



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Undue delay in rendering decision

Delay in the disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standards, and brings it to disrepute. Judges should not abuse the grant of an extension to decide a case, and strive to decide the case within the extended period granted by the Supreme Court.

Respondent judge decided Civil Case No. 2063 four years after the first extension granted to him by the Court. More, he decided Civil Case No. 1759 two years after the Court denied his 7th request for extension.

For undue delay in rendering decisions, respondent was fined P20,000.00 and sternly warned. **(A.M. No. 05-8-463-RTC, February 17, 2010)**

Court Attorneys: Smoking in prohibited areas

Republic Act No. 9211 or the Tobacco Regulation Act of 2003 provides:

“Section 5, R.A. No. 9211. Smoking Ban in Public Places. – Smoking shall be absolutely prohibited in the following public places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for person under eighteen (18) years old;
- b. Elevators and stairwells;
- c. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d. Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and
- f. Food preparation areas.

Section 6, Designated Smoking and Non-smoking Areas. – In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area.

All designated smoking areas shall have at least one (1) legible and visible sign posted, namely “SMOKING AREA” for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-Smoking areas shall likewise have at least one (1) legible and visible sign, namely: “NON-SMOKING AREA” or “NO SMOKING.”

Also, Section 3 of Office Order No. 06-2009 provides that the Chief Administrative Officers shall designate the smoking areas in their compounds so that smokers within the courts know not only where they cannot smoke, but also where they can legitimately smoke.

On December 15, 2009, the Court *En Banc* promulgated a resolution directing the OAS to recommend smoking areas within the Court premises. The recommended smoking areas were approved.

Respondent lawyers were found smoking in a place supposedly a non-smoking area. However, there were no designated smoking areas when said lawyers were found smoking. Hence, in view of the failure of the Administrative Officer to designate smoking areas within the Court premises, said lawyers were only warned instead of penalized. He, who is without sin shall cast the first stone. **(A.M. No. 2009-23-SC, February 26, 2010)**

Sheriff: Conduct prejudicial to the best interest of the service

Section 9, rule 39 of the Rules of Court lays down the procedure to be followed by the sheriff in implementing money judgments.

SEC. 9, *Execution of judgments for money, how enforced.* –

- (a) *Immediate payment on demand.* - the officer shall enforce an execution of a judgment for money by demanding from the judgment obligor the immediate payment of the full amount stated in the writ of execution and all lawful fees. The judgment obligor shall pay in cash, certified bank check payable to the judgment obligee or any other form of payment acceptable to the latter, the amount of the judgment debt under proper receipt directly to the judgment obligee or his authorized representative if present at the time of payment. The lawful fees shall be handed under proper receipt to the executing sheriff who shall turn over the said amount within the same day to the clerk of court that issued the writ.

If the judgment obligee or his authorized representative is not present to receive payment, the judgment obligor shall deliver the aforesaid payment to the executing sheriff. The latter shall turn over all the amounts coming into his possession within the same day to the clerk of court of the court that issued the writ, or if the same is not practicable, deposit said amounts to a fiduciary account in the nearest government depository bank of the Regional Trial Court of the locality.

The clerk of said court shall thereafter arrange for the remittance of the deposit to the account of the Court that issued the writ whose clerk of court shall then deliver said payment to the judgment obligee in satisfaction of the judgment. The excess, if any, shall be delivered to the judgment obligor while the lawful fees shall be retained by the clerk of court for disposition as provided by law. In no case shall the executing sheriff demand that any payment by check be made payable to him.

Respondent sheriff violated the said Rule when he failed to turn over to the clerk of court the money he collected from the judgment obligor.

For conduct prejudicial to the best interest of the service, respondent sheriff was suspended from the service for one year without pay and sternly warned. **(A.M. No. P-10-2772, February 16, 2010)**

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Head, Research, Publication and Linkages Office (RPLO)

Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Staff

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3rd 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. For link to e-library: www.supremecourt.gov.ph.

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