



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Grave abuse of authority and Gross ignorance of the law

Obstinate disregard of basic and established rule of law or procedure amounts to inexcusable abuse of authority and gross ignorance of the law.

Respondent judge committed inexcusable abuse of authority and gross ignorance of the law when he proceeded to cite complainant for indirect contempt notwithstanding the writ of injunction issued by the Court of Appeals. Worse, he also sentenced complainant to pay a fine of P30,000 and to suffer two days imprisonment in complete disregard of said writ of injunction. He refused to honor the injunctive order of a higher court.

For grave abuse of authority and gross ignorance of the law, respondent judge was dismissed from the service with forfeiture of all benefits and with prejudice to reemployment in the Government including GOCC's. **(A.M. No. RTJ-10-2216, June 26, 2012)**

Judges: Gross misconduct and gross ignorance of the law

The court defined misconduct as intentional wrongdoing or deliberate violation of a rule of law or standard of behavior in connection with one's performance of official functions and duties. For gross misconduct to exist, the judicial act complained of should be corrupt or inspired by the intention to violate the law or a persistent disregard of well-known rules. The misconduct must imply wrongful intentions and not a mere error of judgment.

Respondent judge conducted bail hearings without an application for bail filed and granted bail without affording the prosecution the opportunity to prove that the guilt of the accused is strong, in violation of Section 8 of Rule 114 of the Rules of Court.

The acts of respondent judge is not a mere deficiency in prudence, discretion and judgment but a patent disregard of well-known rules.

For gross misconduct and gross ignorance of the law, respondent judge was dismissed from the service with forfeiture of all benefits and with prejudice to reemployment in the Government including GOCC's. **(A.M. No. RTJ-10-2257, July 17, 2012)**

Judges: Violation of OCA Circular No. 49-2003

OCA Circular No. 49-2003 requires that all foreign travels of judges and court personnel, regardless of the number of days, must be with prior permission from the Court. A travel authority must be secured from the OCA. Judges must submit the following requirements:

[1] application or letter-request addressed to the Court Administrator stating the purpose of the travel abroad[:]

[2] application for leave covering the period of the travel abroad, favorably recommended by the Executive Judge [: and]

[3] certification from the Statistics Division, Court Management Office, OCA as to the condition of the docket [.]

The complete requirements should be submitted to and received by the OCA at least two weeks before the intended time of travel. No action shall be taken on requests for travel authority with incomplete requirements. Judges and personnel who shall leave the country without travel authority issued by [the OCA] shall be subject to disciplinary action.

For violation of OCA Circular No. 49-2003, respondent judge was admonished and warned. **(A.M. No. MTJ-10-1770, July 18, 2012)**

Clerk of Court: Discourtesy

Unless specifically provided by the rules, clerks of court have no authority to pass upon the substantive or formal correctness of pleadings and motions that parties file with the court. Compliance with the rules is the responsibility of the parties and their counsels. And whether these conform to the rules concerning substance and form is an issue that only the judge of the court has authority to determine.

Respondent clerk of court denied complainant the courtesy of letting the presiding judge decide on whether or not to receive complainant's motion despite the latter's explanation that copy of the same need not be served on the other party.

For discourtesy, respondent was suspended for 30 days and sternly warned. **(A.M. No. P-12-3061, June 27, 2012)**

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