



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law; grave abuse of authority

No less than the Code Judicial Conduct mandates that a judge shall be faithful to the laws and must maintain professional competence. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Having accepted the exalted position of a judge, he owes the public and the court the duty to be proficient in the law. And when the law is so elementary, not to be aware of it constitutes gross ignorance of the law.

Lastly, instead of reinstating complainant's Notice of Appeal on account of the submission of the official receipts, respondent judge proceeded to grant plaintiff's ex-parte Motion for Demolition. Complainant's Notice of Appeal was in fact reinstated only almost a month after the submission of the official receipts and nine days after the structures and improvements on the subject premises had already been demolished. Respondent judge no doubt committed grave abuse of authority. Respondent judge was fined P20,000.00. **(AM No. MTJ-00-1283, March 3, 2004)**

Judges: Misconduct; transgression of the Code of Judicial Conduct

While this court recognizes the predicament respondent judge must have been in that possibility has brought him mental and emotional stress, it, nonetheless, cannot completely excuse him from his sworn duty to uphold that to which he is held bound. The independence of the judiciary would be more than a myth if judges were to allow themselves to be covered by anyone. In accepting their exalted positions, judges are expected to be fearless in rendering justice, to be unafraid to displease any person, interest or power, and to be equipped with a moral fiber strong enough to resist the challenges of the office.

The Code of judicial Conduct commands that a judge must not succumb to attempts to influence his judgment and must resist any pressure from whatever source in order to uphold the integrity and independence of the judiciary. The Code projects that a judge is an embodiment of incorruptibility and non-subservience. The future of any society to a great extent, depends upon the maintenance of justice pure and unsullied. Respondent judge was found guilty of MISCONDUCT and for having transgressed the Code of Judicial Conduct and fined P20,000.00 with WARNING. **(AM No. RTJ-03-1792, March 10, 2004)**

Judges; Gross ignorance of the law; Imposition of oppressive bail bonds

It bears repeating that judges should exhibit more than cursory acquaintance with the basic legal norms and precepts, as well as with statutes and procedural rules. As advocates of justice and visible representation of the law, they are expected to keep abreast with the law and jurisprudence, and be proficient in the application and interpretation thereof.

For gross ignorance of the law and oppression in imposing excessive cash bail bonds, respondent Judge was fined P10,000.00 to be taken from his retirement benefits.. **(AM No. MTJ-00-1321, March 10, 2004)**

Judges; Appearance of impropriety in the performance of his adjudicatory prerogatives

No position in the government service exacts a greater demand for personal honesty and integrity than a seat in the judiciary. He must not sacrifice for expediency's sake the fundamental requirements of due process or to forget that he must conscientiously endeavor each time to seek the truth, to know and correctly apply the law, and to dispose of controversies objectively and impartiality – to the end that justice is done to every person. Canon 2 of the Code of judicial Conduct provides that a judge should not only avoid impropriety but also the appearance of impropriety in all his acts. By the very nature of his work, he should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to administer justice.

Respondent judge was dismissed from the service with forfeiture of all retirement benefits except accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government, including government owned or controlled corporations. **(AM No. RTJ-02-1726, March 29, 2004)**

Judges; Violation of Canon 3, Rule 3.01, Code of Judicial Conduct

Canon 3, Rule 3.01, Code of Judicial Conduct mandates judges to "be faithful to the law and maintain professional competence". It is imperative that judges must be conversant with basic legal principles. Judges are called to exhibit more than just a cursory acquaintance with statutes and procedural laws. They are not common men and women, whose errors men and women forgive and time forgets. Judges sit as the embodiment of the people's sense of justice, their last recourse where all other institutions have failed".

Respondent judge was found guilty of violation of Canon 3, Rule 3.01, Code of Judicial Conduct and reprimanded with a stern warning that repetition of the same or similar acts shall be dealt with more severely. **(AM No. RTJ-02-1837, March 23, 2004)**

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Judges: Ignorance of the law

x x x . . . the withdrawal of a complaint does not necessarily ensure the dismissal of the administrative case. As a general rule, the Court does not dismiss administrative cases against members of the bench merely on the basis of withdrawal of charges even as the notice of withdrawal of the complaint filed by the complainant is only a provisional withdrawal due to their assertion that they need time to verify the reasons given by respondent judge for the delay in the disposition of the criminal case.

