



PHILJA E-Alerts

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Tel. No: 02 5529524 Fax No: 02 5529621

E-mail address

philja@sc.judiciary.gov.ph
research_philja@yahoo.com

Website address

<http://philja.judiciary.gov.ph>

PHILIPPINE JUDICIAL ACADEMY

Justice Adolfo S. Azcuna
Chancellor

Dean Sedfrey M. Candelaria
*Head, Research, Publications
and Linkages Office*

Atty. Orlando B. Cariño
Editor

Editorial, Research and Circulation
*Research, Publications
and Linkages Office*

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Judges: Misappropriation of court funds; Gross misconduct.

Judges must adhere to the highest tenets of judicial conduct. Because of the sensitivity of his position, a judge is required to exhibit, at all times, the highest degree of honesty and integrity and to observe exacting standards of morality, decency and competence. He should adhere to the highest standards of public accountability lest his action erode the public faith in the Judiciary.

Respondent fell short of this standard for borrowing money from the collections of the court. He knowingly and deliberately made the clerks of court violate the circulars on the proper administration of court funds. He miserably failed to become a role model of his staff and other court personnel in the observance of the standards of morality and decency, both in his official and personal.

The act of misappropriating court funds constitutes dishonesty and grave misconduct, punishable by dismissal from the service even on the first offense. For gross misconduct, respondent was dismissed from the service with forfeiture of all retirement benefits except accrued leaves, and with prejudice to re-employment in the government service, including GOCCs. **(A.M. No. RTJ-15-2426 [Formerly A.M. No. 05-03-83-MTC], June 16, 2015)**

Judges: Violation of the Rule on Venue; Gross ignorance of the law.

In petitions for declaration of nullity of void marriages, the applicable rule is Section 4 of A.M. No. 02-11-10-SC, as amended, which provides that “the petition shall be filed in the Family Court of the province or city where the petitioner or the respondent has been residing for at least six months prior to the date of the filing.”

The OCA Report is replete with findings showing that respondent deliberately disregarded the said rule. He continued to try and resolve cases despite glaring circumstances, which should have created doubt as to the veracity of the residential addresses declared in the petitions.

Competence and diligence are prerequisite to the due performance of judicial office and every judge is required to observe the law. There is gross ignorance of the law when an error committed by the judge was gross or patent, deliberate or malicious, or when a judge ignores, contradicts or fails to apply settled law and jurisprudence because of bad faith, fraud, dishonesty or corruption.

For gross ignorance of the law, respondent was dismissed from the service with forfeiture of all retirement benefits except accrued leave credits, and with prejudice to re-employment in the government service including GOCCs. **(A.M. No. RTJ-12-2325 [Formerly A.M. No. 12-7-132-RTC], April 14, 2015)**

Sheriffs: Simple neglect of duty.

Section 14, Rule 39 of the Rules of Court states that sheriffs must make a report to the court every 30 days until the judgment is satisfied in full.

Respondent sheriff violated said provision when he failed to submit the required report and state the reason why the judgment was not satisfied in full within 30 days after his receipt of the writ. In fact he made a partial report only after almost two years and only after complainant filed the present complaint.

For simple neglect of duty, respondent was fined in an amount equivalent to his salary for one month, with a stern warning that a repetition of the same or similar offense will be dealt with more severely. **(A.M. No. P-14-3182, July 1, 2015)**

Stenographers: Gross neglect of duty.

Administrative Circular No. 24-90 requires all stenographers "to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than 20 days from the time the notes were taken."

It had been sufficiently established that despite the clear provision of Administrative Circular No. 24-90, respondent failed to submit and account the TSNs assigned to her. Her failure to account for the TSNs amounts to Gross Neglect of Duty, an infraction which warrants the imposition of the penalty of dismissal from service.

The Court found respondent guilty of Gross Neglect of Duty. As she had optionally retired, she could no longer be dismissed from the service. Instead all her retirement benefits, except accrued leave credits, were forfeited and she was likewise declared disqualified for reemployment in any branch of the government including GOCCs. **(A.M. No. P-13-3156 [Formerly A.M. OVA IPI No. 08-3012-P], November 11, 2014)**