



# Supreme Court of the Philippines Philippine Judicial Academy



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

Issue 12-03  
March 2012

### **Judges: Judicial clemency**

In *A.M. No. 07-7-17-SC (Re-Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Clemency)*, the Supreme Court laid the following guidelines in resolving requests for judicial clemency:

- “1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform.
3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.
5. There must be other relevant factors and circumstances that may justify clemency.”

Applying the foregoing standards to the request of petitioner judge, the Court found him qualified for judicial clemency. **(A.M. No. 12-2-6-SC, March 6, 2012)**

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

An injunction cannot be issued to transfer possession or control of a property to another when the legal title has not been clearly established.

Respondent judge disregarded said established doctrine when he granted the preliminary injunction to the petitioner whose legal title to the property is disputed. He should have been more cautious in issuing writs of preliminary injunction because these writs are strong arms of equity which must be issued with great deliberation.

For gross ignorance of the law, respondent judge was fined p30,000.00 and sternly warned. **(A.M. No. RTJ-11-2298, February 22, 2012)**

**Stenographers: Violation of rules re-foreign travel**

OCA Circular No. 49-2003 dated May 20, 2003 provides that court personnel who wish to travel abroad must secure a travel authority from the office of the Court Administrator.

Respondent stenographer traveled without securing a travel authority and did not state her foreign travel in her leave application which suggests deception on her part amounting to dishonesty.

For violating the rule on foreign travel, respondent stenographer was suspended for three months without pay and sternly warned. **(A.M. No. P-11-2999, February 27, 2012)**

***Philippine Judicial Academy******Chancellor****Adolfo S. Azcuna****Founding Chancellor Emeritus****Ameurфина A. Melencio Herrera****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 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).

If you have any Fax No. or E-mail address, please let us know so we could send the "Alerts" direct to you.