



# Supreme Court of the Philippines Philippine Judicial Academy



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

Issue 14-07 & 08  
July-August 2014

### **Judges: Grave abuse of authority bordering on gross ignorance of procedure**

Sections 4, 5 and 6 of Rule 15 of the Rules of court provides as follows:

#### Rule 15 Motions

Section 4. Hearing of motion – Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing unless the court for good cause sets the hearing on shorter notice. (4a)

Section 5. Notice of hearing – The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion. (5a)

Section 6. Proof of service necessary – No written motion set for hearing shall be acted upon by the court without proof of service thereof. (6a)

Respondent judge violated said rules when he took cognizance of the motion filed by the defendant in GR No. 179914 without complying with the three-day notice rule and the required proof of service as provided in the said Rule 15.

For grave abuse of authority bordering on gross ignorance of procedure, respondent judge was fined P20,000.00 to be deducted from his retirement benefits. **(A.M. No. RTJ-06-2000, June 16, 2014)**

### **Judge: Gross violation of the New Code of Judicial Conduct**

Canon 1 and 2 of the New Code of Judicial conduct provides:

#### Canon 1 INDEPENDENCE

Judicial Independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

Section 1. Judges shall exercise the judicial functions independently on the basis of their assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influence, inducement, pressure, threat or interference, direct or indirect, from any quarter or for any reason.

Section 6. Judges shall be independent in relation to society in general and in relation to the particular parties to a dispute which he or she has to adjudicate.

Section 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.

## Canon 2. INTEGRITY

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

Section 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in view of a reasonable observer.

Section 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

Section 3. Judges should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

Respondent judge violated said canons when he suggested to a litigant what to do to resolve his case for such would generate the suspicion that he is in collusion with one party.

A litigant in a case is entitled to no less than the cold neutrality of an impartial judge.

For violation of the New code of judicial Conduct, respondent judge was dismissed from the service with forfeiture of all retirement benefits and disqualified from reinstatement or appointment in any public office including GOCC's. **(A.M. No. RTJ-14-2388, June 10, 2014)**

**Philippine Judicial Academy**

**Chancellor**  
Adolfo S. Azcuna

**Founding Chancellor Emeritus**  
Ameurфина A. Melencio Herrera

**Head, Research, Publication and Linkages Office (RPLO)**  
Prof. Sedfrey M. Candelaria

**Editors**

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

**Staff**

Nennette G. Zaldivar

Rodrigo G. Javier

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: [elibrary.judiciary.gov.ph](http://elibrary.judiciary.gov.ph).

If you have any Fax No. or E-mail address, please let us know so we could send the "Alerts" direct to you.