



Supreme Court of the Philippines
Philippine Judicial Academy



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PHILJA Schedule of Seminars for July –August 2006
(as of June 19, 2006)

- July 4-6** Regional Judicial Career Enhancement Program, Batch 2, Manila
- July 5** Incorporating DNA Evidence in the Resolution of Sexual Assault Cases in the Philippines, NISMED, UP Diliman, Quezon City
- July 6-7** Metrobank Foundation Professorial Chair Manila
- July 7, 8, 9** 11th Pre-Judicature Program, Training Rooms 1-3, SC Centennial Building
- July 9-12** Multi-Sectoral Seminar-Workshop on Agrarian Justice for Region VII, Dumaguete City
- July 12-14** Orientation Seminar-Workshop for Newly Appointed RTC Clerks of Court, PHILJA Development Center
- July 14, 15, 16** 11th Pre-Judicature Program, Training Room s1-3, SC Centennial Building
- July 20** Academic Forum, Manila
- July 21** Roundtable Discussion on Green Benches, Penthouse, SC New Building
- July 21** Discussion Session for Sandiganbayan, Sandiganbayan Justices Lounge
- July 21, 22, 23** 11th Pre-Judicature Program, Training Room s1-3, SC Centennial Building
- July 24 - 27** Judges Training in San Fernando Adjacent areas
- July 26-28** Cluster 9 for Regions 3, Regional Multi Sectoral Seminar-Workshop on Juvenile and Domestic Relations Justice (Advance Level), Clarkfield, Pampanga
- July 27** Video conferencing on Juvenile Justice Act
- July 28** 11th Pre-Judicature Program Written Evaluative Exercise
- Aug. 15-16** Mentoring on Mediation with Skills Review in Orientation, JURIS
- Aug. 22-24** Lawyers Training on Mediation (Cagayan De Oro and Misamis)
- Aug. 28-30** Lawyers Training on Mediation (San Fernando and La Union)
- Aug. 31- Sept. 1** Lawyers Training on Mediation (Baguio), Baguio, JURIS

Judges: gross ignorance of the law; abuse of authority

The instant case emanated from the issuance of the assailed orders dated April 27, 2005 and May 4, 2005, respectively by the respondent judge which allowed the appellants to repossess and re-occupy the subject property relative to the aforementioned appealed civil case.

Obviously, the issue involved pertains to respondent's exercise of her judicial functions. It has been held that the remedy of a party claiming to be aggrieved by an order or decision of a judge is not to file an administrative complaint against the judge but to elevate the assailed decision or order to the

higher court for review and correction. The Court Resolved to **DISMISS** the complaint for lack of merit. **(Adm. Matter OCA IPI No. 05-2265-RTJ, April 17, 2006)**

Judges: religious discrimination

The anonymous complaint should be dismissed. Respondent judge explained that of the fourteen (14) applicants he recommended, only four (4) were members of the Iglesia ni Kristo. He explained that he recommended the latter four as he found them reliable and deserving.

It may likewise be worthy to note that respondent judge is not even the appointing authority but only the recommending authority. Even assuming that respondent was so, still, he did not violate any rule. (E)xisting law and jurisprudence give wide latitude of discretion to the appointing authority provided there is no clear showing of grave abuse of discretion or fraud. The Court Resolved to **DISMISS** the anonymous complaint for lack of merit. **(Adm. Matter OCA IPI No. 05-2284-RTJ, April 19, 2006)**

Judges: violation of the Code of Professional Responsibility and Code of Judicial Conduct

Contrary to the contention of respondent judge, a judge may be disciplined for acts committed prior to his appointment to the judiciary. In fact, even the new rule itself recognizes this. This complaint, however, lacks merit. Additionally, respondent judge in the meantime, died. Complainant failed to present evidence to substantiate her allegation that respondent acted in bad faith in representing his client. The bare allegation of complainant cannot overturn the presumption that respondent judge believed that there was reasonable ground to support the causes of action of his client against herein complainant. The Court Resolves to **DISMISS** the instant case for lack of merit. **(Adm. Matter OCA IPI No. 04-1629-MTJ, April 19, 2006)**

Judges: partiality and gross ignorance of the law

The core of this administrative complaint is the propriety of the issuance of the preliminary injunction and the appointment of receiver. These are the same issues raised by the complainants in the petition for certiorari pending before the Court of Appeals. Consequently, this administrative complaint cannot be effectively resolved unless the appellate court rules on the issue. To do otherwise will preempt any action the court may take thereon and may prejudice the outcome of the case. The Court Resolved to **DISMISS** the instant complaint on the grounds above described. **(Adm. Matter OCA IPI No. 05-2292-RTJ, April 19, 2006)**

