



# Supreme Court of the Philippines Philippine Judicial Academy



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

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### **Judges: Gross ignorance of the law**

An unlawful detainer case is covered by the Revised Rules on Summary Procedure, which must be decided within 30 days.

Section 10 of said Rules provides:

*SECTION 10. Rendition of Judgment.* – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.

Respondent judge instead of following the Revised Rules on Summary Procedure referred Civil Case No. R-595, an unlawful detainer case to the barangay lupon, thus defeating the very essence of the creation of the said Rules.

For gross ignorance of the law, respondent judge was fined p21,000.00 and sternly warned. **(A.M. No. MTJ-11-1786, June 22, 2011)**

### **Judges: Gross inefficiency**

Rule 3.09 of the Code of Judicial Conduct provides that a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

In *Hilario vs. Concepcion*, 327 SCRA 96, the Court ruled that judges are not allowed to use their staff as shields to evade responsibility for mistakes and mishaps in the course of the performance of their duties.

Respondent judge blamed his staff for the delay in sending the records of the appealed case to the Court of Appeals.

For gross inefficiency, respondent judge was fined P15,000.00 to be deducted from his retirement benefits. **(A.M. No. RTJ-10-2216, June 23, 2011)**

### **Chief Judicial Staff Officer: Gross dishonesty**

The prohibition against government officials and employees, whether elected or appointed, from concurrently holding any other office or position in the government is contained in Section 7, Article IX-B of the 1987 Constitution which provides:

x x x x

Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries.

The prohibition on dual employment and double compensation in the government service is specified under Sections 1 and 2; Rule XVIII of the Omnibus Rules Implementing Book V of EO No. 292, which provides:

- Sec. 1. No appointive official shall hold any other office or employment in government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporation with original charters or their subsidiaries, unless otherwise allowed by law or by the primary functions of his position.
- Sec. 2. No elective or appointive public officer or employee shall receive additional, double, or indirect compensation, unless specifically authorized by law, xxxxx.

Moreover, Section 5, Canon III of the Code of Conduct for Court Personnel, specifically provides:

*Sec. 5. The full-time position in the Judiciary of every court personnel shall be the personnel's primary employment. For purposes of this Code, "primary employment" means the position that consumes the entire normal working hours of the court personnel and requires the personnel's exclusive attention in performing official duties.*

*Outside employment may be allowed by the head of office provided it complies with all of the following requirements:*

- (a) The outside employment is not with a person or entity that practices law before the courts or conducts business with the judiciary;*
- (b) The outside employment can be performed outside of normal working hours and is not incompatible with the performance of the court personnel's duties and responsibilities;*
- (c) The outside employment does not require the practice of law; Provided, however, that court personnel may render services as professor, lecturer, or resource person in law schools, review or continuing education centers or similar institutions;*
- (d) The outside employment does not require or induce the court personnel to disclose confidential information acquired while performing his duties. and;*
- (e) The outside employment shall not be with the legislative or executive branch of government, unless specifically authorized by the Supreme Court.*

*Where a conflict of interest exists, or reasonably appear to exist, or where the outside employment reflects adversely on the integrity of the Judiciary, the court personnel shall not accept the outside employment.*

Respondent failed to disclose the fact that despite accepting employment with and receiving salaries from the Supreme Court, he is still receiving his salaries and benefits from the Philippine National Police as an active member thereof. He knowingly and willfully transgressed the prohibition on dual employment and double compensation.

For gross dishonesty and conduct prejudicial to the best interest of the service, respondent was dismissed from the service and forfeiture of all benefits with prejudice to re-employment in the government including GOCC's. **(A.M. No. 2011-04-SC, July 5, 2011)**

#### **Clerk of Court: Abuse of Authority**

Articles 81 and 83 of the Muslim Code of the Philippines provide:

Article 81. *District Registrar.* – The Clerk of Court of the Shari'a District Court shall, in addition to his regular functions, acts as District Registrar of Muslim Marriages, Divorces, Revocations of Divorces, and Conversions within the territorial jurisdiction of said court. **The Clerk of Court of the Shari'a Circuit Court shall act as Circuit Registrar of Muslim Marriages, Divorces, Revocations of Divorces, and Conversions within his jurisdiction**

Article 83. *Duties of Circuit Registrar.* – Every Circuit Registrar shall:

- a) File every certificate of Marriage (which shall specify the nature and amount of the dower agreed upon), divorce or revocation of divorce and conversion and such other documents presented to him for registration;
- b) Compile said certificates monthly, prepare and send any information required of him by the District Registrar;
- c) Register conversions involving Islam;
- d) Issue certified transcripts or copies of any certificate or document registered upon payment of the required fees[.]

As clerk of court of the Shari'a Circuit Court in Marawi City, respondent acts as Circuit Registrar of Muslim marriages, divorces, revocations of divorces, and conversions within his jurisdiction, hence he cannot be faulted when he performed his ministerial duty, i.e., filing and registering the certificate of divorce involving complainant and his wife. The alleged erroneous entries on the certificate of divorce cannot be attributed to him considering that it is only his ministerial duty to receive, file and register the certificate of divorce presented to him for registration.

In view of all the foregoing, the case against respondent was dismissed for lack of merit. **(A.M. No. SCC-11-16-P, June 1, 2011)**

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