



Supreme Court of the Philippines Philippine Judicial Academy



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Judge; Gross ignorance of the law

A final and executory decision can no longer be disturbed. This legal reality, known as the rule of immutability of judgment is an elementary principle of law and procedure. Once a judgment becomes final, it may no longer be modified in any respect even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law and regardless of whether the modification is attempted to be made by the court rendering it or by the Highest Court of the land. The only recognized exceptions are the correction of clerical errors or the making of so-called *nunc pro tunc* entries, which cause no prejudice to any party, and where the judgment is void.

For modifying a final and executory decision in the course of its execution, the Supreme Court found respondent judge guilty of gross ignorance of the law. He violated Rule 3.01 Canon 3 of the Code of Judicial Conduct which mandates professional competence on the part of a judge.

For gross ignorance of the law, respondent judge was fined Php 40,000.00. **(A.M.No. RTJ-03,1781, Oct. 16, 2009)**

Judge; Serious misconduct

The act of borrowing a vehicle by a judge or any court employee is not *per se* a violation of judicial norms and standards established for court personnel, as borrowing is a legitimate act that can happen in everyday life. However, judges and court employees by the nature of their functions and of the norms and standards peculiar to their positions live under restrictions not otherwise imposed on others; specifically, they cannot simply borrow in situations that can affect the performance of their duties because of the nature of the thing borrowed or in situations when borrowing would involve ethical questions under express rules.

Respondent judge not only borrowed a vehicle that was the subject of an anti-fencing case before him; he also borrowed it from a lender who had other pending cases before him. His acts constitute irresponsible and improper conduct that erode public confidence in the judiciary.

For serious misconduct, respondent judge was fined Php 40,000.00 **(A.M. No. RTC-03-1781, Oct. 16, 2009)**

Clerk of Court; Simple misconduct

Clerks of court are expected to foster harmony and cooperation in the office so as to ensure effective and efficient service to the public.

Respondent clerk of court failed to observe proper decorum in his dealings with his subordinates and to serve as a role model for the other court employees in his conduct and

actuations. He fomented discord and led those under him to division by unequally and unfairly treating some of his subordinates, particularly the complainants, while favoring others. His irritable and haughty behavior towards complainants affected the latter's performance of their duties, which in turn, harmed the integrity of the court.

While complainants may have indeed defied and disobeyed respondent, the latter should have taken the higher ground and resisted the urge to retaliate with similarly disrespectful behavior. He should not have wielded an iron hand in the office. He never made any attempt to have a dialogue with complainants to address the dispute between them.

Respondent clerk of court was found guilty of simple misconduct, hence, was fined an amount equivalent to his three months salary to be deducted from his retirement benefits. **(A.M. No. P-08-2567, October 30, 2009)**

Stenographer; Simple neglect of duty

Administrative Circular No. 24-90 requires stenographers to transcribe all stenographic notes and to attach the transcripts to the records of the case not later than twenty (20) days from the time the notes are taken. The attaching may be done by putting all said transcripts in a separate folder or envelope which will then be joined to the record of the case.

Respondent stenographer failed to transcribe her stenographic notes within the prescribed time under said Administrative Circular. Her professed excuse that she had to prioritize the transcription of her stenographic notes taken in other cases did not impress and was not considered an adequate excuse. For violating Administrative Circular No. 24-90, she was found guilty of simple neglect of duty and fined Php 5,000 **(A.M. No. P-09-2625, October 9, 2009)**

Interpreter; Incompetence and habitual drunkenness

Court employees are constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided. Those who work in the judiciary must adhere to high ethical standards to preserve the court's good name and standing. They should be examples of responsibility, competence and efficiency, and they must discharge their duties with due care and utmost diligence since they are officers of the court and agents of the law.

Respondent has shown his utter lack of dedication to the function of his office. His failure to perform his duties, his unauthorized disappearances and habitual drunkenness during office hours hampered his efficiency as a court interpreter. His reprehensible conduct and actuaciones are inimical to the service and prejudicial to the interests of litigants and the general public.

He cannot take refuge behind his alleged ailment to justify his infractions. His explanation for his habitual drunkenness, i.e., to ease the pain brought about by his leg injury holds no water.

For incompetence, habitual drunkenness and loafing, respondent was ordered to pay a fine equivalent to his eight (8) months salary to be deducted from his retirement benefits. **(A.M. No. P-08-2569, October 30, 2009).**

Process Server; Gross misconduct

A kiss with lust is not desirable, never. It must be condemned.

The exacting standards of morality and decency expected of those in the service of the judiciary must be maintained, failing which the respect and confidence in the judiciary will be eroded.

The positive testimony of the stenographer-complainant that respondent kissed her with lust prevailed over that of respondents mere denial – a very weak defense.

For gross misconduct, respondent process server was dismissed from the service with forfeiture of all retirement benefits and with prejudice to reemployment in the government service **(A.M. No. P-06-2620, October 9, 2009).**

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