



# Supreme Court of the Philippines Philippine Judicial Academy



## *PHILJA Fax/Electronic Alerts*

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**A.M. No. 04-11-09-SC. – Re: Launching of Supreme Court Judicial E-Library and MOA Signing with E-Library Partners. (September 19, 2006)** Conformably with the decision promulgated on September 19, 2006 in G.R. No. 167693, entitled People of the Philippines vs. Melchor Cabalguinto, the Court Resolved to **DIRECT** the Public Information Office, the Library Services and the Office of the Reporters to change, in decisions and resolutions published in the Supreme Court Website, the E-Library and the Philippine Reports, the name and other information of women and children who are victims of crimes covered by R.A. No. 9626, starting with decisions and resolutions of the Court promulgated on March 27, 2004. The names of such victims, and of their immediate family members other than the accused, shall appear as “AAA”. “BBB”, and so on. Addresses shall appear as “xxx” as in “No. xxx Street, xxx District, City of xxx.”

### **Judges: Indirect Contempt of Court**

As borne by the records of the case, the Court had been very lenient and accommodating to the complainant. His numerous pleadings containing unfair accusations against Court Officials, biased and prejudged statements and misconceptions, all casting doubts on the integrity of said officials and the entire Court, were simply noted without action on the ground that the administrative complaint against the respondents had been dismissed in the Resolution dated February 6, 2002. However, complainant went overboard. In spite of the Resolution of February 28, 2005 which stressed the point that the Court is a court of justice, to the extent of explaining in detail how the Division Clerks and the Court Administrator, complainant remains unperturbed in his continuous filing of numerous pleadings, reiterating his allegation that the dismissal of his complaint against the respondents was brought about by a “syndicate” that connive to coddle the respondents. This frame of mind of the complainant is evident even in the present Compliance

The Court finds the explanation of the respondent untenable and finds his persistence in filing pleadings after the Court’s Resolution dated February 28, 2005 to be contumacious. Certainly, the Court will not allow itself to be pestered with pleadings that reiterate the same issues and misconceptions which the Court had already dealt with.

The precious time and resources of the Court have been consumed unnecessarily and which could have been used to attend to more pressing matters before the Court. Herein Complainant was found **GUILTY** of Indirect Contempt of Court and **FINED** in the amount of P20,000.00 payable within 30 days from finality of herein Resolution. **(A.M. No. MTJ-06-1657, September 27, 2006)**

### **Judges: Gross ignorance of the law and abuse of authority**

Section 2, Rule 112 of the Revised Rules of Criminal Procedure enumerates who are authorized to conduct preliminary investigations. RTC judges, who were under the 1964 Rules of Court authorized to conduct preliminary investigations, have been expressly excluded under said section of the Revised Rules of Criminal Procedure.

Preliminary investigation of criminal cases is intended to protect the accused from the inconvenience, expense, and burden of defending himself in a formal trial until the reasonable probability of his guilt has first been ascertained in a fairly summary proceeding by a competent officer. It also protects the State from having to conduct useless and expensive trials.

It bears stressing that a judge must be faithful to and proficient in the law. He must maintain professional competence which is a mark of a good judge. Basic legal procedures must be at the palm of his hands. When the law is sufficiently basic, a judge owes it to his office to simply apply it. Anything less erodes the confidence of the public in the courts and it constitutes gross ignorance of the law.

Herein respondent was **FINED** in the amount of Twenty Thousand Pesos (P20,000.00) with **WARNING** that a repetition of the same or similar act will be dealt with more severely. He is further **ORDERED** to refrain from allowing the filing before the Regional Trial Court of criminal complaints which have not been subjected to preliminary investigation. **(A.M. No. RTJ-06-2020, September 20, 2006)**

### **Judges: dishonesty, gross misconduct and gross ignorance of the law**

The Court noted the OCA Report, finding that the long period by which the case was not set for hearing was partly because there was no permanent presiding judge during the time complained of and that complainant

contributed to the delay in the movement of the case by filing numerous pleadings which he enumerated in his comment as well as the latter's insistence to represent himself in the case even though he is not a member of the Philippine Bar.

As recommended in the said report, the Court Resolved to **DISMISS** the instant complaint for lack of merit. **(A.M. OCA IPI No. 05-2406-RTJ, October 9, 2006)**

**Judges: Gross inefficiency and violation of Administrative Circular No. 5-98**

Because of the delay in the disposition of the election case, the Court finds the respondent judge liable for gross inefficiency and for violation of Rule 3.05 of the Code of Judicial Conduct. Respondent judge had a mild stroke on 31 March 2003 or almost eight months after he should have decided the election case. Respondent judge's mild stroke does not exonerate him. However, respondent judge's additional court assignment serves to mitigate his liability. The Court, mindful of the judges' heavy caseload, allows judges to request for a reasonable extension of time to resolve cases. While the respondent judge did not request for an extension of time to decide the election case, the Court recognizes his additional assignment as acting presiding judge.

Court found respondent **GUILTY** of gross inefficiency and of violation of Administrative Circular No. 5-98. The Court **FINED** him P11,000.00 to be deducted from the P20,000.00 withheld from his retirement benefits. **(A.M. No. MTJ-04-1570, September 5, 2006)**

**Judges: Manifest bias, and partiality, grave misconduct, undue delay in rendering decision or order**

The mandate to promptly dispose of cases or matters has been held by this Court to apply also to motions or interlocutory matters or incidents pending before a magistrate. Delay in resolving such motions or matters cannot be excused or condoned. In this case, we deem it sufficient to admonish respondent judge for such failure, in addition to the recommendation of the OCA to remind herein respondent to resolve such motions or matters within the reglementary period or file an extension therefor on reasonable grounds.

