



Supreme Court of the Philippines  
Philippine Judicial Academy



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**Judges: Gross ignorance of the law and unfitness to serve in the judiciary**

Without necessarily discussing the propriety of the issuance of the Order, the instant administrative matter should be dismissed since, first, there exists a judicial remedy sufficient to correct respondent Judge's alleged mistake, assuming there was; second, there is no evidence that would show that respondent Judge was motivated by bad faith, malice, dishonesty or corruption, and third, there is a pending motion for reconsideration filed by herein complainant involving the assailed order, hence, the instant action is premature.

Upon recommendation of the OCA, the Court resolved to **DISMISS** the administrative complaint against the herein respondent, for lack of merit. **(A.M. OCA IPI No. 07-2560-RTJ, June 6, 2007)**

**Judges: Violation of Article 206 of the Revised Penal Code on issuance of unjust interlocutory order ; abuse of authority**

x .x x, finding that should complainant feel that he was prejudiced by the break open order issued by respondent, his recourse is to seek judicial remedies set forth in the Rules of Court, since errors committed by a judge in the exercise of his adjudicative functions cannot be assailed through administrative proceedings, but should instead be assailed through judicial remedies.

Upon the recommendation of the OCA, the Court resolved to **DISMISS** the complaint against the respondent judge, for being judicial in nature. **(A.M. OCA IPI No. 07-2565-RTJ, June 6, 2007)**

**Judges: Gross ignorance of the law relative to an act allegedly committed prior to his appointment to the Judiciary**

[R]espondent can be held liable for notarizing the four "*Sinumpaang Salaysay*" without the prior authority to do so. This Office submits, however, that respondent's infraction may be dispensed with, factoring in the following facts that: (1) the act was committed with the mandate of PAO to provide basic legal services to indigent litigants in mind; (2) the same was done without respondent receiving or demanding a fee therefor; (3) the documents notarized were used in connection with respondent's work of assisting qualified indigent client; (4) the documents clearly bear notation of respondent's office and station, hence negating any suggestion of misrepresentation ; and (5) the instant complaint is ostensibly prompted by a sinister motive to get even at respondent for having successfully defended the defendants against herein complainant. The latter did not raise a finger over these documents during the trial and on appeal, but is only now making a fuss over them, after he lost both proceedings, and after respondent was appointed judge.

Finally, there is authority to the effect that the act complained of must be continuing in order that a judge may be disciplined for an act committed prior to his appointment

Upon recommendation of the OCA, the Court resolved to **DISMISS** the instant complaint for lack of merit. **(A.M. OCA IPI No. 07-1866-MTJ, June 6, 2007)**

**Judges: Rules 112 and 114 of the Revised Rules on Criminal Procedure, as amended, removed the conduct of preliminary investigation from judges of first level court**

"It seems that respondent Judge mistakenly resorted to A.M. No. 05-8-26-SC (amending Rules 112 and 114 of the Revised Rules on Criminal Procedure) as basis for her Order directing the accused to submit his counter-affidavit. However, a careful reading of her subsequent Orders reveals she was correctly following the Rules on Summary Procedure that is, finding a cause to hold the

accused for trial after consideration of his counter-affidavits and thus ordering the Setting of the Arraignment of the Accused.”

Upon the recommendation of the OCA, the Court resolved to **DISMISS** the initial administrative case for lack of merit. **(A.M. OCA IPI No. 07-1869-MTJ, June 6, 2007)**

**Judges: Gross Ignorance of the Law and Grave Abuse of Authority**

First of all, we deem it necessary to determine the applicability of A.M. No. 03-10-01-SC, a Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints, which took effect on November 3, 2005.

Recognizing the proliferation of unfounded or malicious administrative or criminal cases against members of the judiciary for purposes of harassment, we issued said Resolution, which provides:

2. If the complaint is (a) filed within six months before the compulsory retirement of a Justice or Judge; (b) for an alleged cause of the action that occurred at least a year before such filing; and (c) shown *prima facie* that it is intended to harass the respondent, it must forthwith be recommended for dismissal. If such is not the case, the Office of the Court Administrator must require the respondent to file a comment within ten (10) days from receipt of the complaint, and submit to the Court a report and recommendation not later than thirty (30) days from receipt of the comment. The Court shall act on the recommendation before the date of compulsory retirement of the respondent, or if it is not possible to do so, within six (6) months from such date without prejudice to the release of the retirement benefits less such amount as the Court may order to be withheld, taking into account the gravity of the cause of action alleged in the complaint.

