



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

In *People vs Dacudao*, 252 Phil. 507(1989,) the Court ruled that the hearing of the application for bail in capital offenses is absolutely indispensable before a judge can properly determine whether the prosecution's evidence is weak or strong.

Respondent judge granted bail to the accused charged with a capital offense without conducting a hearing. Not only that, there was no application for bail filed by the former. And worse, respondent motu proprio reduced the bail he fixed for the release of the accused.

For gross ignorance of the law, respondent judge was suspended from the service for three(3) months and one (1) day without pay and sternly warned. **(A.M. No. RTJ-14-2376, March 19, 2014)**

Judges: Violation of Circular No. 1-90, dated February 26, 1990

Circular No. 1-90 dated February 26, 1990 provides:

Municipal Trial Court (MTC) and municipal circuit trial court (MCTC) judges are empowered to perform the function of notaries public *ex officio* under Section 76 of Republic Act no. 296, as amended (otherwise known as the Judiciary Act of 1948) and Section 242 of the Revised Administrative Code. But the Court hereby lays down the following qualifications on the scope of this power:

MTC and MCTC judges may act as notaries public *ex officio* in the notarization of documents connected only with the exercise of their official functions and duties x x x. They may not, as notaries public *ex officio*, undertake the preparation and acknowledgement of private documents, contracts and other acts of conveyances which bears no direct relation to the performance of their functions as judges. The 1989 Code of Judicial Conduct not only enjoins judges to regulate their extra-judicial activities in order to minimize the risk of conflict with their judicial duties, but also prohibits them from engaging in the private practice of law (Canon 5 and Rule 5.07).

However, the Court, taking judicial notice of the fact that there are still municipalities which have neither lawyers nor notaries public, rules that MTC and MCTC judges assigned to municipalities or circuits with no lawyers or notaries public may, in their capacity as notaries public *ex officio*, perform any act within the competency of a regular notary public, provided that: (1) all notarial fees charged be for the account of the Government and turned over to the municipal treasurer (*Lapena, Jr. vs. Marcos, Adm Matter No. 1969-MJ, June 29, 1989, 114 SCRA 572*); and

(2) certification be made in the notarized documents attesting to the lack of any lawyer or notary public in such municipality or circuit.

Respondent notarized affidavits of cohabitation, which are documents not connected with the exercise of his official functions. He also notarized affidavits of cohabitation without certifying that lawyers or notaries public are lacking in his court's territorial jurisdiction in violation of said Circular no. 1-90., for which offense he was suspended from office for six (6) months without salary and other benefits. **(A.M. No. MTJ-14-1842, February 24, 2014)**

Judges: Undue delay in resolving pending incidents

In re: Cases Submitted for Decision before Hon. Teofilo D. Baluma, former judge, Branch 1, Tagbilaran City, Bohol, A.M. No. RTJ-13-2355, September 2, 2013, the Court held that non-compliance with the periods prescribed under Section 15, Article VIII of the 1987 Constitution constitutes gross inefficiency.

Respondent judge failed to resolve the motion filed by complainants within the prescribed period as provided in the Constitution for which he was fined P12,000 and sternly warned. **(A.M. No. MTJ No. 13-18-38, March 12, 2014.)**

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