



Supreme Court of the Philippines Philippine Judicial Academy



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Judge: Gross Ignorance of the Law

In *Dacasin vs. Dacasin*, GR No. 168784, February 5, 2010, the Court ruled that a custody agreement can never be regarded as permanent and unbending, the simple reason being that the situation of the parents and even of the child can change, such that sticking to the agreed arrangement would no longer be to the latter's best interest. A judgment involving the custody of a minor child cannot be accorded the force and effect of *res judicata*.

Respondent judge in granting provisional custody over the minor child in favour of his mother in defiance of his own judgment on compromise agreement granting custody to complainant did not disregard the *res judicata* rule. On the contrary, respondent exhibited fidelity to jurisprudential command to accord primacy to the welfare and interest of the minor child.

The case against respondent for ignorance of the law was dismissed for lack of merit. **(A.M. No. RTJ-12-2326, February 12, 2013)**

Judge: Undue delay in rendering decision

Administrative Circular No.1 dated January 28, 1988 enjoins all magistrates to observe scrupulously the period prescribed in Section 15, Article VIII of the Constitution and to act promptly on all motions and interlocutory matters pending before their courts.

Respondent failed to decide complainant's case within the three-month period mandated by the Constitution. Worse, it took him 10 months to approve and act upon the latter's Notice of Appeal.

For undue delay in rendering a decision respondent was fined P 15,000. **(A.M. No. RTJ-12-2331, December 10, 2012)**

Judge: Willful failure to pay just debts

Just debts, as defined in Section 23, Rule XIV of the Omnibus Rules Implementing Book V of E.O to 292, refer to (1) claims adjudicated by a court of law, or (2) claims the existence and justness of which are admitted by the debtor.

Complainant's claim against respondent judge is a just debt, the existence and justness of which the latter himself admitted. His willfulness in not paying his just obligation is shown by his continued failure to settle it despite demand letters sent to him by the complainant.

For willful failure to pay just debt, respondent judge was fined P40,000 and sternly warned. **(A.M. No. MTJ-10-1771, February 13, 2013)**

Judge: Undue delay in rendering judgment

Section 10 of the Rules of Summary Procedure which is mandatory provides:

Sec. 10 Rendition of Judgment. – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarification affidavits, or the expiration of the period for filing the same.

The court shall not resort to the clarification procedure to gain time for the rendition of the judgment.

Respondent judge rendered his decision on complainant's case way beyond the mandatory period within which to decide an ejectment case which is covered by the Rule of Summary Procedure.

For undue delay in rendering a decision, respondent judge was fined P 10,000 and sternly warned. **(A.M. No. MTJ -12-1818, February 13, 2013)**

Clerk of Court : Refusal to perform official duty

In Escobar vda de Lopez y Luna, clerks of court are primarily responsible for the speedy and efficient service of all court processes and writs. Hence, they cannot be allowed to slacken on their work since they are charged with the duty of keeping the records and the seal of the court, issuing processes, entering judgments and orders and giving certified copies of records upon request. They are expected to possess a high degree of discipline and efficiency in the performance of their function to ensure that the course of justice is done without delay.

Respondent Clerk of Court unjustifiably failed to issue the writ of execution to implement the judgment rendered in favor of complainant. Moreover, she failed to file the requested comment in disregard of the order of the Court.

For refusal to perform official duty respondent Clerk of Court was suspended for six (6) months and one (1) day without pay and sternly warned. **(A.M. No. P-12-3090, January 7, 2013)**

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