Thus, in order for an administrative complaint against a retiring judge or justice to be dismissed outright, the following requisites must concur: (1) the complaint must have been filed within *six months* from the compulsory retirement of the judge or justice; (2) the cause of action must have occurred at least *a year before such filing*; and (3) it is shown that the complaint *was intended to harass* the respondent.

The Court found respondent Judge guilty of gross neglect and was **FINED** in the amount of Twenty Thousand Pesos (P20,000.00). The withheld amount of Twenty Thousand Pesos (P20,000.00) from respondent's retirement benefits is considered as payment of the fine. **(A.M. No. MTJ-06-1658, July 3, 2007)**

**Judges: Grave abuse of Authority; Specific Performance and damages**

Under Presidential Decree (P.D.) No. 957, as amended by P.D. No 1344, the HLURB (then National Housing Authority) has exclusive original jurisdiction on the following: (a) unsound real estate business practices; (b) claims involving refund and any other claims filed by a subdivision lot or condominium unit buyer against the project owner, developer, dealer, broker, or salesman; and (c) cases involving specific performance of the contractual and statutory obligations filed by buyers of subdivision lots or condominium units against the owner, developer, dealer, broker, or salesman. The decision of the HLURB is appealable with 15 days to the Office of the President (OP), and, if after 30 days the appealed decision is not reversed or amended by the OP, then it is deemed affirmed. Thereafter, the case may be elevated via a petition for review to the Court of Appeals, and then to this Court.

Generally, for a judge to be found guilty of gross ignorance of the law, the assailed order, decision, or actuation of the judge in the performance of official duties must not only be found erroneous but actuated by bad faith, dishonesty, hatred, or some other like motive. However, if the law, rule, or principle is so elementary, not to know it or to act as if one does not know it already constitutes gross ignorance of the law, without the complainant having to prove malice or bad faith on the part of the erring judge, as the same can clearly be inferred from the error committed.

Herein respondent was hereby imposed the penalty of **SUSPENSION** without salaries and other benefits for a period of three (3) months, with a **STERN WARNING** that the commission in the future of the same or similar act shall be dealt with more severely. **(A.M. No. RTJ-07-2047, A.M. No. RTJ-07-2048, July 3, 2007)**

**Judges: Failure to decide cases within the reglementary period**

It bears stressing that the public's faith and confidence in the judicial system depends largely on the judicious and prompt disposition of cases and other matters pending before the courts. No less

than the Constitution mandates all lower courts to decide or resolve cases or matters within three (3) months from their date of submission. Consequently, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to “dispose of the court’s business promptly and decide cases within the required periods. However, if a judge finds himself unable to comply with this 90-day requirement for deciding cases or matters, he can, for good reasons, ask for an extension and such request is generally granted.

Be that as it may, valid reasons that a judge may have for such delay like poor health, old age, heavy caseload, among others, do not totally absolve him from liability but only mitigate the penalty.

Herein respondent judge was held administratively liable for gross inefficiency for his undue delay in rendering decisions and orders and he was ordered to pay a **FINE** of Fifty Thousand Pesos (P50,000.00), to be deducted from the retirement benefits due him. The remainder of the withheld amount is ordered released to him. **(A.M. No. RTJ-04-1870, July 3, 2007)**

### **Judge: Abuse of Authority**

Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Article III, Section 16 of the 1987 Constitution provides that:

“All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies.”

Pursuant to this mandate, Section 5, Canon 6 of the Code of Judicial Conduct instructs judges to “perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness. Similarly, the Code of Judicial Ethics holds that a judge should be “prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

Respondent judge is hereby found **GUILTY** of violating Section 9 (1), Rule 140 of the Rules of Court, Section 5, Canon 6 of the Code of Judicial Conduct, and the provision on promptness (no. 6) of the Code of Judicial Ethics. Accordingly, he was **SUSPENDED** from office without salary and benefits for three months effective immediately upon notice hereof and ordered to pay a fine of P20,000.00. He was warned that a repetition of the same or similar offense shall be dealt with more severely. He was also directed to promptly dispose of the said case. **(A.M. No. MTJ-07-1672, July 9, 2007)**

### **Clerks of Court: Simple Neglect of Duty**

Branch clerks of court are administrative assistants of presiding judges. Their duty is to assist in the management of the calendar of the court and all other matters not involving the exercise of discretion or judgment of judges. Clerks of Court must diligently supervise and manage court dockets and records.

Herein Clerk of Court was found **GUILTY** of simple neglect of duty and was hereby **SUSPENDED** from office without salary and benefits for three months. He was warned that a repetition of the same or similar offense shall be dealt with more severely. **(A.M. No. MTJ-07-1672, July 9, 2007)**

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