



PHILJA E-Alerts

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Tel. No: 02 5529524 Fax No: 02 5529621

E-mail address

philja@sc.judiciary.gov.ph
research_philja@yahoo.com

Website address

<http://philja.judiciary.gov.ph>

PHILIPPINE JUDICIAL ACADEMY

Justice Adolfo S. Azcuna
Chancellor

Dean Sedfrey M. Candelaria
*Head, Research, Publications
and Linkages Office*

Atty. Ma. Melissa R. Dimson-Bautista
Editor

Editorial, Research and Circulation
*Research, Publications
and Linkages Office*

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JUDGES

• **Gross Misconduct; Gross Inefficiency**

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.

Here, there is no question as to the guilt of respondent judge. As shown by the records, she has been remiss in the performance of her responsibilities. She failed to decide cases and resolve pending incidents within the reglementary period, without any authorized extension from this Court. Respondent judge failed to: (1) decide 150 cases submitted for decision [45 criminal cases and 105 civil cases] which are beyond the period to decide, and to (2) resolve the pending motions/incidents in 17 cases [2 criminal cases and 15 civil cases]. Some of the cases were already submitted for decision since 2002, particularly Civil Case No. 2831 and Civil Case No. 2217. More appalling is that she did not give any reason/explanation for her failure to comply with the reglementary period for deciding cases. There were, likewise, no previous requests by her for extension of time to decide said cases. Thus, in the instant case, respondent judge's gross inefficiency is, therefore, evident in her undue delay in deciding 150 cases within the reglementary period and her failure to resolve pending motions/incidents in 17 cases.

Article VIII, Section 15(1) of the 1987 Constitution provides that lower courts have three months within which to decide cases or resolve matters submitted to them for resolution. Moreover, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to dispose of their business promptly and decide cases within the required period. In addition, this Court laid down the guidelines in SC Administrative Circular No. 13 which provides, *inter alia*, that "[j]udges shall observe scrupulously the periods prescribed by Article VIII, Section 15, of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within 12 months from date of submission by all lower collegiate courts, while all other lower courts are given a period of three months to do so." The Court has reiterated this admonition in SC Administrative Circular No. 3-99 which requires all judges to scrupulously observe the periods prescribed in the Constitution for deciding cases and the failure to comply therewith is considered a serious violation of the constitutional right of the parties to speedy disposition of their cases.

This Court has consistently held that failure to decide cases and other matters within the reglementary period constitutes *gross inefficiency* and warrants the imposition of administrative sanction against the erring magistrate. Respondent judge failed to live up to the exacting standards of duty and responsibility that her position required. As a trial judge,

respondent judge is a frontline official of the judiciary and should have at all times acted with efficiency and with probity.

We likewise find similarly concerning is respondent judge's indifference to the indorsements requiring her to comment on the accusations against her. In all three indorsements issued by the OCA, as well as one Letter from the Office of the Chief Justice, respondent judge ignored the directives for her to file the required comment since no comment or compliance has been submitted despite several opportunities given to her which ran in a span of more than three years. Also, as per verification by the OCA of the status of Special Proceedings No. 95-SP-0086, as of December 2015, respondent judge has yet to decide the case which was already submitted for decision since May 12, 2003. It is then apparent that failure to comment despite several directives, as well as the failure to comply with the immediate resolution of Ms. AA's letter, show her propensity to disregard and disobey lawful orders of her superior.

We would like to further stress that all directives coming from the Court Administrator and his deputies are issued in the exercise of this Court's administrative supervision of trial courts and their personnel, hence, should be respected. These directives are not mere requests, but should be complied with promptly and completely. Clearly, respondent judge's unexplained disregard of the orders of the OCA for her to comment on the complaint shows her disrespect for and contempt, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the OCA. Her indifference to, and disregard of, the directives issued to her clearly constituted insubordination which this Court will not tolerate.

We cannot overemphasize that compliance with the rules, directives and circulars issued by the Court is one of the foremost duties that a judge accepts upon assumption to office. This duty is verbalized in Canon 1 of the New Code of Judicial Conduct:

SEC. 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the Judiciary.

SEC.8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the Judiciary, which is fundamental to the maintenance of judicial independence.

The obligation to uphold the dignity of her office and the institution which she belongs to is also found in Canon 2 of the Code of Judicial Conduct under Rule 2.01, which mandates a judge to behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

Under the circumstances, we can thus conclude that the conduct exhibited by respondent judge constitutes no less than clear acts of defiance against the Court's authority. Her conduct also reveals her deliberate disrespect and indifference to the authority of the Court, shown by her failure to heed our warnings and directives.

