



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 09-07

July 2009

Judges: Gross misconduct

Judges are required to be temperate in their language at all times. They must refrain from inflammatory or vile language. They should be dignified in demeanor and refined in speech, exhibit that temperament of utmost sobriety and self-restraint, and be considerate, courteous, and civil to all persons.

In *Juan Dela Cruz v. Carretas*, A.M. No. RTJ-07-2043, September 5, 2007, 532 SCRA 218, 227-227, the Supreme Court held that a judge should possess the virtue of gravitas. He should be dignified in demeanor, refined in speech and virtuous in character. He must exhibit that hallmark judicial temperament of utmost sobriety and self-restraint. A judge must at all times be temperate in his language. He must choose his words, written or spoken, with utmost care and sufficient control; and a judge should always keep his passion guarded. He can never allow it to run loose and overcome his reason. He descends to the level of a sharp-tongued, ill-mannered petty tyrant when he utters harsh words or snide remarks. And in Anonymous Complaint against *Judge Francisco C. Gedorio*, A.M. No RTJ-05-1955, May 25, 2007, the Supreme Court also held that a judge ought to conduct himself in a manner befitting a gentlemen and a high officer of the court.

Respondent judge's acts of (1) threatening complainant in her "fair share of trouble in due time;" (2) filing administrative complaints and a criminal case to harass her; (3) describing her as a "GRO", "undignified", a "whore", "disgusting", and "inappropriate"; and (4) publishing such foul remarks in the newspapers are very unbecoming of a judge. The image of the judiciary is reflected in the conduct of its officials and respondent judge subjected the judiciary to embarrassment.

For gross misconduct, respondent judge was fined P40,000 and sternly warned that a repetition of the same or similar acts shall be dealt with more severely. (A.M. No. MTJ-06-1659, June 18, 2009)

Judges: Gross inefficiency

Judges have the sworn duty to administer justice and decide cases promptly and expeditiously because justice delayed is justice denied. No less than our Constitution requires that a trial court judge shall resolve or decide cases within (3) months after they have been submitted for decision. The Code of Judicial Conduct also mandates that judges shall dispose of the court's business promptly and decide cases within the required period.

Respondent judge failed to decide 12 civil cases within the 90-day reglementary period despite the fact that he was given ample time to comply with the directives of the Office of the Court Administrator. Worse, respondent neither offered any reason nor raised any defense for his non-compliance.

For gross inefficiency, respondent judge was fined P40,000 and sternly warned that a repetition of the same or similar offenses in the future will be dealt with more severely. (A.M. No. RTJ-06-1991, June 5, 2009)

Judges: Grave abuse of authority

In *Sison v. Caoibes, Jr.*, A.M. No. RTJ-03-1771, May 27, 2004, SCRA 258, the Supreme Court held that the power to declare a person in contempt of court, however plenary as it may seem, must be exercised judiciously and sparingly. A judge should never allow himself to be moved by prejudice, passion or pettiness in the performance of his duties. Also, in *Oclarit v. Paderanga*, 403 Phil 146 (2001), the Court held that the power to punish for contempt must be exercised on the preservative, not vindictive, and on the corrective, not retaliatory idea of punishment. Courts must exercise the power to punish for contempt for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons, but for the functions that they exercise.

The Court disagreed with respondent judge's contention that complainant's improper parking disrupted the speedy administration of justice. At most, said improper parking (complainant parked his vehicle on respondent's parking slot) would

cause respondent judge inconvenience or annoyance. Improper parking does not fall under any of the acts for which a person could be cited for contempt.

Such abusive behavior of respondent judge in citing complainant for contempt and sending him to jail for 5 days fails to show his integrity, which is essential not only to the proper discharge of the judicial office, but also to his personal demeanor.

For grave abuse of authority for citing complainant for contempt without legal basis, respondent judge was fined P40,000 to be deducted from his retirement benefits. (A.M. No. RTJ-06-1984, June 30, 2009)

Court Interpreter: Gross misconduct and dishonesty

Dishonesty and grave misconduct are classified as grave offenses punishable by dismissal for the first offense under the Revised Uniform Rules on Administrative Cases in the Civil Service.

Respondent as a public servant, nothing less than the highest sense of honesty and integrity is expected of her at all times. She should be the personification of the principle that public office is a public trust.

Respondent's act of soliciting money from complainant allegedly for the preparation of the necessary pleadings for complainant's case by a lawyer she hired is an act of dishonesty pure and simple. She committed the ultimate betrayal of the duty to uphold the dignity and authority of the judiciary by peddling influence to litigants.

For grave misconduct and dishonesty, respondent interpreter was fined P20,000 to be deducted from the money value of her accrued leave credits. Parenthetically, respondent interpreter was dismissed from the service in a previous administrative case filed against her. (A.M. No. P-08-2579, June 22, 2009)

Sheriff: Violation of rules of serious nature

Section 9, Rule 141 of the Rules of Court clearly requires that the sheriff executing writs shall provide an estimate of the expenses to be incurred, and such estimated amount must be approved by the court. Upon approval, the interested party shall then deposit the amount with the clerk of court and ex-officio sheriff. The expenses shall be disbursed to the assigned deputy sheriff to execute the writ, subject to liquidation upon the return of the writ. Any amount unspent shall be returned to the interested party.

Respondent sheriff failed to comply with the prescribed rule. His act of receiving an amount for expenses to be incurred in the execution of the writ, without having made an estimate and without securing prior approval of the court, is a violation of the prescribed rule. He should not have received from complainant any money without having submitted an estimate of his expenses for approval of the court. He did not even advise complainant that he was not authorized to receive any amount from her and that the money for expenses should be deposited with the clerk of court.

For violation of a rule of serious nature, respondent sheriff was suspended for six (6) months (A.M. No. P-07-2356, May 21, 2009)

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