



Supreme Court of the Philippines
Philippine Judicial Academy



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Judges: Conduct Required

The Court has repeatedly reminded members of the bench to conduct themselves irreproachably, not only while in the discharge of official duties but also in their personal behavior every day. A judge's official life cannot be separated from his personal existence.

It bears stressing that as a dispenser of justice, respondent should exercise judicial temperament at all times, avoiding vulgar and insulting language. He must maintain composure and equanimity.

Respondent Judge was declared **GUILTY** of conduct unbecoming a judge. He was **FINED** in the sum of P5,000.00 and **REPRIMANDED** and **WARNED** that a repetition of the same act will warrant a more severe penalty. (A.M. No RTJ-05-1955, May 25, 2007)

Judges: Gross Ignorance of the Law

In the present case, while the documents denominated "Detention Pending Investigation of the Case" were issued during the same period of time that the three (3) cases against him were decided, it is noteworthy that respondent judge continued with the practice even after her attention had been called. Worse, she remained insistent that the document was an implied waiver of the rights of the accused under Article 125 of the Revised Penal Code. Respondent judge must be reminded that although judges have in their favor the presumption of regularity and good faith in the performance of their official functions, a blatant disregard of the clear and unmistakable terms of the law obviates this presumption and renders them susceptible to administrative sanctions. Being among the judicial frontliners, who have direct contact with the litigants, a wanton display of utter lack of familiarity with the rules by the judge inevitably erodes the confidence of the public in the competence of our courts to render justice. It subjects the judiciary to embarrassment. Worse, it could raise the spectre of corruption.

When the gross inefficiency springs from a failure to consider so basic and elemental a rule, law, or a principle in the discharge of his or her duties, a judge is either too incompetent and undeserving of the exalted position and title he or she holds, or the oversight or omission was deliberately done in good faith and in grave abuse of judicial authority. The Court found respondent judge guilty of gross ignorance of the law, and this being her fourth offense, she was **ORDERED DISMISSED FROM THE SERVICE** with forfeiture of all benefits, excluding her accrued leave benefits, and with perpetual disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. (A.M. No. 03-1462- MTJ, April 19, 2007)

Interpreters : Conduct unbecoming of a government employee

We agree with the findings of the Court Administrator, but we find the recommended penalty too light, grossly disproportionate to respondent's unruly behavior. This Court has often emphasized that the conduct and behavior of every person connected with the dispensation of justice, from the highest official to the lowliest employee, should be circumscribed with the heavy burden of responsibility. This is so because the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. Thus, court employees have been enjoined to adhere to the exacting standards of morality and decency in order to preserve the judiciary's good name and standing as a true temple of justice. Respondent indeed fell short of this exacting standard. He had shown lack of decorum, propriety, and respect in his dealings with other people. His actuations also debased the public's regard for the very institution for which he works, warranting administrative sanction. Any conduct that would be a bane to the public trust and confidence reposed in the Judiciary cannot be countenanced.

The Court found respondent interpreter guilty of *Conduct Unbecoming of a Government Employee* and **SUSPENDED** him without pay for a period of two (2) months, with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely. (A.M. No P-07-2313, April 27, 2007)

Clerks : Grave misconduct

We must remind Branch Clerks of Court that their administrative functions are vital to the proper administration of justice. They perform a sensitive position as designated custodians of the court's funds, revenues, records, properties, and premises. They are specifically tasked to safeguard the integrity of the court as well as to uphold the confidence of the public in the administration of justice. Their failure to fulfill their mandate renders it difficult for the court to maintain its good name and standing as a true temple of justice, for which they should be held administratively liable.

Respondent Branch Clerk of Court's willful violation of the Rules and of his duty to safekeep court property cannot be classified other than grave misconduct. Misconduct is a violation of an established and definite rule of action, more particularly unlawful behavior as well as gross negligence by the public officer. Grave misconduct is a serious offense punishable under Section 52 of the Revised Uniform Rules on Administrative Cases in the Civil Service with dismissal even for the first offense.

The Court found respondent guilty of **GRAVE MISCONDUCT** and **DISMISSED** him from the service with forfeiture of all benefits and privileges, except accrued leave credits, if any, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations. (A.M. No 06-8-279-MTC, April 27, 2007)

Clerks : Dishonesty and grave misconduct

Indeed, the natural instinct of a man is to resist an unfounded claim or imputation and defend himself, for it is totally against human nature to remain silent and say nothing in the face of false accusations. Silence in such instances is almost always construed as an implied admission of the truth thereof. Thus, in the absence of any compelling reason to hold otherwise, the respondent clerk's silence can be construed as an acknowledgment of the truthfulness of the charges against her.

