



Supreme Court of the Philippines Philippine Judicial Academy



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Judges; Competence in the performance of duties

Judicial competence demands that judges should be proficient in both procedural and substantive aspects of the law. They have to exhibit more than just a cursory acquaintance with statutes and procedural rules and be conversant, as well, with basic legal principles and well-settled doctrines. To the end that they be the personification of justice and rule of law, they should strive for a level of excellence exceeded only by their passion for truth.

Respondent failed to demonstrate the required competence in administering an ejectment case. It must be noted that unlawful detainer and forcible entry cases are covered by the rules on summary procedure because they involve the disturbance of the social order which must be restored as promptly as possible.

Respondent was fined P20,000.00 deductible from his retirement benefits. **(AM No. MTJ-00-1332, February 16, 2004)**

Judges; Delay in the disposition of cases

Delay in the disposition of cases erodes the faith and confidence of the public in the institution of justice, lowers its standards and brings them into disrepute. Every judge must cultivate a capacity for quick decision; he must not delay the judgment which a party justly deserves. The public trust reposed in a judge's office imposes upon him the highest degree of responsibility to promptly administer justice.

Respondent failed to decide the case of complainants within the reglementary period; neither did he request extension of time to decide the same. He was reprimanded and sternly warned. **(AM No. MTJ-02-1416, February 27, 2004)**

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of a judge. If he does not possess these traits, delay in the disposition of cases is inevitable to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.

Respondent failed to decide a simple case for a sum of money within the reglementary period. He was fined P11,000.00 and sternly warned. **(AM No. MTJ-02-1396, March 15, 2004)**

Judges; Errors committed in the exercise of adjudicative functions; remedies of the aggrieved party

Settled is the rule that errors committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through judicial remedies. Disciplinary proceedings against judges do not complement, supplement or substitute judicial remedies.

Complainant utilized the judicial remedy of certiorari but has not shown that a final decision has already been rendered by the appellate court on the alleged impropriety of the order of respondent to warrant administrative recourse.

A complainant who resorts to disciplinary action, even before the judicial remedies are settled, in effect, abuses court processes. Case against respondent judge was dismissed for lack of merit. **(AM No. MTJ-00-1328, February 11, 2004)**

Judges; Authority to issue hold-departure order; limitations in the issuance thereof

Circular No. 39-97, dated June 1997, limits the authority to issue hold-departure orders only in criminal cases within the jurisdiction of second level courts (Regional Trial Courts). Clearly, criminal cases within the exclusive jurisdiction of first level courts, i.e., MeTC's, MTC's and MTCC's, do not fall within the ambit of the circular.

It was a mistake on the part of respondent judge to have issued one in the instant case. Indeed, it exposed his ignorance of the circular. The absence of malice, bad faith, or malicious intent on his part is not sufficient to completely absolve him of liability. He was fined P10,000.00. **(AM No. MTJ-01-1351, January 27, 2004)**

Judges; Required action on adversarial/non-adversarial motions;

With regards to the marginal notes of the court's action on motions filed by the parties, respondent judge admitted having acted on ex-parte motions to reset hearings, motion to set case for pre-trial conference through marginal notes on the first page of the motions but claims that the parties were notified of the actions taken by the court on their motions through prepared forms. While respondent makes such notes merely on motions to reset hearings, this practice should be discontinued. The practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of R.A. No. 6031, effective August 4, 1969, to make inferior courts also courts of record. The proceeding of said courts should be recorded in a formal manner.

In the case of *Eballa vs. Paas* (362 SCRA 389,396), the Court considered it as a sufficient compliance if the judge's order had been quoted in a notice signed by the clerk of court and copy of the notice served on the parties. Indeed, for courts saddled with so many cases to handle, the said practice may be practical and saves the court time and effort in issuing formal orders or resolutions.

However, the same should be limited only to motions that are definitely non-adversarial in nature, and not when it involves the fundamental rights of the accused in criminal cases, such as, motion for reduction of bail, where the judge must explain the reason for the denial of his motion.

Respondent judge was admonished. (AM No. 02-9-568-RTC, February 11, 2004)

Clerks of Court; Negligence in the performance of official duties

A clerk of court, being an essential officer in the judicial system is expected to be assiduous in performing his or her official duties.

Respondent, in issuing the certificate stating that some properties are not involved in any case pending before their court when in fact said properties are the subject of litigation in one of the branches thereof, was found negligent in the performance of official duties. She was fined P2,000.00. (AM No. P-03-1704, March 15, 2004)

Clerks of Court; Violation of SC Circulars on the collection and deposit of court fiduciary funds

SC Circulars No. 13-92 commands that all fiduciary collection shall be deposited immediately by the clerk of court concerned upon receipt thereof, with an authorized government depository bank.

It is clear from the records that respondent deposited his collections in his personal account because the manager's check was in his name. Being the custodian of the court funds and resources he should have taken the proper steps to correct the error. He did not. While there is no sufficient showing that he had improper motives in depositing the said amount in his personal account, he was nevertheless reprimanded for commingling the court funds with his own. (AM No. P-04-1780, February 18, 2004)

Clerks of Court; Duty as custodian of the court's funds; duty of safekeeping and accounting of court funds

Clerks of Court are the custodian of the court's funds and revenues and as such, are liable for any loss or shortage thereof.

