



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judges: Violation of the Code of Judicial Conduct**

In *Agustin vs Mercado*, A. M. No. P-07-2340, July 26, 2007, the Supreme Court declared that employees of the court should have no business meeting with litigants or their representatives under any circumstance. This prohibition is more compelling when it involves a judge, who because of his position, must strictly adhere to the highest tenet of judicial conduct; a judge must be the embodiment of competence, integrity and independence.

The court also explained in *Yu-Asensi vs Judge Villanueva*, 379 Phil 258 (2000)

*x x x [W]ithin the hierarchy of courts, trial courts stand as an important and visible symbol of government especially considering that as opposed to appellate court, trial judges are those directly in contact with the parties. Their counsel and the communities which the Judiciary is bound to serve. Occupying as he does an exalted position in the administration of justice, a judge must pay a high price for the honor bestowed upon him. Thus, a judge must comport himself at all times in such manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice. x x x is essential that judges, like Caesar's wife, should be above suspicion.*

Respondent judge violated Canon 5, Rule 5.02 of the Code of Judicial Conduct for his act of transacting with complainant in facilitating the transfer of the titles of the properties from complainant's mother to complainant and her siblings during the conference in respondent's chamber.

For violation of the Code of Judicial Conduct, respondent judge was fined P11,000.00 and sternly warned. **A.M. No. RTJ-11-2279, April 6, 2011**

### **Judges: Citing a non-existent case**

Citing a non-existent case runs counter to the standard of competence and integrity expected of those occupying judicial positions.

In *Difatuan v, Judge Mangotara*, A.M. No. RTJ-09-2190, April 23, 2010 the Supreme Court ruled that a judge may not be disciplined for error of judgment without proof that it was made with a deliberate intent to cause an injustice, still he is required to observe propriety, discreetness and due care in the performance of his official duties.

Respondent judge did not offer any explanation for the incorrect citation of a case when required to comment on the complaint against him.

As this is the first time that respondent judge has committed such carelessness, he was only admonished. **(A.M. No. RTJ-09-2197, April 13, 2011)**

### **Judges: Gross misconduct and dishonesty**

The filing of a certificate of candidacy is a partisan political activity as the candidate thereby offers himself to the electorate for an elective post.

Respondent judge was found guilty of gross misconduct when he filed his certificate of candidacy as a party-list representative without giving up his judicial position. He was also found guilty of dishonesty for concealing his participation in the 1998 elections while remaining in the judiciary's payroll.

For gross misconduct and dishonesty, respondent judge was dismissed from the service with forfeiture of all benefits. He was also directed to refund the salaries, allowances and other benefits he received from March 26, 1998 to November 20, 1998. **(A.M. No. SCC-98-4, March 22, 2011)**

**Branch Clerk of Court: Gross negligence of duty**

Section 10, of Rule 41 of the rules of Court provides that within thirty (30) days after the perfection of appeal the clerk of court of the lower court has the duty to transmit the records to the appellate court.

The records of Civil Case No. 29, 019-2002 were mailed on August 15, 2009 or two (2) years after the issuance of the order directing their transmittal to the Court of Appeals; and that of Civil Case No. 29, 537-2003 were transmitted only after more than six (6) years. Said delay clearly shows that respondent branch clerk of court was grossly remiss in his duty.

For gross negligence of duty, respondent was fined P20,000.00 and sternly warned. **(A.M. No. P-10-2791, April 6, 2011)**

**Stenographer: Disgraceful and immoral conduct**

In *Toledo vs. Toledo, A.M. No. P-07-2403*, the Supreme Court defined immoral conduct as conduct that is willful, flagrant or shameless and that shows a moral indifference to the opinion of the good and respectable members of the community. And in *Concerned Employee vs. Mayor, A.M. No. P-02-1564*, the Court held that mere sexual relations between two unmarried and consenting adults are not enough to warrant administrative sanction for illicit behavior.

The investigating judge found that the sexual relations between the complainant and the respondent were consensual, and that the complainant voluntarily yielded to the respondent and they eventually lived together as husband and wife.

In view of the foregoing findings, the case against respondent stenographer was dismissed for lack of merit. **(A.M. No. P-11-2922, April 4, 2011)**

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