



# Supreme Court of the Philippines Philippine Judicial Academy



## *PHILJA Fax/Electronic Alerts*

Issue 06-06  
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### PHILJA Schedule of Seminars for July – August 2006 (as of July 4, 2006)

July 4-6	Regional Judicial Career Enhancement Program, Hyatt, Pasay
July 5 -7	Cebu Mediation Program, Cebu
July 7	2 <sup>nd</sup> Metrobank Foundation Professorial Chair lecture on Amending the Constitution lecture by Justice Vicente V. Mendoza, CA Auditorium, Manila
July 7, 8, 9	11 <sup>th</sup> Pre-Judicature Program, Training Rooms 1-3, SC Centennial Building
July 9-12	Multi-Sectoral Seminar-Workshop on Agrarian Justice for Region VII, Dumaguete City
July 12-14	Orientation Seminar-Workshop for Newly Appointed RTC Clerks of Court, PHILJA Development Center, Tagaytay City
July 14, 15, 16	11 <sup>th</sup> Pre-Judicature Program, Training Room s1-3, SC Centennial Building
July 17- 21	Ormoc Mediation Program, Ormoc City
July 20	Academic Forum on Liberty and Prosperity, San Beda College
July 21	Roundtable Discussion on Green Benches, Penthouse, SC New Building
July 21	Discussion Session for Sandiganbayan, Sandiganbayan Justices Lounge
July 21-23	11 <sup>th</sup> Pre-Judicature Program, Training Room s1-3, SC Centennial Building
July 24-27	Judges Training in San Fernando Adjacent areas, Benigno Hall, Pampanga (JURIS)
July 24-27	Seminar on Strengthening the Implementation of the Code of Muslim Personal Laws of the Philippines, Garden Orchid Hotel, Zamboanga City
July 26-28	Cluster 9, for Region 3, Regional Multi Sectoral Seminar-Workshop on Juvenile and Domestic Relations Justice (Advance Level), Clarkfield, Pampanga
July 27	Video Conferencing on the Juvenile Justice Act, Metro Manila, Cebu, Davao, Pampanga
July 28-30	11 <sup>th</sup> Pre-Judicature Program, Training Rooms 1-3, Centennial Building Taft cor. Faura, Manila
Aug. 3 -4	Continuing Legal Education for SC-CA Lawyers, (MCLE Compliance), Pearl Manila Hotel, Manila
Aug. 6-11	La Union Mediation Program, Sea and Sky Hotel, La Union
Aug 8-11	Seminar Workshop on Docket and Caseflow Management for ARMM, Marco Polo, Davao City
Aug. 9-11	Orientation Clerk of Court, (Batch 2), Cebu
Aug. 10 -11	Continuing Legal Education for SC-CA Lawyers, (MCLE Compliance), Pearl Manila Hotel, Manila
Aug. 15-16	Mentoring on Mediation with Skills Review in Orientation, Manila or Ortigas
Aug. 17 -18	Continuing Legal Education for SC-CA Lawyers, (MCLE Compliance), Pearl Manila Hotel, Manila
Aug. 23-24	Orientation of Lawyers on Court Annexed Mediation (Cagayan De Oro and Misamis Oriental)
Aug. 23	National Judicial Forum on Liberty and Prosperity
Aug. 24-25	Continuing Legal Education for SC-CA Lawyers, (MCLE Compliance), Pearl Manila Hotel, Manila
Aug. 29-30	Orientation of Lawyers on Court Annexed Mediation (San Fernando, La Union)
Aug. 31- Sept. 1	Orientation of Lawyers on Court Annexed Mediation (Baguio ), Baguio City

#### **Judges; Grant of special favors; deciding cases in exchange for “monetary considerations; relief/s for the aggrieved party**

The allegation that respondent judge granted “special favor” to the plaintiffs is unsubstantiated. An unfavorable decision does not necessarily bespeak of partiality. Suffice it to say, complainant failed to adduce proof to override the presumption of regularity in the performance of the adjudicative functions of the respondent judge. xxx

Complainant also insinuates that respondent judge decided the case in exchange for "monetary consideration". This is just a suspicion on her part which alone cannot be given credence. The allegation imputes the commission of a crime. If she has any evidence to establish her charge she should by all means file the appropriate complaint with the Office of the City Prosecutor. As recommended in the said report, the Court **RESOLVED** to **DISMISS** the instant administrative complaint against respondent judge for lack of merit. (**Adm. Matter OCA IPI No. 05-1738-MTJ, March 22, 2006**).