The Court found respondent judge guilty of gross misconduct and gross inefficiency. Her retirement benefits, except accrued leave credits, were declared forfeited in lieu of dismissal from service which the Court can no longer impose. She was likewise barred from re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations. **[A.M. No. 14-10-339-RTC and A.M. No. RTJ-16-2446 (Formerly A.M. No. 14-3-53-RTC), March 7, 2017]**

- **Gross Irregularity and Serious Misconduct; Gross Inefficiency and Incompetence; Gross Violation of Administrative Circular No. 43-2004**

In his written communications to the Court, respondent judge attempted to explain his failure to resolve such cases by citing his service in several other Regional Trial Court branches. Yet, such explanation did not exculpate him because the additional court assignments or designations imposed upon him as a judge did not make him less liable for the delays. In taking his oath of office as a judicial officer, he precisely swore to perform his duties efficiently in order not to prejudice the litigants. Efficiency thus became his professional commitment for as long as he was on the Bench. He also well knew that Section 15(1), Article VIII of the 1987 Constitution mandated that cases or matters filed in the lower courts must be decided or resolved within three months from the time they are submitted for decision or resolution. He was further aware of Rule 3.05, Canon 3 of the *Code of Judicial Conduct* by which he was expressly required as a judge to promptly dispose of court business, and to decide cases within the prescribed periods. He was expected to have become apprised that any delays in the disposition of cases would surely undermine the people's faith and confidence in the Judiciary. Accordingly, he should have been imbued with that high sense of duty and responsibility in the discharge of his duties and obligations to promptly administer justice while he sat as judge. His failure to promptly dispose of court business, and to decide cases within the prescribed periods efficiently constituted gross inefficiency and warranted the imposition of the condign administrative sanction on him.

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The second charge against respondent judge related to his violation of Administrative Circular No. 43-2004 dated September 6, 2004.

Administrative Circular No. 43-2004 required, among others, that the judge applying for optional retirement should already cease working and discharging his functions as judge even "[i]f on the date specified in the application as the date of the effectivity of the [optional] retirement, [he] has not yet received any notice of approval or denial of his application."

In his case, respondent judge signified the effectivity of his optional retirement to be January 30, 2009, although he subsequently requested an extension until February 20, 2009 to enable him to promulgate decisions he had supposedly prepared in the last week of January 2009.

The OCA found and reported that in the period in question respondent judge decided 10 civil cases and four criminal cases assigned in Branch 1 of the Regional Trial Court in XX, whereby he acquitted the accused; that he dismissed 10 criminal cases and acquitted the accused in one criminal case assigned in Branch 2 of the Regional Trial Court in XX; that he decided one criminal case assigned in Branch 5 of the Regional Trial Court in YY on January 25, 2009 in which he found the accused guilty of murder, but the decision was not promulgated because of the intervening designation of another judge as assisting judge of that branch; that he prepared the decision in another criminal case acquitting the accused, but the decision was not promulgated because of the filing of a motion to suspend the promulgation; and that he acquitted the accused in another criminal case on February 2, 2009. He thereby clearly violated the conditions imposed by the Court in Administrative Circular No. 43-2004.

x x x We note, indeed, that despite not having decided the 12 cases subject of his requests for extension of time to decide, he was able to decide other cases in disregard of the conditions defined by Administrative Circular No. 43-2004 dated September 6, 2004. That was very odd on

his part, for he should have trained his sudden burst of dedication to judicial work to the cases for which he had requested the extensions of the time to decide. Such uncommon alacrity and ability of disposing of the other cases can only generate a strong suspicion of irregularity against him. He thereby exhibited undue haste in favoring the accused in those criminal cases. The appearance of impropriety became more pronounced because he promulgated his acquittals and dismissals after the supposed effectivity of his optional retirement in violation of Administrative Circular No. 43-2004. He became unmindful of Canon 2 of the *Code of Judicial Conduct*, which demanded of him to avoid not only impropriety but also the mere appearance of impropriety in all activities.

The Court found respondent judge guilty of gross irregularity and serious misconduct as well as gross inefficiency and incompetence for which he was fined P100,000. He was likewise found guilty of gross violation of Administrative Circular No. 43-2004 for which he was also fined P100,000, with both fines to be deducted from his retirement benefits. **[A.M. No. RTJ-09-2212 (Formerly A.M. No. 09-11-446-RTC), April 18, 2017]**