



PHILJA E-Alerts

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Judges: Gross Ignorance of the Law; Gross Misconduct.

A fortiori, respondent is administratively liable for gross ignorance of the law for granting *ex parte* motions to allow Adama's temporary liberty without setting the same for hearing. If hearing is indispensable in motions for bail, more so in this case where the motions for the temporary liberty of Adamas were filed without offering any bail or without any prayer that he be released on recognizance. Besides, the reasons relied upon in said motions – to allow Adamas to attend the *Sangguniang Bayan* sessions – had already been rebuked by this Court. In *People v. Hon. Maceda*, reiterated in *Trillanes IV v. Judge Pimentel Sr.*, this Court held that "all prisoners whether under preventive detention or serving final sentence cannot practice their profession nor engage in any business or occupation or hold office, elective or appointive, while in detention."

That the prosecution has already filed affidavits of desistance and that, to the opinion of respondent, the accused is not a flight risk, do not justify non-compliance with procedural rules. It is basic that bail cannot be allowed without prior hearing. It is also basic that litigious motions that do not contain a notice of hearing are nothing but a useless piece of paper which the court should not act upon. These rules are so elementary that not to know them constitutes gross ignorance of the law.

We also agree with the OCA that there is substantial proof to hold respondent liable for gross misconduct even if the altered TSN was not formally offered in evidence. Respondent admitted in her Comment dated November 24, 2010 and Memorandum dated May 1, 2013 that she instructed Mosende to make some changes in the July 22, 2010 TSN.

A TSN "is supposed to be a beautiful and exact recording of all matters that transpired during a court proceeding." Respondent's act of directing her subordinate to alter the TSN by incorporating therein statement pertaining to substantial matters that were not actually made during the hearing constitutes gross misconduct which warrants administrative sanction.

For gross ignorance of the law and gross misconduct, the respondent judge was suspended from office for one (1) year without salary and other benefits, with a stern warning that the Court will not hesitate to impose the supreme penalty of dismissal from the service, with all its accessory penalties, in case she commits the same or other similar acts. **(A.M. No. RTJ-16-2443 (Formerly OCA I.P.I. No. 10-3251-RTJ), January 11, 2016)**

Court Stenographers: Moonlighting; Engaging in private business or vocation without prior approval of the Court.

Under the Revised Rules on Administrative Cases in the Civil Services, “moonlighting” is denominated as the light offense of “[t]he pursuit of a private business or vocation without the permission required under Civil Service rules and regulations.” It is punishable by reprimand for the first offense, suspension from office for a period of one (1) to thirty (30) days for the second offense, and dismissal from service for the third offense.

Respondent's administrative liability for “moonlighting” remains undisputed as she, in fact, readily admitted that she endeavoured to process the transfer of OCT No. T-11566 in complainant's name as agreed upon by them. Such task is not part of her duties as court stenographer. Her engagement was clearly in pursuit of a private business venture, akin to the services offered by real estate brokers. In dealing and transacting with external government agencies, more particularly, the Registry of Deeds, she had not only expended time and effort which should have been devoted to the performance of her official functions, but she had also tainted the integrity of her office by giving, at the very least, the impression that she could have wielded her authority or influence in exchange for unofficial favors. Overall, absent any showing that such conduct was permitted, she violated the rule against “moonlighting” and hence, being her first infraction therefor, should be meted with the penalty of reprimand, with a stern warning that a commission of the same or similar acts in the future shall be dealt with more severely.

Indeed, case law dictates that officials and employees of the judiciary must serve with the highest degree of responsibility and integrity and are enjoined to conduct themselves with propriety even in private life, as any reproach to them is bound to reflect adversely on their office. As such, they are prohibited from engaging directly in any private business, vocation, or profession even outside office hours to ensure full-time service so that there may be no undue delay in the administration of justice and in the disposition of cases as required by prevailing rules.

For engaging in private business or vocation without the prior approval of the Court, respondent court stenographer was reprimanded with a stern warning that a commission of the same or similar acts will be dealt with more severely. **(A.M. No. P-15-3344, January 13, 2016)**