



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 11-06
June 2011

Judges: Dishonesty

Truthful completion of the Personal Data Sheet (PDS) is a requirement for employment in the Judiciary.

Respondent judge's failure to disclose in her PDS filed upon her assumption of office that she was penalized in a case when she was a city prosecutor constitutes dishonesty, considered a grave offense under the Administrative Code of 1987, as well as the Uniform Rules on Administrative Cases in the Civil Service with corresponding penalty of dismissal from the service even for the first offense.

The Supreme Court, however, following jurisprudential precedents refrained from dismissing respondent due to the presence of mitigating factors such as respondents' length of service, her acknowledgement of her infraction and feeling of remorse, family circumstances, humanitarian and equitable consideration and respondent's strong credentials for her appointment as judge.

Respondent judge was suspended for six months and sternly warned. **(A.M. No. RTJ-07-2087, June 7, 2011)**

Clerk of Court: Gross misconduct and dishonesty

Clerks of Court are presumed to know their duty to immediately deposit with the authorized government depositories the various funds they receive, for they are not supposed to keep funds in their personal possession. Undue delay in the remittance of the amounts they collect constitutes misfeasance.

Respondent clerk of court's failure to properly remit the cash collections violated the trust reposed in her as disbursement officer of the Judiciary. Worse, she even misappropriated the collections for the judiciary funds, tampered the cash book, and the official receipts which are accountable forms.

For gross misconduct and dishonesty, respondent clerk of court was dismissed from the service with forfeiture of retirement benefits and disqualification for reemployment in the government service. **(A.M. No. P-04-1813, May 31, 2011)**

Branch Clerk of Court: Simple neglect of duty

The Revised Manual for Clerks of Court provides:

1.2 Attendance Records (Memo, Circular No. 4, June 15, 1973)

1.2.1 Registry Book – Each Court shall provide itself with a registry book with which to indicate the time in coming to and leaving the office of its personnel.

1.2.2 Daily Time Record (CS Form 48) – In addition, each personnel must be required to accomplish CS Form 48. The time appearing in Form 48 should tally with the time recorded in the registry book.

Clerks of Court are not required to keep daily time records of their attendance. In lieu thereof, the said officials are required to submit a certificate of service within the period under pain of having their salaries withheld (Ruling of the Commissioner of Civil Service, 1st Endorsement, November 7, 1970, re: proper interpretations of civil Service Rule XV, Sec. 4)

The Clerks of Court are held responsible for the custody and reliability of the time recorded in the registry book. These daily time records (Form 48) must be duly certified by the judge or the Clerk of Court before they are sent to the proper authorities. (Underlining supplied)

Respondent was found guilty of simple neglect of duty for losing the attendance logbook in her custody for which she was fined P20,000.00 **(A.M. No. P-05-1970, May 30, 2011)**

Sheriff: Grave misconduct

Section 14, Rule 39 of the Rules of Court makes it mandatory for a sheriff to make a return of the writ of execution to the clerk of court or to the judge issuing it immediately upon satisfaction, in part or in full, of the judgment. If the judgment cannot be satisfied in full, the sheriff shall make a report to the court within 30 days after his receipt of the writ and state why full satisfaction could not be made. The sheriff shall continue to make a report to the court every 30 days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires.

Respondent sheriff received the writ for execution on March 31, 2000 but he submitted a sheriff's partial return only on July 17, 2000 in violation of the said Rule 39 of the Rules of Court. Worse, he failed to turn over all the amounts he received by reason of implementing the writ within the same day to the clerk of court that issued it in violation of Section 9, par. 2, Rule 39 of the Rules of Civil Procedure.

For grave misconduct, respondent sheriff was suspended for six months and sternly warned. **(A.M. No. P-09-2715, June 13, 2011)**

Watchman: Grave misconduct

Security guards, by the very nature of their work, are mandated to secure the court premises and protect its property from pilferage. Their duty should never be compromised to advance their own interests.

Respondent violated his duty by taking the GI sheets which are properties of the court with the intention to use it in repairing his house. He unlawfully used his position to procure benefit for himself.

For grave misconduct, respondent was dismissed from the service. **(A.M. No. 2008-15-SC, May 31, 2011)**

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