



Supreme Court of the Philippines
Philippine Judicial Academy



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Judges: Violation of the Code of Judicial Conduct

Rule 2.03 of Canon 2 of the Code of Judicial Conduct provides that a judge should not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office should not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

In the present case, respondent judge officially issued a notice of conference requiring the complainant to appear before his sala for a conference concerning what turned out to be a non-existing case. The Court said that "by affixing his signature on the notice, respondent judge opened himself – and justifiably so – to suspicion of misusing the prestige of his office to enhance the personal interest of his clerk of court and harass the complainant." For violating the Code of Judicial Conduct, respondent judge was ordered to pay a fine of Php40,000.00. (A.M. No. MTJ-05-1579, October 11, 2005)

Judges: Judicial Clemency

"Let us not be heartless when we see a repentant respondent grieving over the wrong he committed. Justice without compassion is no justice at all."

Thus, held the Supreme Court in extending judicial clemency to respondent judge who was dismissed from the service for kissing his boarder's daughter while he was drunk during his birthday party. The Court also allowed respondent judge to find gainful employment in the government service as consultant and granted him his monetary benefits for his long service in the government. (A.M. No. MTJ-91-565, October 05, 2005)

Judges: Administrative proceedings; burden of proof

"The Rules, even in an administrative case, demand that, if the respondent Judge should be disciplined for grave misconduct or any graver offense, the evidence against him should be competent and should be derived from direct knowledge. The ground for the removal of a judicial officer should be established beyond reasonable doubt. Such is the rule where the charges on which the removal is sought is corruption or incompetence. The general rules in regard to admissibility of evidence in criminal trials apply. Consequently, absent any witness that the allegations in the complaint were within the complainant's and his witnesses' personal knowledge, their testimonies cannot be given credence."

For failure of the complainant to substantiate the allegations stated in his complaint, respondent judge was exonerated and the administrative case against him was dismissed. (A.M. No. RTJ-05-1956, September 20, 2005)

Judges: Gross inefficiency

Delay in the transcription of cases does not absolve a judge from compliance with the rules. Judges are required to take down notes and to proceed in the preparation of decisions even without the transcripts. The three-month reglementary period continues to run – with or without the transcripts or memoranda. Thus, their absence or the delay in their transcription cannot excuse respondent judge's failure to decide the cases within the ninety-day period.

For gross inefficiency, respondent judge was fined in the amount of Php20,000.00 to be deducted from his retirement benefits. (A.M. RTJ-05-1914, September 30, 2005)

Judges: Gross inefficiency; undue delay in rendering a decision

The New Code of Judicial Conduct for the Philippine Judiciary expressly requires judges to perform all judicial duties, including the delivery of decisions, efficiently, fairly and with reasonable promptness. Rule 3.05 of the Code likewise requires judges to dispose of the court's business promptly and decide cases within the required periods.

Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case, and undermines the people's faith and confidence in the judiciary as well as lower its standards and brings it to disrepute. In the present case, respondent cannot escape liability for the delay by passing the blame on his clerk-in-charge. A judge cannot take refuge behind the inefficiency or mismanagement of court personnel. For a judge is responsible not only for the dispensation of justice but also for managing his court efficiently to ensure the prompt delivery of court services.

For undue delay in rendering a decision, respondent judge was fined Php20,000 with stern warning that another repetition of the same or similar act will be dealt with more severely. (A.M. No. RTJ-04-1890, October 11, 2005)

Judges: Gross ignorance of the law

Municipal Judges are the front-line officers in the administration of justice. They have direct contact with the grass roots. As such, they are the most visible representation of the Judiciary. Having accepted the exalted position of a judge, respondent owes the public and the court the duty to be proficient in law.

Judges should endeavor to master the laws they are called upon to apply because their incompetence not only reflects on the judiciary but is also the "mainspring of injustice." In the present case, respondent judge conducted a preliminary investigation *ex parte* and hastily issued a warrant for the arrest of the accused complainant. He also allowed a private prosecutor to examine the parties and their witnesses during the preliminary investigation. Hence, respondent judge revealed his lack of familiarity with the provisions of Rule 112 of the 1985 Rules on Criminal Procedure.

For gross ignorance of the law, respondent judge was fined Php20,000 with warning that his commission of any further administrative offense will be dealt with more severely. **(A.M. No. MTJ-00-1324, October 5, 2005)**

Judges: Immorality, conduct unbecoming and abuse of authority

In order to avoid suspicions of wrongdoing, a respect for traditional and prevailing rules must be observed and kept constantly in mind. A judge should, in fine, administer his office with due regard to the integrity of the judicial system. He must not be perceived as being a repository of arbitrary power but as one dispensing justice under the sanction of the rule of law. That he inhibited himself after they moved for his inhibition cannot extenuate his culpability. At the outset, he should have inhibited himself from the case if only to avoid any doubt or suspicion of bias and partiality against the accused.

The administrative complaint for immorality against respondent judge was dismissed for insufficiency of evidence, however, he was held administratively liable for abuse of authority and fined P20,000.00 **(A. M. No. RTJ-05-1960, October 25, 2005)**

Judges: Undue delay in the resolution /decision of cases

The present clogged dockets in all levels of our judicial system cannot be cleared unless every magistrate earnestly, painstakingly and faithfully complies with the mandate of the law.

