



# Supreme Court of the Philippines Philippine Judicial Academy



## *PHILJA Fax/Electronic Alerts*

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### **Judges: Dishonesty**

Dishonesty is defined as the disposition to lie, cheat, deceive or defraud; untrustworthiness, lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. This is a grave offense that carries the extreme penalty of dismissal from the service, even for the first offense.

Respondent showed his capacity to lie and evade the truth. His dishonesty not only tended to mislead the Court but also tarnished the image of the Judiciary. He claimed that he never owned a dilapidated cargo pickup and could not recall if he had a Daewoo car in 1998. But his Statement of Assets and Liabilities on file prove otherwise. They show that among his personal properties were a Daewoo car acquired in 1996 and an L-200 double cab acquired in 1998.

Respondent was found guilty of dishonesty and ordered to pay a fine in the amount of P40,000.00 to be deducted from his accrued leave credits. Parenthetically respondent was dismissed from the service in a previous administrative case against him.

Respondent was likewise disbarred for violation of Canons I and II and Rules 1.01 and 10.01 of the Code of Professional Responsibility and his name ordered stricken from the Roll of Attorneys. **(A.M. No. RTJ-04-1884, February 22, 2008)**

### **Judges: Undue delay in the resolution of cases**

Any delay in the determination or resolution of a case, no matter how insignificant the case may seem to a judge, is, at bottom, delay in the administration of justice in general. The suffering endured by just one person-whether plaintiff, defendant or accused - while awaiting a judgment that may affect his life, honor, liberty or property, taints the entire judiciary's performance in its solemn task of administering justice. Inefficient, indolent or neglectful judges are as equally impermissible in the judiciary as the incompetent and dishonest ones. Any of them tarnishes the image of the judiciary or brings it to public contempt, dishonor or disrespect and must then be administratively dealt with or criminally prosecuted, if warranted, and punished accordingly.

The explanations proffered by respondent judge failed to absolve him from administrative liability. His collective acts of inefficiency are clearly shown in his inability to carry out his duties with efficacy and alacrity. The Court cannot brush aside and label his acts as mere oversights and dismiss the charges. Instead a proportionate penalty must be imposed on him for conduct violative of the Code of Judicial Conduct to which he is bound as a judge.

Respondent was found guilty of unjustified delay in rendering a decision in Civil Cases No. 1459 and No. 1460. He was fined P20,000.00, said amount to be deducted from his retirement benefits. **(A.M. No. MTJ-07-1664, February 18, 2008)**

### **Judges: Gross inefficiency**

The Court has repeatedly ruled that the 90-day period to decide cases is mandatory, and any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case. Not only does it magnify the cost of seeking justice, it likewise undermines the people's faith and confidence in the judiciary, lowering its standards and bringing it to disrepute. It is only in certain meritorious cases, i.e., those involving difficult questions of law or complex issues or the judge is burdened by heavy caseloads, that a longer period to decide may be allowed but only upon proper application made with the Supreme Court by the judge concerned.

In the case at bar, respondent judge failed to decide five (5) cases and to resolve a pending motion within the mandatory period, and offered no explanation for it. Worse, he submitted his compliance with the OCA directives only two (2) years after they were issued against him.

Retired respondent judge was found guilty of gross inefficiency and fined P20,000 said amount to be deducted from his retirement benefits. **(A.M. No. RTJ-05-1937, January 22, 2008)**

**Judges: Gross neglect of duty; undue delay in rendering pre-trial order**

Paragraph 8, Title I (A) of A.M. No. 03-1-09-SC entitled "Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures" states that the judge shall issue the required Pre-Trial Order within ten (10) days after the termination of the pre-trial.

Respondent judge violated the said guidelines by issuing the pre-trial order after a lapse of more than four (4) months after the termination of the pre-trial conference. He was suspended from office without salary and other benefits for a period of two (2) months. **(A.M. No. MTJ-08-1697, February 29, 2008)**

**Judges: Obstinate failure to file comment**

A resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court, nor should it be complied with partially, inadequately or selectively. It should be complied with promptly and completely. Such failure to comply betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive.

