



# Supreme Court of the Philippines Philippine Judicial Academy



## *PHILJA Fax/Electronic Alerts*

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### CODE OF CONDUCT FOR COURT PERSONNEL

**WHEREAS**, the dispensation of justice is the basic duty and responsibility of the judiciary as enshrined in the Constitution; it is a sacred task of divine origin.

**WHEREAS**, the Constitution declares that a public office is a public trust, and all public officers and employees must at all time be accountable to the people, serve them with utmost responsibility, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

**WHEREAS**, court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon court personnel as part of the Judiciary.

**WHEREAS**, in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.

**WHEREAS**, while there are statutory provisions and Civil Service rules governing the ethical conduct of government officials and employees, there is a need to adopt norms of conduct that are specific to personnel in the Judiciary because of the special nature of their duties and responsibilities

**WHEREAS**, at its third meeting in Colombo, Sri Lanka, in January of 2003, the Judicial Group on Strengthening Judicial Integrity, which had earlier approved the Bangalore Principles of Judicial Conduct, submitted for consideration of the participating Chief Justices, including the Chief Justice of the Philippines, a Code of Conduct for Judicial Employees.

**WHEREAS**, the Code of conduct for Judicial Employees was refined through various amendments, including those introduced by the Chief Justice of the Philippines, to serve as a model Code of Conduct for judicial employees or court personnel.

**WHEREAS**, the Constitution of the Philippines vests in the Supreme Court administrative supervision over all courts and their personnel; thus, it has disciplinary authority over them and the power to promulgate a code of conduct for them.

**NOW, THEREFORE**, the SUPREME COURT *En Banc* hereby **PROMULGATES** this:

### CODE OF CONDUCT FOR COURT PERSONNEL

#### SCOPE

SECTION 1. This Code of Conduct for Court Personnel shall apply to all personnel in the judiciary who are not justices or judges. Court personnel who are no longer employed in the Judiciary but who acquired, while still so employed, confidential information as defined in the second paragraph of Section 1 of Canon II on Confidentiality are subject to Section 4 thereof.

#### CANON I

##### FIDELITY TO DUTY

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions.

SECTION 3. Court personnel shall not discriminate by dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

SECTION 4. Court personnel shall not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity.

SECTION 5. Court personnel shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

## CANON II

### CONFIDENTIALITY

SECTION 1. Court personnel shall not disclose to any unauthorized person any confidential information acquired by them while employed in the judiciary, whether such information came from authorized or unauthorized sources.

Confidential information means information not yet made a matter of public record relating to pending cases, as well as information not yet made public concerning the work of any justice or judge relating to pending cases, including notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers.

The notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers that a justice or judge uses in preparing a decision, resolution or order shall remain confidential even after the decision, resolution or order is made public.

SECTION 2. Confidential information available to specific individuals by reason of statute, court rule or administrative policy shall be disclosed only by persons authorized to do so.

SECTION 3. Unless expressly authorized by the designated authority, court personnel shall not disclose confidential information given by litigants, witnesses or attorneys to justices, judges or any other person.

SECTION 4. Former court personnel shall not disclose confidential information acquired by them during their employment in the Judiciary when disclosed by current court personnel of the same information would constitute a breach of confidentiality. Any disclosure in violation of this provisions shall constitute indirect contempt of court.

## CANON III

### CONFLICT OF INTEREST

SECTION 1. Court personnel shall avoid conflicts of interest in performing official duties. Every court personnel is required to exercise utmost diligence in being aware of conflicts of interest, disclosing conflicts of interest to the designated authority, and terminating them as they arise.

