shall be faithful to the law and maintain professional competence.

Rule 3.02. In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interest, public opinion or fear of criticism.

Rule 3.08. A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

Respondent judge violated specifically Rule 3.02 of said Canon 3 when he ordered the implementation of the Order placing the receivers of the insolvent corporation in possession of the properties thereof including those of complainants issued by his retired predecessor which Order was declared null and void by the Court of Appeals and affirmed by the Supreme Court. He should have read and studied personally the records of the case page by page before issuing the said order.

For gross misconduct, respondent was fined P25,000.00. **(A.M. No. RTJ-07-2069, December 14, 2011)**

Clerk of Court: Grave misconduct

Clerks of Court are notaries public ex-officio; they may notarize documents or administer oaths only when the matter is related to the exercise of their official functions. Thus, in their ex-officio capacity, clerks of court should not take part in the execution of private documents not related to their official functions.

Respondent clerk of court committed grave misconduct when she administered oaths in five affidavits and a document not related to her official functions.

She also violated P.D. No. 26, the law granting franking privilege only to judges in their official communications of judicial proceedings when she used the letter head of the court and of her official designation in the demand letters she sent to the complainant.

For grave misconduct, respondent clerk of court was dismissed from the service with prejudice to reemployment in the Government and with forfeiture of all retirement benefits. **(A.M. No. P-11-3000, November 29, 2011)**

Interpreter: Disgraceful and Immoral Conduct

Section 1 of CSC Resolution No. 100912 dated May 17, 2010 defines Disgraceful and Immoral conduct as an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society and conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

Respondent's act of maintaining an illicit relationship with a married man comes within the purview of disgraceful and immoral conduct.

Respondent was given all the opportunity to refute the charges against her; yet she chose to resign from the service. Indeed the wicked flee when no man pursueth but the righteous are as bold as a lion.

Despite her resignation, the Court fined her P50,000.00 to be deducted from the money value of her accrued leave credits. **(A.M. No. P-11-3011, November 29, 2011)**

Stenographer: Habitual Tardiness

The Civil Service Commission in its Memorandum Circular No. 23, Series of 1998 promulgated the rules and guidelines on absenteeism and tardiness, to wit:

“Any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.”

The daily time record of respondent stenographer speaks eloquently of her habitual tardiness. Her excuses do not justify her infraction because as previously held by the Court, moral obligations, performance of household chores, traffic problems, health conditions, and domestic financial concerns are not sufficient causes to excuse habitual tardiness.

For habitual tardiness, respondent stenographer was reprimanded and sternly warned. **(A.M. No. P-11-3010, November 23, 2011)**

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