Judges: gross ignorance of the law and conduct unbecoming a judge

The present complaint is not ripe for administrative evaluation. Here, complainant questioned the issuance of the bench warrant for his apprehension as well as the refusal of the respondent to receive evidence on the issue of the actual residence of the private complainant. However, the same issues are pending judicial determination before this Court. The orderly administration of justice demands that the judicial proceedings should be first allowed to continue and take its course. At this point, we cannot pass upon the administrative liability of the respondent. The Court Resolved to **DISMISS** the instant complaint for being premature. **(Adm. Matter OCA IPI No. 05-2389-RTJ, April 19, 2006)**

Judges: gross ignorance of the law and grave misconduct

The instant administrative case should be dismissed for prematurity. The main issue of this case delves on whether or not the memorandum filed by the complainant can be considered as a position paper. The issue is judicial which ought to be raised in the proper forum. In fact, as admitted by the complainant, he has already availed of the remedy of appeal. The Court Resolved to **DISMISS** the administrative case for being premature. **(Adm. Matter OCA IPI No. 05-1804-MTJ, April 19, 2006)**

Judges: ignorance of the law and abuse of power and authority

Complainant accuses respondent of gross ignorance of the law. However, jurisprudence has taught us that to constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence but were motivated by bad faith, fraud, dishonesty and corruption.

Moreover, in the absence of evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail. A careful perusal of the records of the case shows that

respondent performed his function within the ambit of his responsibility. No bad faith or ill-motive can be elicited from the evidences presented by the complainant. The administrative complaint was **DISMISSED**. (OCA I.P.I. No. 05-1717-MTJ, April 19, 2006)

Judges: gross ignorance of the law and gross incompetence

Indeed, respondent Judge failed to resolve the motion for reconsideration within the mandatory period of 30 days from the time it was submitted for resolution. When respondent Judge compulsorily retired from the service more than two years after the motion for reconsideration was submitted for resolution, it remained unresolved. In addition, the reasons adduced by respondent Judge for not resolving the motion for reconsideration lack merit. Regardless of whether the grounds or reliefs prayed for in the motion for reconsideration have become moot, respondent judge has the duty to resolve the motion in the interest of orderly administration of justice and to properly inform the parties of the outcome of the motion. Respondent was **FINED** Ten Thousand Five Hundred Pesos (P10,500.00) to be deducted from his retirement benefits for undue delay in resolving the motion for reconsideration. (A.M. RTJ-06-1993, April 26, 2006)

Judges: serious judicial misconduct and gross ignorance of the law

Ordinarily, a judge's efforts to bring litigants to settle is considered a laudable act. The actuations of respondent judge, however, of failing to hold a hearing on complainants' urgent motions and persistently pushing for a settlement severely compromised the impartiality of his office. Judges are not only required to be impartial, they must appear impartial.

Respondent judge is also required by Canon 3 of the old Code of Judicial Conduct to maintain professional competence. In this regard, it is the responsibility of the judge in every case before him to diligently ascertain the facts and the applicable law based on the evidence presented. As correctly found by the Investigating Justice and the OCA, respondent judge committed a patent violation of the Code when he incorrectly stated in his order the facts of the case regarding complainants' receivership.

Although there is no sufficient evidence of bad faith or any corrupt motive on the part of respondent judge, we find that his incorrect presentation of vital facts reeks of carelessness and inefficiency. In *Dela Cruz v. Pascua*, we held that –

Inefficient judges are equally impermissible in the judiciary as the incompetent and dishonest ones. Any of them tarnishes the image of the judiciary and brings it to public contempt, dishonor or disrespect and must then be administratively dealt with and punished accordingly.

On the other hand, the Court agrees with the OCA in saying that respondent judge may not be held accountable for any irregularity in the service of the copies of the order and of the writ of execution pending appeal upon the complainants. The performance of such duty rested upon the shoulders of the sheriff, and in fact, the issue of his accountability was resolved by this Court in *Philippine Airlines, Inc. v. Balubar, Jr.* The Court found respondent judge **GUILTY** of simple misconduct and **FINED** him P20,000.00. The Court **STERNLY WARNED** him that a repetition of a similar infraction will merit a more severe sanction. (A.M. No. RTJ-04-1858, June 5, 2006)

Chancellor, Philippine Judicial Academy

Ameurfina A. Melencio Herrera

Head, Research and Linkages Office

Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Editorial Assistant

Atty. Amelia T. Guillamun

Staff

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the Research and Linkages Office 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)552-9526 E-mail address: research_philja@yahoo.com. For e-library: www.supremecourt.gov.ph link to e-library.

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