



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Undue delay in rendering decision

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If judges do not possess those traits, delay in the disposition of cases is inevitable to the prejudice of the litigants. Judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to administer justice promptly.

It is on record that Civil Case No. 212-B was already submitted for resolution and being an ejectment case, it is governed by the Rules of Summary Procedure which clearly sets a period of thirty (30) days from the submission of the last affidavit or position paper within which a decision thereon must be issued and yet, respondent judge rendered judgment thereon after the lapse of 2 years and 4 months.

For undue delay in rendering a decision, respondent judge was fined P40,000.00 and sternly warned. **(A.M. No. MTJ-14-1841, June 2, 2014)**

Sheriff: simple neglect of duty and violation of the Code of Conduct for Court Personnel

Section 14, Rule 39 of the 1997 Rules of Civil Procedure states:

Section 14. *Return of writ of execution.*-- The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by the motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties.

The 30-day period imposed for the execution of the writ after the judgment has been received by the sheriff, as well as the periodic reports every 30 days, is mandatory under the rule. In *Aquino v. Martin*, the Court held that it is mandatory for the sheriff to execute the judgment and make a return on the writ of execution within the period provided by the Rules of Court. Also, the sheriff must make periodic reports on partially satisfied or unsatisfied writs in accordance with the rule in order that the court and the litigants are apprised of the proceedings undertaken. Such periodic reporting on the status of the writs must be done by the sheriff regularly and consistently every 30 days until they are returned fully satisfied.

Respondent sheriff submitted only one return of writ of execution in his Partial Report and did not file any other report to the court. He also failed to submit periodic reports on the actions he had taken on the writ every 30 days until the judgment is satisfied in full as required by the Rules.

More, it has also been verified that respondent is the brother of the accused in the criminal case against whom the writ was issued. Section 1 (a) of Canon III of the Code of Conduct for Court Personnel provides:

Section 1. Court personnel shall avoid conflicts of interest in performing official duties. Every court personnel is required to exercise utmost diligence in being aware of conflicts of interest, disclosing conflicts of interest to the designated authority, and terminating them as they arise.

(a) A conflict of interest exist when:

- (i) The court personnel's objective ability or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired; x x x

As an officer of the court, respondent should have informed the court and inhibited himself from enforcing the writ knowing fully well that there is a conflict of interest since the accused is his brother.

For simple neglect of duty and violation of the Code of conduct for Court Personnel, the retirement benefits of respondent were declared forfeited except accrued leave credits. **(A.M. No. P-13-3123, June 10, 2014)**

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