



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross Ignorance of the law

Section 11, Article VIII of the Constitution provides:

Sec. 11. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of the office. The Supreme Court *en banc* shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

Respondent judge decided 12 cases on July 25, 2006 which was the day his compulsory retirement took effect.

For gross ignorance of the law, respondent was fined P40,000.00 to be deducted from his retirement pay. **(A.M. No. MTJ-07-1683, September 11, 2013)**

Judges: Gross inefficiency

Section 5 of Canon 6 of the New Code of Judicial Conduct mandates judges to perform all judicial duties including the delivery of reserved decisions efficiently, fairly, and with reasonable promptness; while Rule 3.05 of Canon 3 exhorts judges to dispose of the courts business promptly and to decide cases within the required period.

Respondent judge's unreasonable delay in deciding cases and resolving incidents and motions before his compulsory retirement constitutes gross inefficiency

For gross inefficiency, respondent was fined P20,000.00 to be deducted from his retirement pay. **(A.M. No. MTJ-07-1683, September 11, 2013)**

Judges: Delay in resolving a case

Rules and jurisprudence are clear on the matter of delay. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction.

On the matter of the penalty to be imposed, the Court takes into consideration attending circumstances of the case such as

- (a) Period of delay
- (b) Damage suffered by the parties as a result of the delay
- (c) Number of years the judge has been in service
- (d) Health and age of the judge
- (e) Caseload of the court presided over by the judge; and
- (f) Number of infractions incurred by the judge

In the instant case, respondent was only admonished because this is her first infraction in her more than 23 years in the service; her frail health; caseload of her court; and her candid admission of her infraction. **(A.M. No. IPI No. 11-3589-RTJ, July 29, 2013)**

Clerk of Court (retired); Gross dishonesty and Grave misconduct

A Clerk of Court is primarily accountable for all funds collected for the court, whether personally received by him or by a duly appointed cashier who is under his supervision and control. As custodian of court funds, revenues, records, properties and premises, he is liable for any loss, shortages, destruction, or impairment of said funds and properties.

Respondent, despite a directive from the Court for him to reconstitute the shortages and account for the missing OR's discovered for the period over which he was accountable, did not bother to file a comment to dispute the same. An unnatural behavior for someone who is faultless. His failure to remit his collections upon demand by the Court constitutes prima facie evidence that he has put such missing funds to personal use.

For gross dishonesty and grave misconduct, respondent was fined P20,000.00 and all his retirement benefits are forfeited in favor of the government with prejudice to reemployment in the government including GOCC's. He was further ordered to Reconstitute the amount of P1,823,725.91 for his shortages. **(A.m. No. P-04-1903, September 10, 2013)**

Sheriff: simple neglect of duty

A sheriff's failure to make a return and to submit a return within the required period constitutes inefficiency and incompetence in the performance of official duties; it is conduct prejudicial to the best interest of the service.

Respondent failed to make periodic reports in the proceeding taken on the writ assigned to him for execution as mandated by Section 14, Rule 39 of the Rules of Court. He ought to know that submission of said report serves to update the court on the status of the execution and the reasons for the failure to satisfy its judgment.

For simple neglect of duty, respondent was fined P2,000.00. **(A.M. No. P-10-2789, July 31, 2013)**

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