



# Supreme Court of the Philippines Philippine Judicial Academy



## *PHILJA Fax/Electronic Alerts*

Issue 08-05  
May 2008

### **Judges: Groundless accusation**

The Supreme Court has always been punctilious about any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary. Along this line the Court will not shirk from its responsibility of imposing discipline among members of the bench.

However, when an administrative charge against a judge holds no basis whatsoever in fact or in law, the Court will not hesitate to protect the innocent against any groundless accusation that trifles with judicial process. Neither will it falter in shielding them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice. **(A.M. No. RTJ-02-1687, A.M. No. 00-10-496-RTC, April 30, 2008)**

### **Judge: Sexual Harassment**

In administrative or disciplinary proceedings, the burden of proving the allegations in the complaint rests on the complainant. While substantial evidence would ordinarily suffice to support a finding of guilt, the rule is a bit different where the proceedings involve judges charged with grave offense. Administrative proceedings against judges are, by nature, highly penal in character and are to be governed by the rules applicable to criminal cases. The quantum of proof required to support the administrative charges or to establish the grounds for the removal of a judicial officer should thus be more than substantial; they must be proven beyond reasonable doubt.

Complainant has failed to prove her charge against the respondent judge with the quantum of proof required under the premises. The Court has taken stock of the fact that even after the alleged "sexual harassment" incidents transpired, complainant still dared to repair, in several instances to respondent's chamber all by herself when the natural thing to do is to avoid occasions likely to exacerbate an already difficult situation. What is more, complainant, by her own admission even attended the birthday party of respondent judge in his residence and, judging from photographs of smiling, clapping and swinging court staff personnel, complainant definitely appeared to be having much fun. Complainant is not exactly a picture of one recently sexually harassed by her offending host.

Given this perspective, the dismissal of the complaint against respondent judge for insufficiency of evidence is indicated.

The complaint against respondent judge was dismissed for insufficiency of evidence. He was however, admonished, to avoid any act or conduct that would in any way diminish public trust and confidence in the courts and the individuals representing the institution. **(A.M. No. RTJ-07-2068, August 7, 2007)**

### **Judge: Dishonesty and gross misconduct**

A judge who has habitually flouted judicial ethics and betrayed judicial standards does not deserve the honor of his office. To him should be meted the severest of administrative penalties. A judge should always be a symbol of rectitude and propriety, composting himself in a manner that will raise no doubt whatsoever about his honesty. Integrity in a judicial office is more than a virtue; it is a necessity.

The Supreme Court did not find merit in the claim of respondent judge that complainant gave three conflicting versions as to how and to whom the amount of P15,000 was given. Against respondent's bare denial, the testimonies of complainant and his wife were given more weight and credence. The OCA observed that the spouses were not impelled by any improper motive when they

testified . Their testimonies were clear, credible, straightforward and thus entitled to full faith and credit. The said P15,000 given by complainant to respondent was intended as payment of the premium of complainant's bail bond. For failure to secure the bond, respondent should have returned the money to complainant. This, he did not do.

For dishonesty and gross misconduct, respondent judge was dismissed from the service with forfeiture of all benefits, except accrued leave credits, with prejudice to reinstatement or appointment to any public office. **(A.M. No. MTJ-08-1702, April 8, 2008)**

#### **Clerk of Court: Ignorance of the law**

A clerk of court's compliance with the Rules of Court is not merely directory, but mandatory, and she is expected to know the rules of procedure; particularly those rules that pertain to her functions as an officer of the court.

Respondent failed to comply with the requirement of notice addressed to all parties concerned which is a mandatory requirement. She should have known that the motions in question were mere scraps of paper for want of the required notice to the parties. Her justification that she has no authority to deny the filing of the motions as it would supplant the power of the judge to act on the same does not persuade. While it is true that the duty of a clerk of court does not involve the determination of law or fact or the exercise of judicial powers, and is generally administrative or ministerial in nature, she still assumes the responsibility to observe ordinary prudence in the performance of her duties. Such diligence calls for her to verify if the pleadings submitted to her for the judgment of the court complied with the minimum procedural requirements.