Respondent's denial of the motion to quash is patently erroneous. It is an exception to the hornbook doctrine that when the subject of the complaint may be subjected to judicial review, the administrative complaint shall be dismissed. In criminal proceedings, improper venue is lack of jurisdiction. Venue in criminal cases is an essential element of jurisdiction. Unlike in a civil case where venue may be waived, this could not be done in a criminal case because it is an element of jurisdiction. It is basic that one can not be held to answer for any crime committed by him except in the jurisdiction where it was committed.

Respondent's irresponsible convolution of the concept of venue in a civil case and in a criminal case exhibits ignorance of the law that caused undue confusion to the herein complainants. When a judge displays an utter lack of familiarity with the Rules of Criminal Procedure, he erodes the public confidence in the competence of the courts.

Respondent judge was fined P40,000.00 for violation of the Code of Judicial conduct and Canons of judicial Ethics. **(AM No. MTJ-03-1489, March 31, 2004)**

Judge: Grave Misconduct and Gross Ignorance of the Law

The Court has consistently held that judges will not be held administratively liable for mere errors of judgment in their rulings or decisions absent a showing of malice or gross ignorance on their part. Bad faith or malice cannot be inferred simply because the judgment is adverse to a party. To hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable. Much less can a judge be so held accountable where all indications, as in this case, the judgment complained of is far from erroneous. The judgment in the ejectment case has gone through all levels of review, it is high time that any doubts on the validity of the decision be laid to rest.

Complainant may strongly disagree with the decisions of the respondents but unsubstantiated allegations of grave misconduct and gross ignorance of the law serve no purpose other than to harass judges and cast doubt on the integrity of the entire judiciary. Complainant's unfounded imputations against the respondents is malicious and offends the dignity of the entire judiciary. For this, complainant is guilty of contempt of court and is fined. **(AM No. CA-04-38, March 31, 2004)**

Judge: Violation of the Constitution; Ignorance of the Law and Procedure; Abuse of Authority and Oppression

Based on the findings of the Office of the Court Administrator, respondent judge had already inhibited herself from the case. The case has been re-raffled to another branch and was consolidated with Civil Case No. Q-97-31799. Further, the complainant and her co-respondents in the contempt proceedings have filed a Motion for Reconsideration questioning the order of respondent judge citing them in contempt. The Motion is still pending resolution.

Evidently, this complaint is premature for being subjudice. Any action this Court may take with respect to the charges against the respondent may pre-empt the action that the lower court may take on the motion for reconsideration. The Court resolved to adopt the recommendation to DISMISS the instant complaint for being premature. **(AM OCA IPI No. 03-1825-RTJ, March 15, 2004)**

Judges: Ignorance of the Law; Abuse of authority; delay in the resolution of pending incident and gross misconduct

Going over the complaint, it can readily be seen that the alleged errors refer to acts of the respondent judge in the exercise of his judicial functions which are not subject to disciplinary power unless they are committed with fraud, dishonesty, corruption or bad faith. Nothing whatsoever is alleged in the complaint to show fraud, dishonesty, corruption or bad faith against the respondent judge.

Complainant, being aware of the policy of the Office of the Court Administrator not to take cognizance of cases pending review by an appellate court, contended that the instant case is exceptional since respondent judge acted with patent and gross ignorance of the law. This contention is inconsequential and premature since the Court of Appeals has yet to review the entire ruling of the respondent judge. An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by an erroneous judgment.

The Court resolved to adopt the recommendation to DISMISS the complaint. **(AM No. OCA IPI No. 03-1839-RTJ, March 15, 2004)**

Clerk of Court: Ignorance of the law; incompetence in the performance of duty

In her testimony, respondent clerk of court stated that she had been with the court for three years and that all motions and pleadings were sent to her desk. Being a lawyer and a clerk of court for a long time, she was expected to know the basic procedural laws and doctrines.