Respondent judge was **ADMONISHED** for her failure to act on the motion for reconsideration within the reglementary period and was **REMINDED** to resolve, rule and render judgment on cases and incidents duly submitted for resolution or decision within the appropriate mandatory period or file an extension therefor on reasonable grounds, with a **WARNING** that a similar infraction in the future will be dealt with more severely. **(A.M. OCA IPI No. 05-2232-RTJ, September 20, 2006)**

**Judges: Manifest bias and partiality**

It is likewise well-settled that in administrative proceedings, the burden of that respondents committed the acts complained of rests on the complainant. In the instant case, we find that the charge of manifest bias and partiality is bereft of factual or legal basis hence, the same must be dismissed. Bare allegations of bias and partiality are not enough in the absence of clear and convincing evidence to overcome the presumption that the judge will undertake his noble role to dispense justice according to law and evidence and without fear or favor. There should be clear and convincing evidence to prove the charge of bias and partiality. Extrinsic evidence is required to establish bias, bad faith, malice or corrupt purpose, in addition to the palpable error that may be inferred from the decision or order itself.

Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his claim, as in this case, the administrative complaint must be dismissed for lack of merit. This Court will not shirk from its responsibility of imposing discipline upon erring employees and members of the bench. At the same time, however, the Court should not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice. This Court will not be the instrument to destroy the reputation of any member of the bench or any of its employees by pronouncing guilt on mere speculation.

The instant administrative case against the respondents was **DISMISSED** for lack of merit. **(A.M. No. RTJ-06-2013, August 4, 2006)**

**Judges: Gross ignorance of the law, incompetence, violation and willful disregard**

Plainly, the error attributed to respondent judge pertains to the exercise of his adjudicative functions. As a matter of policy, *in the absence of fraud, dishonesty and corruption*, the acts of a judge in his official capacity are not subject to disciplinary action. He cannot be subjected to liability – civil, criminal or administrative – for any of his official acts, *no matter how erroneous as long as he acts in good faith*. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith or deliberate intent to do an injustice will be administratively sanctioned. Settled is the rule that errors committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through judicial remedies.

Section 2, Rule 117 of the Rules of Court mandates that, in a motion to quash, the court shall not consider any ground other than those stated in the motion, except lack of jurisdiction over the offense charged. In Criminal Case No. 10911, respondent judge erred when he considered a ground not raised by the accused.

As found by the Court of Appeals, the error in issuing the assailed Order dated October 14, 2003 is tantamount to grave abuse of discretion. However, grave abuse of discretion *alone* is not a ground for disciplinary proceedings. 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.

Instant administrative case against respondent judge was **DISMISSED** for lack of merit. **(A.M. No. RTJ-06-2012, August 4, 2004)**

**Judges: Raffling; conduct unbecoming a judge; violation of Rules 2.10, 3.03 and 3.04 of the Code of Judicial Conduct**

Obviously, the raffle procedure is designed to ensure that cases are randomly and equitably distributed among then courts. The rules for the conduct of the raffle are intended to safeguard the impartial adjudication of cases and to obviate public suspicion regarding assignment of cases to predetermined judges.

We find the respondent Judge equally liable for failing to render the required eight hours of service per working day as shown in the court logbook. Administrative Circular No.3-99 x x x.

Under this circular, judges are required to observe the prescribed schedule for session hours. Furthermore, judges are required as public officers to render eight hours of service every working day, fully utilizing the time to perform their judicial tasks and dispose of court's business promptly. The congested dockets of the courts require no less.

Finally, we find respondent judge liable for violating Rules 3.03 and 3.04 of the Code of Judicial Conduct. If the respondent Judge found his staff's performance or work skills unsatisfactory, he need not have resorted to scolding or berating them in full view of the public. As Investigating Officer correctly pointed out, Rule 3.10 of the Code of Judicial conduct (now Section 3, Canon 2 of the New Code of Judicial Conduct) allows a judge to take appropriate disciplinary measures against erring lawyers or court employees. Resort to intemperate language only detracts from the image of composure and judiciousness that should characterize a member of the bench.

We emphasize the need for judges to abide by Court directives intended to promote the orderly administration of justice. Judges should administer their office with due regard to the integrity of the legal processes, remembering that they are not depositories of arbitrary power, but under the sanction of law.

Respondent judge was **FINED** in the amount of P10,000.00 for conduct unbecoming a judge and for violation of Supreme Court Administrative Matter No. 03-8-02 and Circular No. 63-2001. We **STERNLY WARN** him that repetition of the same or similar acts in the future shall merit a more severe sanction. **(A.M. No. RTJ-04-1878, September 5, 2006)**

**Chancellor, Philippine Judicial Academy**

Ameurфина A. Melencio Herrera

**Head, Research and Linkages Office**

Prof. Sedfrey M. Candelaria

**Editors**

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

**Editorial Assistant**

Atty. Amelia T. Guillamun

**Staff**

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the Research and Linkages Office of the Philippine Judicial Academy with offices at the 3<sup>rd</sup> Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9526 E-mail address: [research\\_philja@yahoo.com](mailto:research_philja@yahoo.com). For e-library: [www.supremecourt.gov.ph](http://www.supremecourt.gov.ph) link to e-library.

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