



Supreme Court of the Philippines
Philippine Judicial Academy



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Judges: Gross inefficiency and Gross Neglect of Duty:

Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary mandates judges to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

Delay in resolving motions and incidents before a judge within the reglementary period of 90 days fixed by the Constitution and the law, is not excusable and constitutes gross inefficiency.

Further, Section 21, Revised Rule on Summary Procedure, provides:

Sec. 21. Appeal. – x x x The decision of the Regional Trial court in civil cases governed by this Rule, including forcible entry and unlawful detainer, shall be immediately executory, without prejudice to a further appeal that may be taken therefrom. x x x

It is clear from the aforecited provision that the decision of the RTC in the appealed decision, in this case, is immediately executory. Therefore, respondent's lackadaisical attitude in sitting on the case for more than five months only to thereafter inhibit himself therefrom, to the detriment and prejudice of the complainant, clearly shows his utter disregard of settled rules and jurisprudence. It must be stressed that the Rule was enacted to achieve an expeditious and inexpensive determination of cases falling within its coverage. It is therefore not encouraging when it is the judge himself who occasions the delay sought to be prevented by the Rule.

It bears stressing that the public's faith and confidence in the judicial system depends, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the courts. Failure to decide a case or resolve a motion within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate. The delay in resolving motions and incidents pending before a judge within the reglementary period of 90 days fixed by the Constitution and the law is not excusable. It constitutes gross inefficiency warranting administrative sanction from this Court.

Considering that this is the **third time** that respondent is found **guilty of gross inefficiency**, the maximum penalty of three months suspension without salary and other benefits is in order.

The Court found herein respondent guilty of gross inefficiency and was **SUSPENDED** from office for three months without salary and other benefits, effective upon receipt of herein Resolution, with a **STERN WARNING** that a repetition of the same or similar act in the future shall be dealt with more severely. **(A.M. No. MTJ-06-1642, June 15, 2007)**

Judges: Grave misconduct, Conduct Unbecoming a Judge, Delay in the disposition of a Case

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties. Section 15 (1), Article VIII of the Constitution, mandates

that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to “dispose of the court’s business promptly and decide cases within the required periods.’ Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and make the administration of justice more efficient. Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. Finally, Canon 6 and 7 of the Canons of Judicial Ethics exhorts judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts to wit:

6. PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

7. PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigant, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.

Also relevant is Administrative Circular No. 1 dated 28 January 1988, which requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15, of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

Herein respondent was found guilty of undue delay in the disposition of a civil case and was ordered to pay a **FINE** of TWENTY THOUSAND (P20,000.00) PESOS. He was warned that a repetition of the same or similar act shall be dealt with more severely. Let a copy of this decision be attached to his personal records. The Court Administrator was directed to furnish all concerned copies of this Resolution. **(A.M. No. MTJ-07-1662, June 8, 2007)**

Judges: Gross ignorance of the law, incompetence and Violation of the Code of Judicial Conduct

Clearly, the Order for the cancellation of embargo is not merely interlocutory but is in the nature of a final judgment or decision. As such, it does not comply with the requirement under the Constitution to state the facts and the law upon which it is based. It also confirms that respondent judge did not require evidence to show that prescription had set in.

Respondent judge’s lack of familiarity with the rules undermines public confidence in the competence of the court. His failure to follow basic legal commands embodied in the law and the rules constitutes gross ignorance of the law for which he should be subjected to disciplinary action.

Although a judge may not always be subjected to disciplinary action for every erroneous order or decisions he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives.

Respondent judge was **FOUND GUILTY** of gross ignorance of the law and was **FINED** in the amount of Ten Thousand Pesos (P10,000.00) with a stern **WARNING** that a repetition of the same will be dealt with more severely. **(A.M. no. RTJ-04-1822, June 25, 2007)**

Judges: Gross Violation of S.C. Rule and Directive with Stern Warning

Rule 3.05, Canon 3, Code of Judicial conduct, provides that a judge shall dispose of the court’s business promptly and decide cases within the required periods.

Time and again, this Court has emphasized that any delay in the rendition of judgments diminishes our people’s faith in the judiciary. If, for some valid reason, a judge cannot comply

with the required deadline, he should seek an extension to avoid administrative sanctions. In this case, respondent admitted his failure to submit a partial report on the status of the case. Moreover, he failed to ask for any extension within which to submit his investigation, report and recommendation. Records show that the administrative case was forwarded to respondent with specific instruction to submit his investigation, report, and recommendation within 60 days from receipt of the same. However, respondent submitted his investigation, report and recommendation almost three years after the same had been assigned to him and after the OCA required him to submit a status report.

Judges are charged with exercising extra care in ensuring that the records of the cases and the official documents in their custody are intact. They must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business. There is no justification for missing records, save fortuitous events. The loss of records in his office indicates gross negligence on his part.

As administrative officers of the courts, judges should organize and supervise court personnel to ensure the prompt and efficient dispatch of business, as well as the observance of high standards of public service and fidelity at all times. Respondent should have adopted a system of records management, so that files are kept intact despite the cramped situation, and failure to do so makes him administratively liable for infidelity in the custody of official documents. There are cases on record where court personnel like the clerk of court have been called to task and penalized for their failure to safely keep court records. Judges should be no exception. The Court found respondent **GUILTY** of gross negligence and violation of Supreme court Rule and directive, for which he was **FINED** in the amount of P10,000.00 with stern warning that a repetition of the same or similar offense in the future shall be dealt with more severely. **(A.M. No. RTJ-06-2022, June 27, 2007)**

Judges: Grave Abuse of Authority, Gross Misconduct, and Gross Ignorance of the Law

Rule 71 of the Revised Rules on Civil Procedure explicitly sets out the requirements for instituting a complaint for indirect contempt. Section 4 thereof states:

SEC. 4. *How proceedings commenced.* – Proceeding for indirect contempt may be initiated *motu proprio* by the court against which the contempt was committed by an order or any formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges arose out of a or are related to a principal action pending in court, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision

Respondent Judge was found **GUILTY** of gross ignorance of the law and imposed on him a **FINE** of P10,000.00. **A.M. No. RTJ-07-2050, June 27, 2007**

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