



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

Under Sections 14 and 27 of R.A. 6770, no court shall hear any appeal or application for a remedy against the decision or findings of the Ombudsman, except the Supreme Court, on a pure question of law. However, following the decision of the Supreme Court in *Fabian vs. Desierto*, GR No. 129742, September 16, 1998, 295 SCRA 470, the appeals from the decisions of the Ombudsman in administrative disciplinary cases should be taken to the Court of Appeals.

Respondent's act of taking cognizance of a case which was not within his court's jurisdiction failed to meet the high standards of judicial conduct. He should have known that only the Court of Appeals has jurisdiction over the case filed in his court. He should be well-informed of existing laws, recent amendments and current jurisprudence, in keeping with his sworn duty to keep abreast of legal developments.

For gross ignorance of the law, respondent judge was fined P30,000.00. (A.M. No. RTJ-08-2103, February 23, 2009)

Judges: Gross ignorance of the law

In *Bersamira vs. Garrucho, Jr.* GR No. 92008, July 30, 1990, 188 SCRA 154, the Supreme Court ruled that an officer to whom a discretion is entrusted cannot delegate it to another, the presumption being that he was chosen because he was deemed fit and competent to exercise that judgment and discretion, and unless the power to substitute another in his place has been given to him, he cannot delegate his duties to another.

Prior to the amendment of Rule 112 and 114 of the Rules of Court, first level judges were empowered to conduct preliminary investigation and a personal examination of the complainant and his witnesses to determine probable cause is required.

Respondent judge erred when he delegated the examination of the complainant and his witnesses to his stenographer.

For gross ignorance of the law and procedure, respondent judge was fined P20,000 and sternly warned that a commission of another infraction which is tantamount to the same charge shall be dealt with more severely. (A.M. No. MTJ-08-1715, March 19, 2009)

Judges: Gross misconduct

In *Vidallon-Magtolis vs. Salud*, A.M. No. CA-05-20-P, September 9, 2005, 469 SCRA 439-458, misconduct has been defined as a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty unlawful behavior, willful in character, improper or wrong behavior, while "gross" has been defined as out of all measure, beyond allowance, flagrant, shameful; such conduct as is not to be excused.

The act of the respondent judge in soliciting and receiving P100,000.00 from complainant to facilitate a favorable ruling in a certain case constitutes gross misconduct.

For gross misconduct respondent judge was suspended from office without salary for six months and sternly warned that the commission of the same or similar act in the future shall merit a more severe penalty. (A.M. No. RTJ-07-2093, February 13, 2009)

Judges: Undue delay in rendering a decision or order

SC Administrative Circular No. 13-87 commands judges to observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matter submitted in their courts, x x x x twelve months by all lower collegiate courts and three months for all other lower courts.

Moreover, SC Administrative Circular No. 1-88 dated January 26, 1988 provides that all judges, must endeavor to act promptly on all motions and interlocutory matters pending before their courts.

Respondent judge failed to observe the abovementioned administrative circulars. He did not act on the motion to withdraw information within three months from the time it was submitted for resolution.

For undue delay in resolving the motion, respondent judge was suspended from office without salary and benefits for one month and sternly warned that a repetition of the same act shall be dealt with more severely. **(A.M. No. MTJ-09-1733, February 26, 2009)**

Judges: Gross inefficiency

Rules prescribing the time within which certain acts must be done are designed to prevent delays in the orderly and speedy disposition of cases. Thus, the 90-day period within which to decide cases is mandatory.

The case records disclosed that the last pleading was filed on August 10, 2005, hence, the case was deemed submitted for decision on that date. Accordingly, the decision should have been rendered not later than November 8, 2005. However, respondent judge issued it only on December 12, 2005 or more than 4 months after the case had been submitted for decision.

Respondent judge clearly violated both the Constitution and the Code of Judicial Conduct when he failed to decide Criminal Case No. 2000-10-580 within the prescribed 90-day period.

For gross inefficiency, respondent judge was fined P10,000.00 and sternly warned that a repetition of the same or similar acts shall be dealt with more severely. **(A.M. No. RTJ-06-2077, March 3, 2009)**

Judges: Engaging in financial transaction with party litigant

Under Rule 5-04 of Canon 5 of the Code of Judicial conduct, a judge may obtain a loan if no law prohibits such loan. However, the law prohibits a judge from engaging in financial transactions with a party-litigant.

Respondent judge admitted borrowing money from complainant during the pendency of the latter's case. This act of respondent is inappropriate. The impression that respondent would rule in favor of complainant is what must be avoided.

The Supreme Court has time and again emphasized that no government position is more demanding of moral righteousness and uprightness than a seat in the judiciary. Judges as models of law and justice are mandated to avoid not only impropriety, but also the appearance of impropriety: because their conduct affects the people's faith and confidence in the entire judicial system.

Respondent judge was fined P20,000.00 for having engaged in financial transaction (borrowing money) with a party-litigant. **(A.M. No. MTJ-07-1689, March 13, 2009)**

Sheriff: Simple misconduct

A court employee, even in the face of boorish behavior from those he deals with ought to conduct himself in a manner befitting a gentleman and an officer of the court.

In Jacinto vs. Vallarta, A.M. No. MTJ-04-1541, March 10, 2005, 453 SCRA83, 94, the Court stressed that "patience is an essential part of dispensing justice, civility is never a sign of weakness, and courtesy is a mark of culture and good breeding. Impatience and rudeness has no place in the government service in which personnel are enjoined to act with self-restraint and civility at all times."

Respondent did not accord the complainant the respect due him. He could have easily avoided the heated discussion with the complainant had he simply referred him to the office of the Clerk of Court for the information he wanted to know.

For simple misconduct, respondent sheriff was suspended from the service for one month and one day without pay and other benefits and sternly warned that a repetition of the same or similar acts in the future will be dealt with more severely. (A.M. No. P-08-2521, February 13, 2009)

Sheriff: Violation of P.D. 26

In *Bernadez vs. Montejar*, 428 Phil. 605 (2002), the Court ruled that the franking privilege granted by PD 26 extended only to judges and referred to official communications and papers directly connected with the conduct of judicial proceedings.

Respondent violated P.D. 26 when he mailed his counter-affidavit using envelope intended for free postage. He should have known that his counter-affidavit was not a communication related to the conduct of judicial proceedings.

For violation of PD 26, respondent sheriff was fined P500.00 to be deducted from his retirement benefits. (A.M. No. P-04-1795, March 25, 2009)

Process Server: Violation of the Code of Conduct for Court Personnel

Section 1, of the Code of Conduct for Court Personnel provides that court personnel shall not use their official position to secure unwarranted benefits, privilege or exemption for themselves or for others and Section 2, provides that court personnel shall not solicit or accept any gift, favor, or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

Respondent process server violated the Code of Conduct for Court Personnel when he solicited money from complainant and his wife in exchange for complainants liberty. His claim that he did not benefit from the transaction did not exculpate him from administrative liability. At the very least, he should have known that, as a court employee, the mere act of asking for and receiving money from a party to a pending case to facilitate the issuance of a court process could be inappropriate.

For violation of the Code of Conduct for Court Personnel, respondent process server was suspended from the service for one year without pay. (A.M. No. MTJ-08-1699, March 17, 2009)

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