



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. Ma. Melissa R. Dimson-Bautista
Editor

Editorial, Research and Circulation
Research, Publications
and Linkages Office

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JUDGES

• **Impropriety; Conduct Unbecoming a Judge**

Sections 1, 2 and 8 of Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary imposes upon judges the duty to act with proper decorum and in a manner consistent with the dignity of their exalted position, whether in the performance of their functions or outside the realm of their judicial office.

In this particular instance, respondent judge fell short of the exacting standards of propriety and decorum expected of her as a magistrate. It is established in the records that respondent judge went to the office of complainant to offer her help to settle the dispute between her niece, A, and the complainants' family, involving the subject property that her niece bought in a public auction. It was not also contested that respondent judge brought the letter of A addressed to the spouses B and C and handed it over to complainant D. By so doing, respondent judge conveyed an impression to the public that she could use her position in the judiciary to advance her niece's interest. Although the title can be used for social and other identification purposes, it cannot be used with the intent to use the prestige of her judicial office to gainfully advance her personal, family or other interests.

It is immaterial whether respondent judge has a personal interest in the controversy involving the subject land or has benefited in the transaction. It is sufficient that she participated in this private controversy while still an incumbent member of the judiciary. While personally engaging in a business venture is not actionable as long as the judge makes proper disclosure of his interests, it is a different matter altogether when respondent judge acted as an emissary of her niece and even tried to act as an intermediary in extrajudicially settling the dispute. What is worse is that she went to the office of complainant D twice during office hours as shown in the office logbook. Also, it is incumbent upon her to detach herself from any circumstance or issue that might be brought before a court of justice. In fine, the totality of her actions and omission constitute improper conduct and conduct unbecoming a judge, considering the delicate position she holds in the judiciary which exacts a high standard of behavior.

The Court held respondent judge guilty of impropriety and conduct unbecoming a judge for which she was fined in the amount of ₱1,000 to be deducted from her retirement benefits and/or accrued leave credits. [*A.M. No. RTJ-18-2521 (Formerly OCA I.P.I. No. 17-4740-RTJ), April 25, 2018*]

• **Gross Inefficiency and Delay in the Administration of Justice**

However, we find merit in the complaint for gross inefficiency and delay in the administration of justice against respondent judge when she failed to promptly act on the motion filed by the complainants. On the other hand, as against respondent legal researcher, the charges must be dismissed. As correctly pointed out by the OCA, the responsibility of acting and resolving a pending matter or incident before a court rests primarily on the judge, and respondent legal researcher, who was merely an OIC/Legal Researcher, could not be held responsible for the

delay incurred by the respondent judge. Based on the facts on record, only respondent judge may be held liable for the delay in the disposition of cases.

Delay in the disposition of cases amounts to a denial of justice, which brings the court into disrepute, and ultimately erodes public faith and confidence in the Judiciary. Judges are therefore called upon to exercise the utmost diligence and dedication in the performance of their duties. More particularly, trial judges are expected to act with dispatch and dispose of the court's business promptly and to decide cases within the required periods. The main objective of every judge, particularly trial judges, should be to avoid delays, or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics.

The Constitution clearly provides that all lower courts should decide or resolve cases or matters within three months from the date of submission. Moreover, Section 5, Canon 6 of the New Code of Judicial Conduct provides:

SEC. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and **with reasonable promptness**.

x x x x

In this case, respondent judge failed to meet the expectation of promptness and efficiency that is required of a trial court judge. She failed to act on the Motion to Expunge [sic] the Pre-Trial Brief for almost two years, which is a clear delay in the administration of justice. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency which warrants the imposition of administrative sanctions.

Respondent judge failed to offer any satisfactory reason to explain the reason for this delay. The fact that the case was re-raffled to her sala or that the case was referred to mediation is hardly an excuse for her inaction for almost two years. In fact, the Mediator's Report was received on September 18, 2013 but respondent judge denied the motion of the complainants only on July 31, 2015. This is clearly an unreasonable delay for which respondent judge should be held administratively liable.