Respondent was remiss in his duty of safekeeping and accounting of court funds. It is his duty to record in the books of account the money given to him as well as record the payment of the money to the adverse party. He merely issued a temporary receipt which did not bear the seal of the court. He should have issued an official government receipt. For simple misconduct, he was fined P5,000.00. (AM No. RTJ-00-1584, February 18, 2004)

Clerks of Court; Accountability of funds

Clerks of Court are officers of the law who perform vital functions in the prompt and sound administration of justice. Their office is the hub of adjudicative and administrative orders, processes and concerns. They perform a delicate function as designated custodians of the court's funds, revenues, records, properties and premises. As such, they generally are also the treasurer, accountant, guard and physical plant manager thereof. They are liable for any loss, shortage, destruction or impairment of such funds and property.

Section B (4) of Supreme Court Circular No. 50-95 on the collection and deposit of court fiduciary funds mandates that:

- (4) All collection from bail bonds, rental deposits, and other fiduciary funds shall be deposited within *twenty-four (24) hours* by the Clerk of Court concerned *upon receipt thereof* with the Land Bank of the Philippines.

SC Circular No. 13-92 commands that all fiduciary collections "shall be deposited *immediately* by the Clerk of court concerned, upon receipt thereof, with an authorized government depository bank." More explicitly, Section 3 in relation to Section 5 of SC Circular No. 5-93 which designated the Land Bank as the authorized government depository of the JDF, states:

- 3. *Duty of the Clerks of Court, Officers-in-Charge or accountable officer.* – The clerks of court , officers-in-charge, or their duly authorized representatives designated by them in writing, who must be accountable officers, shall receive the Judiciary Development collections, issue the proper receipt therefore, maintain a separate cash book properly marked ... deposit such collections in the manner herein prescribed and render the proper Monthly Report of Collection for said Fund.

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5. *System and Procedures:*

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- c. *In the RTC, SDC, MeTC, MTCC, MTC, and SCC.* – The daily collections for the Fund in these courts *shall* be deposited *every day* with the local nearest LBP branch "For the account of the Judiciary Development Fund, Supreme Court, Manila – Savings Account No. 159-01163; *or if depositing daily is not possible*, deposits of the fund shall be *every second and third Fridays and at the end of every month*, provided, however, that whenever collections for the Fund reach P500.00, the same shall be deposited *immediately* even before the days before indicated.

Where there is no LBP branch at the station of the judge concerned, the collections shall be sent by postal money order payable to the Chief Accountant of the Supreme Court at the latest before 3:00 of that particular week.

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- d. *Rendition of monthly Report.* – Separate "Monthly Report of Collections" shall be regularly prepared for the Judiciary Development Fund which shall be submitted to the Chief Accountant of the Supreme Court *within ten (10) days after the end of every month*, together with the duplicate of the official receipts issued during such month covered and validated copy of the Deposit Slips.

The aggregate total of the Deposit Slips for any particular month should always equal to, and tally with, the total collections for that month as reflected in the Monthly Report of Collections.

If no collection is made during any month, notice to that effect should be submitted to the Chief Accountant of the supreme Court by way of a formal letter within ten (10) days after the end of every month. (Emphasis ours)

Thus, while the Court commiserates with her travails, this cannot fully excuse her continuous violations of pertinent rules and regulations over a long period of time. The Court has to enforce what is mandated by the law and to impose a reasonable punishment for violation thereof. Aside from being the custodian of the court's funds and revenues, property and premises, a clerk of court is also entrusted with the primary responsibility of correctly and effectively implementing regulations regarding fiduciary funds. Safekeeping of funds and collections is essential to an orderly administration of justice and no protestation of good faith can override the mandatory nature of the circulars designed to promote full accountability for government funds. Respondent was fined the amount of P20,000.00 and sternly warned. **(AM No. P-02-1641, January 20, 2004)**

Court Stenographers; Commission of acts constituting grave offense; disgraceful and immoral conduct

Disgraceful and immoral conduct is a grave offense that cannot be countenanced. Every employee of the judiciary should be an example of integrity, uprightness and honesty. It cannot be overstressed that the image of a court of justice is mirrored in the conduct of the personnel who work thereat.

Respondent has displayed a contemptuous behavior that falls short of the moral standard required of everyone in the judiciary. This was compounded by the fact that she repeatedly denied that she was living with a married man. She was suspended for one year and sternly warned. **(AM No. P-04-1780, February 18, 2004)**

Clerks; Failure to pay just debts

It bears stressing that employees of the judiciary should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealing with other people so as to preserve at all times the good name and standing of the courts in the community.

Respondent is liable under Section 46, Chapter 7, Title I, Subtitle A, Book V of the 1987 Administrative Code for failure to pay just debts. She was reprimanded. **(AM No. P-03-1757, December 10, 2003)**

Court Aides; Improper behavior

Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the workplace, but also a great disrespect to the court itself.

Respondent appeared at the Palace of Justice reeking of liquor. It is of no moment whether he was on leave at the time.

For simple misconduct, respondent was fined P5,000.00. **(AM No. P-02-1610, November 27, 2003)**

Court Employees; Habitual tardiness

Civil Service Commission Memorandum Circular No. 14, series of 1991 as amended, provides that an officer or employee of the civil service be considered habitually tardy if he incurs tardiness regardless of the number of minutes ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.

There is no question that respondents incurred habitual tardiness. Such administrative offense seriously compromises efficiency and hampers public service. By being habitually tardy, they have fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice. By reason of the nature and functions of their office, officials and employees of the judiciary must be role models in the faithful observance of the constitutional canon that public office is a public trust.

Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and ultimately, the people who shoulder the cost of maintaining the Judiciary. Thus, to inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.

None of the reasons relied upon by respondents to justify their habitual tardiness merits consideration. **(AM No. 00-06-09-SC, March 16, 2004)**

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