It is elementary in procedural law that any motion that fails to comply with Sections 4, 5 and 6 of Rule 15 of the Rules of Court is a mere scrap of paper which the court has no right to consider, nor the clerk of court any right to receive. It is also elementary that any Motion for Demolition cannot be granted ex parte, as notice and hearing are necessary for the issuance of the Writ of Demolition.

Clerks of court must be individuals of competence, honesty and probity. They play a key role in the complement of the court and thus cannot be permitted to slacken on their jobs under one pretext or another. Respondent clerk of court was found guilty of ignorance of the law and incompetence in the performance of official duties and fined P5,000.00. **(AM No. MTJ-00-1283, March 3, 2004)**

Clerks of Courts; Animosity among court Employees

The Court looks upon with great disfavor any display of animosity by court employees which necessarily affects the morale of their co-workers and undermines their efficiency. Court personnel must, at all times, act with strict propriety and proper decorum so as to earn the public's regard for the judiciary.

The complaint of the clerk of court against the stenographer for violation of AC No. 24-90 was substantiated. The explanation of the latter that she failed to comply therewith because she was not aware thereof as well as because of an internal arrangement among them and the judge that they have to prioritize the transcription of stenographic notes is a poor excuse.

Relative to the complaint of the stenographer against the clerk of court, there was sufficient basis to hold the latter liable for negligence in the performance of duties. He failed to send subpoena and other processes to parties and/or counsels causing the re-setting of scheduled hearings. Moreover, he also acted imprudently in notarizing documents alien to his official duties. He should have known that clerks of court should not in their ex-officio capacity, take part in the execution of private documents unrelated to the proper discharge of their official duties.

For gross misconduct and abuse of authority, the clerk of court was suspended for 3 months without pay and fined P5,000.00. For dereliction of duty the stenographer was suspended for 2 months without pay and fined P3,000.00. **(AM No. P-01-1503 and AM No. P-01-1511, January 27, 2004)**

Sheriffs; Delay in the execution of judgment

Any inordinate delay in the execution of judgment is truly deplorable and cannot be countenanced by the court.

There is nothing in the records showing that respondent submitted a periodic report on the action he had taken on the Writ from the date of receipt as required. His excuse of heavy workload cannot absolve him from administrative sanction. As an officer of the court, he should at all times show a high degree of professionalism in the performance of his duties.

Respondent was fined an amount equivalent to one month of his salary. **(AM No. MTJ-03-1513, November 12, 2003)**

Sheriffs; Writ of attachment

In enforcing a writ of attachment, a sheriff who takes personal property capable of manual delivery shall safely keep it in custody after issuing receipt therefor.

To constitute a valid levy of attachment, the officer levying it must have actual possession of the property attached. He must put himself in a dominion over the property adverse to and exclusive of the attachment debtor. The officer cannot even deliver the property to the attachment creditor, as the parties must await the judgment in the action. The levied property must be in the substantial presence and possession of the levying officer who cannot act as special deputy sheriff of any party-litigant. The officer may put someone in possession of the property for the purpose of guarding it but the former cannot be relieved from liability to the parties interested in said attachment.

The charge against respondent sheriff has basis for he blatantly violated Section 7 (b) of Rule 57 of the Rules of Court when he deposited the machine in the warehouse of the plaintiff.

For simple neglect of duty, respondent was suspended for one month and one day without pay. **(AM No. MTJ-04-1518, January 15, 2004)**

Sheriff: Grave Misconduct

The Court has consistently held that "the sheriff's duty to execute a judgment is ministerial. "A purely ministerial act is one "which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of the legal authority, without regard to the exercise of his own judgment upon the propriety of the act done." In the implementation of writs of demolition, as in this case, the sheriffs are mandated to use reasonable and necessary force to see that the judgment debtors vacate the premises.

The complainants had not only failed to substantiate the allegations in their complaint; they had, in fact, opted to withdraw the same. Accordingly, the presumption of regularity in the performance by the respondents of their duties must prevail. Other than the bare allegations in the instant complaint, there is nothing in the records that would indicate that the respondents committed grave misconduct, abuse of authority and violation of the Code of Conduct and Ethical Standards for Public Officials and Employees the performance of their, in implementing the demolition writ. The administrative complaint was dismissed for lack of merit. **(AM No. P 04-1792, March 12, 2004)**

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