



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judges: Simple misconduct**

Circular No. 7 effective September 23, 1974 and Circular No. 19-98 effective February 18, 1998 provide for a pairing system in the lower courts as follows:

#### CIRCULAR NO. 7

TO: ALL DISTRICT JUDGES OF THE COURTS OF  
FIRST INSTANCE

X X X X X

A pairing system shall be established whereby every branch shall be considered as paired with another branch. In the event of vacancy in any branch, or in the absence or disability of the judge thereof, all incidental or interlocutory matters pertaining to it may be acted upon by the judge of the other branch paired with it. xxx

#### CIRCULAR NO. 19-98

TO: ALL JUDGES OF THE REGIONAL TRIAL COURTS,  
METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN  
CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL  
COURTS

SUBJECT: EXPANDED AUTHORITY OF PAIRING COURTS

In the interest of efficient administration of justice, the authority of the pairing judge under Circular No. 7 dated September 23, 1974, [Pairing System for Multiple-Sala Stations] to act on incidental or interlocutory matters and those urgent matters requiring immediate action on cases pertaining to the paired court, shall hence forth be expanded to include all other matters. Thus, whenever a vacancy occurs by reason of resignation, dismissal, suspension, retirement, death, or prolonged absence of the presiding judge in a multi-sala station, the judge of the paired court shall take cognizance of all the cases thereat as acting judge therein until the appointment and assumption to duty of the regular judge or the designation of an acting presiding judge or the return of the regular incumbent judge, or until further orders from this Court.

Respondent judge, as the pairing judge of the RTC presided over by complainant judge assumed cognizance of Civil Case No. 68-40 upon the latter's leave of absence due to serious illness.

After a month of absence, complainant judge reported back for work. However, even though respondent judge knew that complainant had already re-assumed her duties, he still persisted in acting on the said case. He even submitted a written decision in violation of said Circulars No. 7 and 19-98. He had no authority to render a decision on said civil case as the regular judge already reported for duty.

For violation of Supreme Court Circulars, respondent judge was found guilty of simple misconduct and fined P10,000. **(A.M. No. RTJ-08-2145, June 18, 2010)**

**Judge: Undue delay in rendering decision**

In A.M. No. 00-1-48-RTC, October 12, 2000, the Court said:

On the whole, judges ought to be mindful of the crucial role they play in keeping the flames of justice alive and forever burning. Cognizant of this sacred task, judges are duty-bound to vigilantly and conscientiously man the wheels of justice as it grinds through eternity. In a sense, judges are revered as modern-day sentinels, who, like their erudite forerunners, must never slumber, so to speak, in the hour of service to their countrymen.

For as lady justice never sleeps, so must the gallant men tasked to guard her domain.

Respondent judge miserably failed to decide Civil Case No. 2049 even after the approval of his requests for extension of time to decide said case.

For undue delay in deciding a case, respondent judge was fined P25,000 and sternly warned. **(A.M. No. 09-2-74-RTC, June 29, 2010)**

**Judge: Grave misconduct**

In Planas v. Reyes, A.M. No. RTJ-04-1905, February 23, 2005, the Court laid down the policy that the acts of a judge in his official capacity are not subject to disciplinary action. He cannot be subjected to any liability – civil, criminal or administrative – for any of his official acts, no matter how erroneous as long as he acts in good faith. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.

The propriety of the issuance of the writ of amparo by respondent judge cannot be taken against him in an administrative case. The complainant should have appealed respondent's decision pursuant to Section 19 of the Rule on the Writ of Amparo.

The case against respondent judge was dismissed for lack of merit. **(A.M. No. RTJ-10-2236, July 5, 2010)**

**Judge: Grave abuse of authority**

In the case of Nazareno v. Barnes, 220 Phil. 1985, the Court expressed the view that:

A judge as a public servant, should not be so thin-skinned or sensitive as to feel hurt or offended if a citizen expresses an honest opinion about him which may not altogether be flattering to him. After all, what matters is that a judge performs his duties in accordance with the dictates of his conscience and the light that God has given him. A judge should never allow himself to be moved by the pride, prejudice, passion or pettiness in the performance of his duties. He should always bear in mind that the power of the court to punish for contempt should be exercised 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.

Respondent judge issued a direct contempt order without any legal basis, for which he was found guilty of grave abuse of authority. He was fined P25,000. **(A.M. No. RTJ-66-1992, July 6, 2010)**

**Cashier I: Simple misconduct**

In De Vera, Jr. v. Rimando, A.M. No. P-03-1672, June 8, 2007, the Court held that court employees are supposed to be well mannered, civil and considerate in their actuations, both in their relation with co-workers and the transacting public.

Boorishness, foul language, and any misbehavior in court premises diminish its sanctity and dignity.

The acts of respondent in taunting and uttering invectives at complainant and causing the latter physical harm by pulling her hair within the court premises and during office hours exhibit discourtesy and disrespect not only to her co-workers but also to the court.

For simple misconduct, respondent was fined P1,000 and sternly warned. **(A.M. No. P-09-2632, June 18, 2010)**

**Court Interpreter: Dishonesty and falsification of public document:**

A birth certificate, being a public document, serves as prima facie evidence of filiation, and the making of a false statement therein constitutes dishonesty and falsification of a public document.

Respondent's justification in falsifying her grandchild's birth certificate, i.e. so that she can support the child does not hold water. She can very well continue supporting the child as is the practice in Filipino families, without having to tamper with the child's birth certificate.

For dishonesty and falsification of a public document, respondent was suspended for six months and one day without pay. **(A.M. No. P-08-2549, June 18, 2010)**

**Stenographer: Immorality**

In *Concerned Employee v. Mayor*, A.M. No. P-02-1564, November 23, 2004, the Court held that the act of having sexual relations with a married man, or of married persons having sexual relations outside their marriage is considered disgraceful and immoral conduct. However, the malevolent intent that normally characterizes the act is not present when the employee is unaware that his/her sexual partner is actually married x x x.

Respondent stenographer was not aware that her sexual partner was a married man. Moreover, she cut their liaison immediately when she discovered the truth. Hence, the case against her was dismissed. **(A.M. No. P-08-2590, July 8, 2010)**

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The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3<sup>rd</sup> Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9621  
E-mail address: [research\\_philja@yahoo.com](mailto:research_philja@yahoo.com). For link to e-library: [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph).

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