**Judges; Violation of Supreme Court administrative orders/circulars; penalties therefore**

Failure to recognize and follow the Court's circular is not just grave abuse of authority amounting to grave misconduct, or conduct prejudicial to the best interest of the service. Such failure is disrespect for, and a willful violation of, a lawful circular of the highest court of the land to which respondent judge owes obedience. Judges should respect orders and decision of the Supreme Court. Willful non-compliance with court orders and circulars constitutes serious misconduct. The Court found respondent judge **GUILTY** of violation of Supreme Court rules, directives and circulars classified as a less serious charge and **FINED** him Php 15,000 with a warning that the same or similar infraction in the future will merit a more severe penalty. (**A.M. No. MTJ-04-1542, March 30, 2006**).

**Judges; duty to decide cases with dispatch; error in judgment and consequent relief of aggrieved party; mandatory wearing of robes**

Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary. It also deprives the parties of their right to the speedy disposition of cases. Judges' failure to decide cases within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction.

In this case, complainant's allegation of ignorance of the law actually pertains to respondent judge's exercise of his adjudicative functions. Complainant assails as erroneous respondent judge's order granting the motion for reduction of bail and his decision based on his appreciation of the evidence. xxx However, complainant failed to show that respondent judge's error, if any, was gross, deliberate, malicious or attended by bad faith. Such error cannot be corrected by administrative proceeding, but should instead be assailed through judicial remedies such as a motion for reconsideration, an appeal, or a petition for certiorari. An administrative complaint is not the proper remedy because administrative remedies are "neither alternative nor cumulative to judicial review where such review is available, and must await the results thereof. If complainant felt prejudiced by respondent judge's decision or order, his remedy lies with the court for the proper judicial action, not with the OCA by means of an administrative complaint.

Respondent judge admitted that he does not wear the black robe, but he seeks to excuse his non-compliance because of his illness. The Court cannot accept his plea. In *Chan v. Majaducon* where respondent judge tried to excuse his non-compliance because of his hypertension, we held that:

The wearing of robes by judges during official proceedings which harks back to the 14<sup>th</sup> century is not idle ceremony. Such practice serves the dual purpose of "heightening public consciousness on the solemnity of judicial proceedings" as circular No. 25 states, and of impressing upon the judges, the exacting obligations of his office. xxx

The Court found respondent judge **GUILTY** of (1) undue delay in rendering decisions, and (2) violating Administrative Circular No. 25, for offenses the Court **FINED** him Php 15,000 and also **DIRECTED** him to wear the black robe during court sessions, or otherwise, to file a formal request for exemption from the coverage of Administrative circular No. 25. (**A.M. No. RTJ-02-1719, March 31, 2006**).

**Appellate judges; quantum of proof required in administrative cases filed**

The complaint should be dismissed as recommended. The Court has repeatedly held that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. In the absence of contrary evidence, what will prevail is the presumption that the respondent has regularly performed his or her official duties. In administrative proceedings, complainants has the burden of proving by substantial evidence the allegations in their complaints. Failing this, court cannot give credence to the allegations in the complaint. In the case at bar, record is bereft of any showing of wrongful, improper or unlawful conduct on the part of respondent justices. The complaint against respondent Associate Justices was **DISMISSED** for lack of merit. (**A.M. OCA IPI No. 05-2177-P, April 5, 2006; A.M. OCA IPI No. 06-98-CA-J, April 18, 2006**).