- (a) A conflict of interest exist when:
  - (i) the court personnel's objective ability or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired; or
  - (ii) the court personnel, the personnel's immediate family, or the personnel's business or other financial interest would derive financial gain because of the personnel's official act.
- (b) No conflict of interest exists if any benefit accrues to the court personnel as a member of a profession, business, or group to the same extent as any other member of such profession, business, or group who does not hold a position in the Judiciary.
- (c) The term "immediate family" shall include the following whether related by blood, marriage or adoption: (a) spouse, (b) children, (c) brother, (d) sister, (e) parent, (f) grandparent, (g) grandchildren, (h) father-in-law, (i) mother-in-law, (j) sister-in-law, (k) brother-in-law, (l) son-in-law, (m) daughter-in-law, (n) stepfather, (o) stepmother, (p) stepson, (q) stepdaughter, (r) stepbrother, (s) stepsister, (f) half-brother, (u) half-sister.

SECTION 2. Court personnel shall not:

- (a) Enter into any contract with the Judiciary for services, lease or sale of property apart from the employment contract relating to the personnel's position; nor use that position to assist any member of the personnel's immediate family in securing a contract with the Judiciary in a manner not available to any other interested party.

- (b) Receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Judiciary.
- (c) Participate in any official action involving a party with whom either the court personnel or any member of the personnel's immediate family is negotiating for future employment.
- (d) Knowingly employ or recommend for employment any member of the court personnel's immediate family.
- (e) 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.

SECTION 3. Nothing in Section 2 above shall prohibit court personnel from (a) accepting a public award presented in recognition of public services; (b) receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business; (c) donating to the Judiciary for the benefit of a group of court personnel (e.g. all the personnel of an office or unit of the Judiciary): *Provided*, that the value and circumstances of the donation are such that it could not be reasonably inferred that the donation would influence the recipient in performing official duties in favor of the donor or some other party or that such influence was the purpose of the donor.

Finally, nothing in Section 2 above shall prohibit any person, group or entity from donating cash or property of significant or historical value for the benefit of the Judiciary: *Provided*, that, such donation is received on behalf of the Judiciary by the designated authority.

SECTION 4. To insure compliance with the provisions of this canon on Conflict of Interest, court personnel who have authority to enter into or approve contacts for the Judiciary shall file a financial disclosure statement with the designated authority at the beginning and upon termination of employment in such position, and annually while so employed. The disclosure shall follow the guidelines established by the designated authority, and shall include all sources of personal and business income, including investments in personal or real property, as well as all income received by their spouses or dependent children.

SECTION 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 official 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, may 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.

## CANON IV

### PERFORMANCE OF DUTIES

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

SECTION 2. Court personnel shall carry out their responsibilities as public servants in as courteous a manner as possible.

SECTION 3. Court personnel shall not alter, falsify, destroy or mutilate any record within their control.

This provision does not prohibit amendment, correction or expungement of records or documents pursuant to a court order.

SECTION 4. In performing official duties, court personnel shall not discriminate nor, manifest, by word or conduct, bias or prejudice based on race, religion, national or ethnic origin, gender or political affiliation.

SECTION 5. Court personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary.

SECTION 6. Court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority.

SECTION 7. Court personnel shall not be required to perform any work or duty outside the scope of their assigned job description.

**INCORPORATION OF OTHER RULES**

SECTION 1. All provisions of law, Civil Service rules, and issuances of the Supreme Court governing or regulating the conduct of public officers and employees applicable to the Judiciary are deemed incorporated into this Code.

**EFFECTIVITY**

SECTION 1. This Code shall take effect on the first day of June, 2004, and shall be published in a newspaper of general circulation not later than the fifteen day of May, 2004.

(Sgd.) **HILARIO G. DAVIDE, JR.**  
Chief Justice

(Sgd.) **REYNATO S. PUNO**  
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Associate Justice

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Associate Justice

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Associate Justice

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Associate Justice

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Associate Justice

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Associate Justice

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Associate Justice

(Sgd.) **DANTE O. TINGA**  
Associate Justice

**Chancellor, Philippine Judicial Academy**  
Ameurfina A. Melencio Herrera

**Head, Research and Linkages Office**  
Prof. Sedfrey M. Candelaria

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The *PHILJA Fax/Electronic Alerts* is issued monthly by the Research and Linkages Office 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)552-9526 E-mail address: research\_philja@yahoo.com

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