It is basic that the fact that respondent fully paid her shortages does not free her from the consequences of her wrongdoing. Restitution of the missing amount cannot erase administrative liability. This is because by respondent's reprehensible act of gross dishonesty, she has undermined the public's faith in the courts and ultimately, in the administration of justice.

Respondent clerk was found **GUILTY** of dishonesty and grave misconduct and **DISMISSED** from the service effective immediately with prejudice to reemployment in any government agency, including government-owned and controlled corporations. All her salaries, allowances and retirement benefits, excluding accrued leave of absence that have been withheld, were forfeited in favor of the government. (A.M. No. P-04-1924, April 27, 2007)

Process Servers: Gross misconduct

As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum, but above all else, must be above suspicion. Every employee of the judiciary should be an example of integrity, uprightness and honesty.

Respondent's act of demanding and receiving money from the uncle of a party litigant constitutes grave misconduct in office. It is this kind of gross and flaunting misconduct, no matter how nominal the amount involved on the part of those who are charged with the responsibility of administering the law and rendering justice quickly, which erodes the respect for law and the courts.

Respondent's solicitation of money from complainants in exchange for a favorable decision violates Canon 1 of the Code of Conduct for Court Personnel which took effect on 1 June 2004 pursuant to A.M. No. 03-06-13-SC. Section 1 and 2, Canon 1 of the Code of Conduct for Court Personnel expressly provide:

SECTION 1. Court Personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others.

SECTION 2 court personnel shall not solicit or accept any gift, favor or benefit on any explicit or implicit understanding that such gift shall influence their official functions,

What brings our judicial system into disrepute are often the actuations of a few erring court personnel peddling influence to party-litigants, creating the impression that decisions can be bought and sold, ultimately resulting in the disillusionment of the public. This Court has never wavered in its vigilance in eradicating the so-called "bad eggs" in the judiciary. And whenever warranted by the gravity of the offense, the supreme penalty of dismissal in an administrative case is meted to erring personnel.

Respondent was found **GUILTY** of Gross Misconduct. He was **DISMISSED** from service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch or instrumentality in the government, including government-owned and controlled corporations. (A.M. No. P-06-2216 formerly OCA IPI No. 04-2037-P, April 20, 2007)

Process Servers : Gross inefficiency, habitual absenteeism and failure to serve court processes

In A.M. No. P- 01-1471, respondent was charged with gross inefficiency, absenteeism and failure to serve summons and other court processes. Summonses, subpoenas, and other court processes which remained unserved were found in his drawer. He was asked to explain why the service of subpoena to a party in a case was made only on the day of trial when the subpoena has been issued a long time before the scheduled hearing. The charge against respondent having been fully substantiated and established even by his own admissions, this Court, in the Resolution dated 1 October 2001, enjoined respondent to perform the duties of a process server efficiently and without delay.

In A.M. No. P-04-1823, respondent was again charged with gross inefficiency, habitual absenteeism, and failure to report for work regularly based on similar infractions. The present case, A.M. No. P-06-2231, is the respondent's third infraction of the same nature. He has not shown any indication to mend his ways. He has miserably failed as a court employee to give proper attention to a task expected of him. The Court can no longer countenance the repeated failure of respondent to perform his duties efficiently and competently. Neglect of duty is the failure of an employee to give one's attention to a task expected of him. Gross neglect is such neglect which, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare. The Court has categorized as a grave offense of gross neglect of duty, the failure of a court process server to serve summons which resulted in the delayed resolution of a case. Respondent's repeated infractions seriously compromise efficiency and hamper public service, for which the penalty of dismissal from the service is proper.

As a public officer, respondent is bound to discharge his duties with care, caution, and attention which prudent men usually exercise in the management of their affairs. As a court employee, respondent should be reminded that the image of a court of justice is mirrored in the conduct, official or otherwise, of the men and women who work in the judiciary, from the judge to the lowest of its personnel. Hence, it becomes the imperative duty of every employee of the court to maintain its good name and standing as a true temple of justice.

The Court found respondent process server **GUILTY** of Gross Inefficiency, Habitual Absenteeism and Failure to Serve Court Processes and ordered his **DISMISSAL** from the service with forfeiture of all benefits and privileges, except accrued leave credits, if any, with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations and financial institution. (A.M. No. P-06-2231, April 27, 2007)

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