Respondent judge was found guilty of gross inefficiency and delay in the administration of justice for which she was fined in the amount of P20,000 which shall be deducted from whatever amounts may still be due her. **[A.M. No. RTJ-16-2460, June 27, 2018]**

CLERK OF COURT

- **Simple Neglect of Duty**

The Manual for Clerks of Court provides that the clerk of court is the administrative officer of the court who controls and supervises the safekeeping of court records, exhibits, and documents, among others. Rule 136, Section 7 of the Rules of Court further provides that the clerk of court shall safely keep all records, papers, files, exhibits, and public property committed in his charge. Section 1 of Canon IV of the Code of Conduct for Court Personnel stresses that court personnel shall at all times perform official duties properly and diligently. A simple act of neglect resulting to loss of funds, documents, properties or exhibits in *custodia legis* ruins the confidence lodged by litigants or the public in our judicial process.

In the present case, respondent while he was clerk of court, clearly received the firearm from PO2 A and marked it as an exhibit, based on the acknowledgment receipt respondent himself admittedly signed. He, however, failed to explain the whereabouts of the firearm after receiving it and consequently, lost it under his custody. As court custodian, it was his responsibility to ensure that exhibits are safely kept and the same are readily available upon the request of the parties or order of the court. Having a heavy workload and mentioning the

dilapidated state of storage facilities of the court are unavailing defenses. Being the chief administrative officer, he plays a key role in the complement of the court and cannot be permitted to slacken off in his job under one pretext or another. It is likewise his duty to inform the judge of the necessary repair of the dilapidated storage facilities of the court. His attempt to escape responsibility over the loss of the exhibit under his care and custody must therefore fail.

For failing to give due attention to the task expected of him resulting to the loss of a firearm committed in his charge, the Court found respondent guilty of simple neglect of duty. Simple neglect of duty is the failure to give attention to a task, or the disregard of a duty due to carelessness or indifference. It is classified under the Revised Rules on Administrative Cases in the Civil Service as a less grave offense and carries the corresponding penalty of suspension for one month and one day to six months for the first offense. Respondent had been previously reprimanded for violation of Circular No. 62-97 for exceeding the allowable teaching hours of 10 hours a week. Considering the prevailing jurisprudence and this is respondent's second offense, the Court found that the payment of an increased fine of P20,000 would be more reasonable than that recommended by the OCA. **[A.M. No. P-16-3617, June 6, 2018]**

CLERK

- **Grave Misconduct**

Section 2, Canon I of the Code of Conduct for Court Personnel, provides that "*court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions,*" while Section 2(e), Canon III states that "*court personnel shall not x x x solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties.*"

In the instant case, the fact that respondent clerk received money from bondsmen is beyond dispute as she categorically admitted the same in her Complaint-Affidavit and Comment *albeit* insisting that said receiving of money from bondsmen was a common practice in their office, and that it was not for herself but for the office's common fund.

x x x x

Indeed, it is irrelevant whether the money was not intended to be given to respondent clerk alone, the fact remains that she received money from bondsmen. The sole act of receiving money from litigants, whatever the reason may be, is antithesis to being a court employee. Respondent clerk's act of collecting or receiving money, no matter how nominal the amount involved, erodes the respect for law and the courts. Respondent clerk should, thus, be held accountable even for mere receiving money from bondsmen, more so, considering that she admitted that she is the one who had direct dealings with them by virtue of her position. It is also apparent that the purpose of giving money is to show gratitude for allowing the bondsmen to facilitate the posting of bail in Branch XX. Clearly, respondent clerk's condemnable act of receiving money from bondsmen was in relation to actions or proceedings with the Judiciary and the performance of her official duties which, thus, constitute grave misconduct.

The Court found respondent found guilty of grave misconduct and would have been ordered dismissed from service, had she not been earlier dropped from the rolls of court employees. Accordingly, her retirement and other benefits, except accrued leave credits, were ordered forfeited and she was declared perpetually disqualified from reemployment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution. **[A.M. No. P-16-3595, (Formerly OCA I.P.I. No. 15-4446-P), June 26, 2018]**