All told, we find respondent guilty of undue delay in rendering a decision. Under Section 9 (1), rule 140, as amended, of the Revised Rules of Court, such administrative offense is classified as a less serious charge. Considering that respondent judge has retired compulsorily, the penalty of suspension is no longer feasible, hence, respondent judge was fined P15,000.00 for undue delay in rendering decisions and orders. **(A.M. No. 98-12-394-RTC, October 20, 2005)**

Judges: Failure to decide cases within the prescribed period

In the instant case, the previous respondent judge compulsorily retired from the government service without deciding (45) cases wherein the mandatory period for decision had already elapsed. The present Acting Presiding Judge was saddled with these cases which he had to study one by one, being unfamiliar with them, as he was not the one who conducted the trial. Thus, previous judge was fined P20,000.00 deducted from his retirement benefits. The present acting presiding judge was given an extension of one (1) year within which to decide all the cases which were submitted for decision but left undecided by previous respondent judge upon the latter's retirement from the service. **(A.M. No. MTJ-05-1586, October 20, 2005)**

Judges: Gross Ignorance of the law and Partiality

True, as pointed by respondent, this Court has consistently ruled that double jeopardy does not attach where the State is deprived of a fair opportunity to prosecute and prove its case, or where the dismissal of an information or complaint is purely capricious or devoid of reason, or when there is lack of proper notice and absolute lack of opportunity to be heard. These exceptional circumstances are not herein present and respondent should have known that granting the appeal would constitute double jeopardy. The proper recourse would be a special civil action for certiorari under Rule 65 of the Rules of Court.

Respondent, additionally, should not have ordered the transfer of possession of the car to the sheriff for the latter to keep in his own place of storage. Besides, the proper place of storage is a bonded warehouse.

Nonetheless, because there is no evidence that respondent allowed the illegal use of the car, or that the Sheriff has been using the car, the court cannot declare that any impropriety on this matter has been committed. Similarly, there is no factual support to the complainant's charge of bias and partiality. Respondent judge was found liable for gross ignorance of the law and fined P20,000.00. **(A.M. No. RTJ-03-1794, October 25, 2005)**

Judges: Gross Ignorance of the Law and Partiality

There was no showing of malice on the part of the respondent judge in issuing said status quo ante order. In the absence of malice, fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action even if erroneous.

Besides, the filing of an administrative complaint is not the proper remedy for the correction of actions of a judge perceived to have gone beyond the norms of propriety, where a sufficient judicial remedy exists. As regards the charge of bias and partiality, no evidence was presented by complainant to substantiate the same.

The court has repeatedly emphasized the rule for the guidance of judges that cases pending before them must be decided within the three (3) month period, and non-observance thereof constitutes a ground for administrative sanction against the defaulting judge. Accordingly, respondent judge was found administratively liable for failure to decide cases within the reglementary period and was fined P5,000.00. (A.M. No. MTJ-01-1647, October 13, 2005)

Judges: Gross Ignorance of the Law

To warrant a finding of gross ignorance of the law, the error must be so gross and patent as to produce an inference of bad faith.

In the case at bar, there was no allegation whatsoever that respondent judge was motivated by bad faith, malice or corruption when he issued the premature warrant of arrest. Be that as it may, however, the Court held him administratively liable for his unfamiliarity with the rules on the conduct of preliminary investigation. Respondent judge was fined P2,000.00. (A.M. No. MTJ-05-1599, October 14, 2005)

Judges: Inefficiency

As for respondent's claim of oversight in failing to submit his comment on the present complaint as required by the OCA, the same is untenable as it betrays her ignorance, if not insubordination. For a complainant's desistance from an administrative complaint against a member of the bench, does not, by itself, warrant its dismissal. And judges are called upon to comply with the directive of the OCA, which P.D. No. 828, as amended by P.D. No. 828 is mandated to assist this court in the exercise of its power of administrative supervision over all courts. Respondent judge was fined P20,000.00. (A.M. No. MTJ-05-1611, September 30, 2005)

Judges: Gross Abuse of Authority and Gross Ignorance of the Law

The court has held that an investigating judge's failure to comply with the procedure for preliminary investigation and his hasty issuance of a warrant of arrest constitutes gross ignorance of the law. This is not the first time that respondent judge was found deficient in his grasp of the rules on preliminary investigation.

Judges should endeavor to master the laws they are called upon to apply because their incompetence not only reflects in the judiciary but is also the "mainspring of injustice". Respondent was found guilty of gross ignorance of the law and was fined P20,000.00. (A.M. No. MTJ-00-1324, October 05, 2005)

Clerk of Court II: Gross misconduct; conduct prejudicial to the best interest of the service

"We have said time and again that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. For this reason, their conduct must, at all times, be characterized by propriety and decorum. But beyond proper decorum, such conduct must be above and beyond suspicion, for every employee in the judiciary should be an example of integrity, uprightness and honesty."

In the present case, respondent clerk of court placed the court where she works and its presiding judge in a bad light. Her act of threatening and extorting money from complainant undermines the integrity of the judicial service. For gross misconduct and conduct prejudicial to the best interest of the service, respondent was dismissed from the service with forfeiture of all her retirement benefits except accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations. (A.M. No. MTJ-05-1579, October 11, 2005)

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