



# Supreme Court of the Philippines Philippine Judicial Academy



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

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### **Judges: Undue delay in rendering decision**

An action for unlawful detainer is covered by the Rule on Summary Procedure, hence, a judge trying an unlawful detainer case has 30 days after receipt of the last affidavits and position papers, or after the expiration of the period for filing the same, to render judgment on the case.

Respondent judge decided Civil Case No. 05-35013, an unlawful detainer case after a protracted delay of three (3) years in violation of the Rule on Summary Procedure.

For undue delay in rendering a decision, respondent was fined P1,000.00 and sternly warned. **(A.M. No. MTJ-12-1811, June 13, 2012)**

### **Judges: Gross ignorance of the law**

*A.M. No. 03-1-09-SC, 16 August 2004*, Rule on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition – Discovery Measures, provides that within five (5) days before date of filing of reply, the plaintiff must promptly move ex-parte that the case be set for pre-trial conference. If the plaintiff fails to file said motion within the given period, the branch clerk of court shall issue a notice of pre-trial.

Respondent judge's inaction on the petition for contempt betrayed her lack of familiarity with basic procedural rules. She should have known that while petitioners have the responsibility to move ex-parte to have the case scheduled for preliminary conference, the court through the branch clerk of court has the duty to schedule the case for pre-trial in the event that the petitioners fail to file the motion.

Respondent cannot pass the blame for the lack of movement in the case to her branch clerk of court.

For gross ignorance of the law, respondent was fined P10,000.00 and sternly warned. **(A.M. No. RTJ-11-2258, June 20, 2012)**

### **Legal Researcher: Dishonesty**

A legal researcher's duty focuses mainly on verifying legal authorities, drafting memoranda on evidence, outlining facts and issues in cases set for pre-trial, and keeping track of the status of the cases.

It is never his duty to amend court orders.

Respondent committed dishonesty when she inserted an additional sentence in the trial court's order. Her contention that she made the insertion to complete a rather incomplete order and to depict the real situation, e.i. that the case was already dismissed by agreement of the parties is not acceptable..

For dishonesty, respondent was suspended for six (6) months without pay and sternly warned. **(A.M. No. P-09-2646, June 18, 2012)**

### **Sheriff: Gross insubordination**

Gross insubordination is the indifference of a respondent to an administrative complaint and to resolutions requiring comment thereon. The offense is punishable because every employee in the judiciary should not only be an example of integrity, uprightness and honesty, but is also bound to manifest utmost respect and obedience to his superiors' orders and instructions.

Respondent's prolonged and repeated refusal to comply with the directives of the Court as well as those of the Office of the Court Administrator constitutes gross disobedience and gross insubordination, for which she was fined P10,000.00 and sternly warned. **(A.M. No. P-12-3064, June 18, 2012)**

### **Shuttle bus driver: Disgraceful and immoral conduct**

Shuttle bus drivers are casual employees of the judiciary and as such, like the rest of the personnel thereof, are expected to observe the norms and ethics of public officials and employees. They should be circumspect in how they conduct themselves inside and outside the office. They are supposed to be well-mannered, civil and considerate in their actuations.

Respondent shuttle bus driver was found by the investigating justice guilty of spreading malicious, degrading and other unprintable words against complainant in violation of the norms of ethics and conduct of public officials and employees.

For disgraceful and immoral conduct, respondent was suspended for one (1) month and sternly warned. **(A.M. No. SB-12-18-P, June 13, 2012)**

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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: [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph).

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