



# Supreme Court of the Philippines Philippine Judicial Academy



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

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### **Judges: Gross Inefficiency**

Administrative Circular No. 28, dated July 3, 1989, provides:

(3) A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. The ninety (90) days period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the Court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days from the completion of the transcripts within which to decide the same.

Respondent judge's claim that his failure to resolve most of the cases was due to the lack of stenographic notes runs counter to said provisions of Circular No. 28.

For gross inefficiency, respondent was fined P20,000.00 to be deducted from his retirement benefits. **(A.M. No. 08-5-305-RTC, July 9, 2013)**

### **Judges: Gross incompetence**

In order for the Court to acquire jurisdiction over an administrative case, the complaint must be filed during the incumbency of the respondent.

A review of the records shows that the judicial audit was conducted in the sala of respondent on January 19, 20, and 21, 2009 during respondent's incumbency. However, the administrative complaint for gross incompetence was docketed only on April 29, 2009 after his compulsory retirement on March 27, 2009, in view of which, the case against him was dismissed in line with the ruling of the Court in A.M. No. 10-2-41-RTC, February 27, 2013, Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao Del Norte. **(A.M. No. RTJ-09-2181, June 25, 2013)**

### **Clerk of Court: Gross misconduct and dishonesty**

Article 1491, paragraph 5 of the Civil Code prohibits court officers such as clerks of court from acquiring property involved in litigation within the jurisdiction or territory of their courts. Said provision reads:

Article 1491. The following persons cannot acquire by purchase, even at a public or judicial auction, either in person or through the mediation of another:

x x x x

(5) Justices, judges, prosecuting attorneys, clerks of superior and inferior courts, and other officers and employees connected with the administration of justice, the **property and rights in litigation** or levied upon an execution **before the court within whose jurisdiction or territory they exercise their respective functions**; this prohibition includes the act of acquiring by assignment and shall apply to lawyers, with respect to the property and rights which may be the object of any litigation in which they may take part by virtue of their profession.

x x x x (emphasis supplied)

For the prohibition to apply, the Court ruled in *Macariola v. Hon Asuncion, etc.*, 199 Phil. 295, 308 (1982), that the sale or assignment of the property must take place during the pendency of the litigation involving the property

The Court, in line with the said provision of the Civil Code, ruled that respondent did not violate the said rule because Special Proceeding No. 1672 was then pending before another court, that is, in the RTC and not in the MTCC where he is the Clerk of Court.

The Court, however, ruled that respondent was guilty of dishonesty and grave misconduct. He deceive complainant's family who were led to believe that he is the legal representative of the owner of the estate they are occupying and has the power to intercede for overstaying occupants. Worse, he demanded money from them.

For grave misconduct and dishonesty, respondent was fined in an amount equivalent to his salary for six months to be deducted from his retirement benefits. **(A.M. No. P-01-1448, June 25, 2013)**

### **Sheriffs: Grave misconduct**

Sheriffs are repositories of public trust and are under obligation to perform their duties honestly, faithfully and to the best of their abilities, because they are the frontline officials of the justice system.

Respondent sheriffs failed in this expectations when they used the Isuzu Fuego vehicle they levied for their personal errands. Worse, said vehicle disappeared while under their safekeeping.

For grave misconduct, respondent sheriffs were dismissed from the service with forfeiture of all retirement benefits and with perpetual disqualification from re-employment in the government including GOCC's. **(A.M. No. P-09-2690, July 9, 2013)**

### **Security Guard: Simple misconduct**

Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees. This standard is applied with respect to a court employee's dealing not only with the public but also with his or her co-workers in the service.

Respondent security guard failed to live up to the high standard of propriety and decorum when in loud and angry voice uttered "Mga putang-ina nyo, ang bobobo nyo, ang tatanga nyo, ayusin nyo yang trabaho nyo!" when complainants told him that his loyalty differential is not yet ready.

For simple misconduct, respondent was suspended for one month and one day without salary and sternly warned. **9A.M. No. SB-13-20-P, June 26, 2013)**

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