Respondent judge had been given more than ample time to abide with the orders of the Court, yet he persistently failed to do so. He neither offered any reason nor raised any defense for his failure to comply with the mandates of the Court. Such insolence should not go unpunished. He was suspended for two (2) months without pay for his obstinate failure to file comment on the complaint filed against him despite proper notice, with a warning that a repetition of the same or similar act will be dealt with more severely. **(A.M. No. MTJ-04-1519, March 4, 2008)**

**Judges: Complainant and his lawyer guilty of indirect contempt**

Unsubstantiated charges serve no purpose other than to harass judges and cast doubt on the integrity of the entire judiciary. The filing of clearly unfounded or malicious complaints seriously affects the efficiency of the members of the judiciary in administering fair, speedy and impartial justice.

The Supreme Court, mindful of the proliferation of unfounded or malicious administrative or criminal cases filed by losing litigants and disgruntled lawyers against members of the judiciary, issued A.M. No. 03-10-01-SC with the aim of preventing or at least discouraging the filing of such cases to protect the orderly administration of justice.

Complainant through his lawyer filed a case against the judge and his sheriff imputing to them corrupt and criminal acts on the mere basis of the judge's decision. The complaint stated that the judge "distorted the facts" in his "anomalous decision" and committed the crimes of knowingly rendering an unjust judgment, causing undue injury to complainant, violation of the Anti-Graft and Corrupt Practices Act, and estafa by means of other deceptions.

For filing an unfounded administrative complaint against the judge and his sheriff, complainant and his lawyer were found guilty of indirect contempt under Section 3, Rule 71 of the 1997 Rules of Civil Procedure. Complainant was reprimanded, while his lawyer was fined P5,000.00. Both were sternly warned that a repetition of a similar act may warrant a more severe action of the Court. **(A.M. No. MTJ-08-1698, March 3, 2008)**

**Clerk of Court: Dereliction of duty; gross neglect ; insubordination; violation of the Code of Professional Responsibility**

Supreme Court Circular No. 5-98 dated January 12, 1998 directs all judges and other court personnel to strictly comply with the provisions of P.D. No. 1079, "Revising And Consolidating All Laws and Decrees Regulating Publication of Judicial Notices, Advertisements For Public Biddings, Notices of Auction Sales and Other Similar Notices," in the publication of notices under Act No. 3135,

judicial notice in special proceedings, court orders and summonses and all similar announcements required by law to be published.

Executive judges are required under the P.D. to distribute those notices by raffle for publication to qualified newspapers or periodicals, such raffle to be conducted personally by the executive judge after designating a regular working day and a definite time each week for such purpose.

On the other hand, S.C. *En Banc* Resolution No. A.M. No. 01-01-07-SC dated October 16, 2001 provides for uniform and comprehensive guidelines in the accreditation of newspapers and other periodicals seeking to publish the notices mentioned in P.D. 1079 and Circular 5-98 dated January 12, 1998.

Respondent clerk of court failed to include more than twenty foreclosure cases in the raffle. As a lawyer and an employee of the court he should have known the requirements and importance of distributing notices for publication. He was expected to keep his own record of the applications for extra-judicial foreclosure and the minutes of the raffle thereof so he can effectively assist the executive judge in the performance of his functions.

Moreover, respondent ignored the Executive Judge's directive for him to comment on complainant's letter which act constitutes insubordination.

For dereliction of duty, gross neglect, insubordination and for violating the Code of Professional Responsibility, respondent was fined P20,000.00 with a warning that the commission of the same or similar acts in the future shall be dealt with more severely. **(A.M. No. P-08-2418, January 31, 2008)**

#### **Clerks of Court: Simple neglect of duty**

The clerk of court is the administrative officer of a court and has, inter alia, control and supervision over all court records. The Rules of Court charge him with the duty of faithfully keeping the records, papers, files and exhibits in cases pending before his court, as well as the public property committed to his charge, including the library of the court, the seals and furniture belonging to his office. As custodian of the records of the court, it is his duty to ensure that the records are complete and intact. He plays a key role in the complement of the court and cannot be permitted to slacken off in his job under one pretext or another.

Having a voluminous workload, and being forced to do legal research work are unavailing defenses. Neither can respondent pass the blame to his subordinates. Being the administrative officer and having control and supervision over court records he should have seen to it that his subordinates performed their functions well.

Respondent clerk of court was found guilty of simple neglect of duty for failure to attach to the records of the case the prosecution's formal offer of evidence. He was suspended from the service for two (2) months without pay and other benefits which may accrue him within the given period with a stern warning that a repetition of the same or similar offense will be dealt with more severely. **(A.M. No. P-07-2394, February 19, 2008)**

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