



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

Under Rule 114 of the Revised Rules of Criminal Procedure, a hearing is mandatory in granting bail whether it is a matter of right or discretion. The grant or the denial of bail, in cases where bail is a matter of discretion hinges on the issue of whether or not the evidence of guilt of the accused is strong, and the determination of whether or not the evidence of guilt is strong is a matter of judicial discretion which remains with the judge. In order for the judge to properly exercise his discretion, he must first conduct a hearing to determine whether the evidence of guilt is strong. Even in cases where there is no petition for bail, a hearing should still be held.

After the hearing, the court's order granting or refusing bail must contain a summary of the evidence of the prosecution and, based thereon, the judge should formulate his own conclusion as to whether the evidence so presented is strong enough to indict the guilt of the accused.

More, jurisprudence is replete with decisions on the procedural necessity of a hearing, whether summary or otherwise, relative to the grant of bail especially in cases involving offenses punishable by death, reclusion perpetua, or life imprisonment.

Respondent judge did not conduct a hearing before he granted the motion filed by the accused for the grant of provisional liberty in violation of the Rules of Criminal Procedure.

For gross ignorance of the law, respondent judge was fined P40,000.00. **(A.M. No. RTJ-06-1976, April 29, 2009)**

Judges: Gross ignorance of the law

In *Tabao vs. Gacott, Jr.*, (G.R. No. 171720, November 30, 2006, 509 SCRA 479), the Supreme Court ruled that a pleading containing derogatory, offensive or malicious statements submitted before a court or judge where the proceedings are pending constitutes direct contempt, because it is equivalent to misbehavior committed in the presence of or so near a court or judge as to interrupt the administration of justice.

Respondent judge committed a serious blunder when he cited complainant for indirect contempt.

In *Tiangco vs. Salao*, (A.M. No. RTJ-06-2009, July 27, 2006), the Supreme Court ruled that "a judge must be acquainted with legal norms and precepts as well as with procedural rules and when the law is so elementary, for a judge not to be aware of it constitutes gross ignorance of the law x x x x."

For gross ignorance of the law, respondent judge was suspended from office for six (6) months without salary and other benefits. He was also sternly warned that a repetition of the same or similar acts shall merit a more serious penalty. **(A.M. No. RTJ-09-2176, April 20, 2009)**

Judges: Gross ignorance of the law

Administrative Circular No. 7-A-92 provides that a criminal case can be archived if after the issuance of the warrant of arrest, the accused remains at large for six (6) months from delivery of the warrant to the proper peace officer. However, the court may motu proprio or upon motion of any party, archive a criminal case when proceedings therein are ordered suspended for an indefinite period because (a) the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently or to undergo trial and he has to be committed to a mental hospital; (b) a valid prejudicial question in a civil action is invoked during the pendency of the criminal case unless the civil and criminal cases are consolidated; (c) an interlocutory order or incident in the criminal case is elevated to and is pending resolution/decision for an indefinite period before a higher court which has issued a

temporary restraining order or a writ of preliminary injunction; and, (d) when the accused has jumped bail before arraignment and cannot be arrested by his bondsman.

Respondent judge exhibited gross ignorance of the law when he archived Criminal Case No. 2000-08-00-01 immediately after the warrant of arrest was issued against the accused, in violation of the provision of said Administrative Circular No. 7-A-92 which allows the archiving of a criminal case if, after the issuance of the warrant of arrest, the accused remains at large for six (6) months from delivery of the warrant to the proper peace officer.

For gross ignorance of the law, respondent judge was fined P10,000.00 and sternly warned that the commission of the same or similar acts will be dealt with more severely. (A.M. No. MTJ-06-1651, April 07, 2009)

Judge: Gross ignorance of the law

Section 1 of Rule 39 of the 1997 Rules of Procedure provides that execution shall issue as a matter of right on motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

In *Rubio vs. MTCC, Branch 4, Cagayan De Oro City*, (322 Phil 193-194, 1996), the Supreme Court ruled that "once a judgment becomes final and executory the prevailing party can have it executed as a matter of right and the issuance of a Writ of Execution becomes a ministerial duty of the court."

Respondent judge showed his gross ignorance of the law and rules when he refused to issue the necessary writ of execution to implement the final and executory resolution of the Supreme Court in *Chua vs. Victorio*. He should have known that a final judgment of the Supreme Court cannot be altered or modified.

Respondent judge was found liable for gross ignorance of the law when he issued the resolution denying complainant's motions for issuance of a writ of execution. He was fined P20,000.00 to be deducted from his retirement benefits. In as much as he has been previously dismissed from the service with forfeiture of all retirement benefits, said fine shall be deducted from the money value of his accrued leave credits. (A.M. No. MTJ-08-1706, April 16, 2009)

Judges: Undue delay in rendering decision

The Constitution mandates that all cases or matters filed before all lower courts shall be decided or resolved within 90 days from the time the case is submitted for decision.

Respondent judge failed for more than a year to resolve several motions pending before his court. His failure is a serious violation of the constitutional right of the parties to a speedy disposition of their cases. Considering that the subject case was an unlawful detainer case, its prompt resolution was a matter of public policy as it was subject to summary procedure.

For undue delay in rendering decision, respondent judge was fined P20,000.00 and sternly warned that the commission of the same or similar acts shall be dealt with more severely. (A.M. No. RTJ-05-1917, April 16, 2009)

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