



Supreme Court of the Philippines Philippine Judicial Academy



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Judge: conduct unbecoming of a judge

Section 35 of Rule 138 of the Rules of Court expressly prohibits sitting judges from engaging in the private practice of law or giving professional advice to clients, and Rule 5.07 of the Code of Judicial Conduct reiterates the prohibition.

The prohibition is based on sound reasons of public policy considering that the rights, duties, privileges and functions of the office of an attorney are inherently incompatible with the high official functions, duties, powers, discretion, and privileges of a sitting judge. It also aims to ensure that judges give their full time and attention to their judicial duties, prevent them from extending favors to their own private interests, and assure the public of their impartiality in the performance of their functions.

Respondent judge violated said rules on prohibition when he assisted his daughter (who was the lawyer of his wife) at his wife's administrative case by coaching his daughter in making manifestation and preparing questions for her daughter.

For conduct unbecoming of a judge, respondent was fined P40,000.00 **(A.M. No. RTJ-10-2217, April 8, 2013)**

Clerk of Court: discourtesy

In *In Re: Ms Edna S. Cesar, RTC, Branch 171, Valenzuela City, A.M. No. 00-11-526, RTC, September 16, 2002*, the Court ruled that court employees cannot engage in a shouting match, act with vulgarity or behave in such a way that would diminish the sanctity and dignity of the courts even when confronted with rudeness and insolence.

Respondent's act of shouting while angrily pointing her fingers at the complainants in front and in the presence of so many court personnel and visitors thus causing complainants shame and embarrassment cannot be allowed or tolerated. Regardless of her motivations, her transgression of the bounds of decency warrants the imposition of a penalty as provided by law.

For discourtesy, respondent was reprimanded and warned. **(A.M. No. P-13-3108, April 10, 2013)**

Sheriff: disgraceful and immoral conduct

The illicit relationship between a married man and a woman not his wife will remain illicit notwithstanding the lapse of considerable number of years they have been living together. Passage of time does not legitimize illicit relationship; neither does other people's perceived tolerance or acquiescence or in deference towards such relationship.

Respondent sheriff admitted before the investigating judge his relationship for 15 years with another woman despite his subsisting marriage.

For immorality, respondent was suspended for twelve (12) months without pay and admonished to terminate his common-law relationships with the other woman not his wife. **(A.M. No. P-06-2256, April 10, 2013)**

Sheriff: simple misconduct

Employees of the judiciary should be very circumspect in how they conduct themselves inside and outside the office. It matters not that their acts were not work-related. They should be living examples of uprightness, not only in the performance of official duties, but also in their personal and private dealings with people so as to preserve at all times the good name and standing of the courts in the community.

Respondent failed to meet the exacting standards required of employees of the judiciary by his provocative attitude towards the complainants by challenging them to a fight and assaulting one of them. His unruly attitude is further shown when he bragged before the pacifying police officer that he is a court officer and brandished his badge as a sheriff.

For simple misconduct respondent was suspended for one month and one day without pay and sternly warned. **(A.M. No. P-12-3073, April 3, 2013)**

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Chancellor

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Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Staff

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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: elibrary.judiciary.gov.ph.

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