For ignorance of the law, respondent clerk of court was fined P10,000 and warned that the commission of a similar offense shall be dealt with more severely. **(A.M. No. P-08-2442, May 28, 2008)**

#### **Clerk of Court: Simple misconduct**

The clerk of court unlike a judicial authority, has no power to order either the commitment or the release on bail of persons charged with penal offenses. He may release an order "upon the order of the judge." or "by authority of the judge", but under no circumstance should he make it appear that the judge signed the order when in fact, the latter did not.

Respondent arrogated upon himself a judicial function by issuing a commitment order. Her act amounts to simple misconduct for which she was fined in an amount equivalent to her two months salary with warning that a repetition of the same or similar act shall be dealt with more severely.. **(A.M. No. P-08-2440, March 28, 2008)**

#### **Sheriff: Simple neglect of duty**

The sheriff's duty to execute a judgment is ministerial. He need not look outside the plain meaning of the writ of execution. When he is faced with an ambiguous execution order, prudence and reasonableness dictate that he should seek clarification from the judge.

Respondent took it upon himself to execute the order even if it entailed the destruction of the property belonging to a person not a party to the case. By doing so, he went beyond the terms of the demolition order as it only ordered the demolition to apply only to the defendants, as well as to all persons claiming rights under them. It is of no moment if he executed the writ in good faith because he is chargeable with the knowledge of what is the proper action to observe in case there are questions in the writ which needed to be clarified.

It was observed, however, that respondent's acts were not sufficiently proven as acts of ill will against complainants, but are apparently due to his overzealousness in the performance of his functions. He executed the order on the firm belief that his act was correct and in accordance with law. From said considerations, the negligence displayed by respondent was not of such nature and degree as to be considered brazen, flagrant and palpable.

Respondent was found guilty of simple neglect of duty for which he was fined in an amount equivalent to his salary for one month to be deducted from his retirement pay. **(A.M. No. P-06-2257, March 28, 2008)**

#### **Sheriff: Gross neglect of duty and gross misconduct**

The sheriff is mandated to make periodic reports on partially satisfied or unsatisfied writs every 30 days until the judgment is satisfied or its effectivity expires. The reason for this requirement is to update the court on the status of the execution and to explain to it why the judgment has not been satisfied. It also enables the court to determine how efficiently court processes are carried out after the promulgation of judgment. The over-all purpose of the requirement is to ensure the speedy execution of decisions.

Respondent's gross negligence was evident. The records show that the writ of execution was issued and assigned to him more than five months before his suspension. He was unsuccessful in satisfying the judgment. However, he did not report this to the court as required by the Rules of Court within 30 days from his receipt of the writ of execution. He simply stopped enforcing the writ. More, he never submitted an estimate to the court for approval, but on his own, simply demanded and received P5,000 from the complainant without issuing any receipt. No liquidation was even submitted to the court. In addition respondent gave the complainant and submitted to the court a dubious sheriff's return.

Respondent was found guilty of gross neglect of duty and grave misconduct. He was found guilty in two previous administrative cases. He was dismissed from the service with forfeiture of all retirement benefits and privileges, except accrued leave credits with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations. **(A.M. No. P-06-2169, March 28, 2008)**

#### **Sheriff: Simple neglect of duty**

The sheriff's duty in the execution of a writ is purely ministerial. He is to execute the court order strictly to the letter and has no discretion whether to execute the judgment or not. Once the writ is placed in his hands, it is his duty; unless restrained by the court, to proceed with reasonable celerity and promptness to properly execute it according to its mandate, ensuring at all times that the enforcement of a judgment is not unduly delayed. He should know by heart his order to make a return of the writ of execution to the judge issuing it or if the judgment cannot be satisfied in full within 30 days after his receipt of the writ, to report to the court and state the reasons therefor. In the latter case, he is further tasked to make a report to the court every 30 days on the proceedings followed until the judgment is satisfied in full or its effectivity expires.

The submission of the return and periodic reports by the sheriffs is not a duty that must be taken lightly. It serves to update the court as to the status of the execution and to give it an idea as why the judgment was not satisfied. It also provides insights for the court as to how efficient court processes are after judgment has been promulgated.

Respondent failed to implement the alias writ of execution; to submit a sheriff's return on the execution; and to make a monthly report on the proceedings taken to satisfy in full what had been amicably settled by the parties.

Respondent was found guilty of simple neglect of duty and fined in an amount equivalent to his salary for one month, with a stern warning that a repetition of the same or similar act shall be dealt with more severely. **(A.M. No. P-06-2250, March 24, 2008)**

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