**Judges; clerks of court; court employees- Irregularities in the service of court processes**

However, we cannot turn a blind eye to the irregularity in the service of court processes. We call the attention of respondents judge and clerk of court and all the other judges and employees of the courts to the pertinent Rules on proper service and to Administrative Circular No. 12 dated 1 October, 1985 of this Court. The filing of this case would have been prevented if the prescribed modes of service had been followed. The Court **DISMISSED** the complaint against respondent judge and his clerk of court. They were **ENJOINED** to cease the practice of serving court processes and notices via letter request to the PNP Station Commanders and **ORDERED** to adhere to the modes of service prescribed in the Rules of Court and Administrative Circular No. 12. (**A.M. OCA IPI No. 05-1673-MTJ, April 5, 2006**).

**Judges; gross ignorance of the law**

The Court Administrator reported that “respondent judge’s grant of the motion for extension to file position paper/evidence on a misplaced concern for ‘in the interest of justice’ constituted a delay in the resolution of the forcible entry case” and that the “delay tended to defeat the very purpose of the Revised Rule on summary procedure, which is precisely enacted to achieve an expeditious and inexpensive determination of the cases”. Respondent judge was **ADMONISHED** with **WARNING** that a repetition of the same or similar offense shall be dealt with more severely (**A.M. OCA IPI No. 05-1723-MTJ, March 29, 2006**).

**Judges; Relief/s of aggrieved party when decision rendered is adverse; administrative charges against judges:: when given due course**

Citing *Flores v. Abesamis*, the OCA held that since the two acts complained of are judicial in nature, they are insufficient to sustain the instant administrative charges. Settled is the rule that an administrative remedy is not the appropriate remedy for every irregular or erroneous order or decision issued by a judge where a judicial remedy is available. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened or closed.

With respect to the erroneous order authorizing the execution pending appeal, the OCA has not found convincing and competent proof that in issuing such order, respondent judge was motivated by bad faith and other ill motives. For administrative liability to attach, it must be established that respondent was moved by bad faith, dishonesty, hatred or some other motive. In the absence of proof to the contrary, a defective or erroneous decision or order is presumed to have been issued in good faith. The administrative complaint against respondent judge was **DISMISSED** for lack of merit. (**OCA-IPI No. 05-2259-RTJ, March 29, 2006**).

If a party is prejudiced by the orders of a judge, his remedy lies with the proper court for the proper judicial action and not with the Office of the Court Administrator by means of an administrative complaint. Complainant should not have filed a petition for review on certiorari before the Court. Furthermore, a judge’s failure to correctly interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable. The acts of a judge in his judicial capacity are not subject to disciplinary action. The administrative complaint against the CA Associate Justices was **DISMISSED** and complainant was **DIRECTED** to **SHOW CAUSE** why he should not be cited in contempt of court for filing such a frivolous and unmeritorious complaint. (**A.M. OCA IPI No. 06-100-CA-J, May 3, 2006**).

**Judges; administrative cases against; effects of desistance of complainant**

Time and again we have held that desistance by a complainant in an administrative case against a member of the judiciary does not divest this Court of its jurisdiction to investigate the matters alleged in complaint or otherwise to wield its disciplinary authority because the Court has an interest in the conduct and behaviour of its officials and employees and in ensuring the prompt delivery of justice to the people. Thus, we proceed to resolve this complaint.

Records reveal that the RTC’s Order granting attorney’s fees to complainant has long become final and executory and complainant had consequently filed a motion for execution of the same. As such, execution should issue as a matter of right to the complainant. It is the ministerial and mandatory duty of the trial court to enforce its own judgment once it becomes final and executory. However, this rule is not without exceptions as in cases of special and exceptional nature where it becomes imperative in the interest of justice to direct the suspension of its execution or when certain facts and circumstances transpired after the judgment became final, which could render its execution unjust, impossible or inequitable.

In the instant case, the delay in execution of the judgment by respondent judge was caused by the incompleteness of the case records and the necessity to determine the amount of attorney’s fees due the complainant. It would have been unjust for respondent judge to order the issuance of the writ of execution without verifying the necessary information considering that there were cash advances previously issued in favor of the complainant. Moreover, the complainant failed to substantiate his imputations of malice and bad faith on the part of the respondent judge. The administrative complaint was **DISMISSED** for lack of merit. (**A.M. OCA IPI No.05-2344-RTJ, March 29, 2006**).

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