



PHILJA E-Alerts

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Judge: Conduct unbecoming of a judge

In *Lorenzana v. Judge Austria*, A.M. No. RTJ-09-2200, April 2, 2014, the Court emphasized that:

A judge should always conduct himself in a manner that would preserve the dignity, independence and respect for himself, the Court and the Judiciary as a whole. He must exhibit the hallmark judicial temperament of utmost sobriety and self-restraint. He should choose his words and exercise more caution and control in expressing himself. In other words, a judge should possess the virtue of gravitas. Furthermore, a magistrate should not descend to the level of a sharp-tongued, ill-mannered petty tyrant by uttering harsh words, snide remarks and sarcastic comments. He is required to always be temperate, patient and courteous, both in conduct and in language.

The investigating Justice found respondent judge guilty of conduct unbecoming of a judge when he used intemperate language that projected complainant's mother as a corrupt and ignorant judge in his class discussions.

For conduct unbecoming of a judge, respondent was admonished. **(A.M. No. RTJ-13-2366, February 4, 2015)**

Sheriff: Gross misconduct

When a sheriff is faced with an ambiguous execution order, prudence and reasonableness dictate that he seek clarification from the judge.

Respondent sheriff violated the Rules when he relied on the words of the counsel of the judgment creditor.

More, respondent failed to show that the People's Guardian which published the execution sale was selected by raffle in accordance with Section 15(c), Rule 39 of the 1997 Rules of Civil Procedure.

Worse, he accommodated the judgment creditor's request to include the amount of P 176, 112.60 as lawyer's expenses which was not part of the decision.

For gross misconduct respondent was suspended for one year. However, as the penalty could no longer be imposed because he had retired, the Finance Division of the OCA was directed to deduct from his retirement benefits an amount corresponding to the one year's salary. **(A.M. No. P-11-2940, January 21, 2015)**