



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Undue delay in rendering decision

Administrative Circular No. 3-99 dated January 15, 1999 reminds all judges to meticulously observe the periods prescribed by the Constitution for deciding cases because failure to comply with the said period transgresses the parties' constitutional rights to speedy disposition of their cases.

Respondent judge failed to render a decision on complainant's case within the reglementary period. He also failed to request an extension of time within which to decide the case.

For undue delay in rendering a decision, respondent judge was fined P11,000.00 to be deducted from his retirement benefits. **(A.M. No. MTJ-11-1793, dated October 19, 2011)**

Judges: Violation of R.A. 3019 and R.A. 6713

Section 7 of R.A. No. 3019 and Section 8 of R.A. 6713 provide:

Section 7 of R.A. 3019:

Sec. 7. Statement of Assets and Liabilities. – Every public officer, within thirty days after assuming office and, thereafter, on or before the fifteenth day of April following the close of every calendar year, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of Department or Chief of an independent office, with the Office of the President, a true, detailed and sworn statement of assets and liabilities, including statement of the amount and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their first statement on or before the fifteenth day of April following the close of the said calendar year.

Section 8, R.A. No. 6713:

SEC. 8. Statements and Disclosure. – Public officials and employees have a obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) Statements of Assets and Liabilities and Financial Disclosure. – All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statements of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

- (a) real property, its improvement, acquisition costs, assessed value and current fair market value;
- (b) personal property and acquisition cost;
- (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- (d) liabilities, and;
- (e) all business interest and financial connections.

The documents must be filed:

- (a) within thirty (30) days after assumption of office;
- (b) on or before April 30, of every year thereafter; and
- (c) within thirty (30) days after separation from the service.

All public officials and employees required under this section to file the aforesaid documents shall also execute, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth and also their business interests and financial connections in previous years, including, if possible the year when they first assumed any office in the Government.

Husband and Wife who are both public officials or employees may file the required statements jointly or separately.

x x x

x x x

x x x

Respondent judge violated the above-quoted laws when he failed to file his SALN for the years 2004-2008.

For violation of Section 7, of R.A. No. 3019 and Section 8 of R.A. No. 6713, respondent judge was fined P5,000.00 and sternly warned. **(A.M. No. SCC-08-12, October 19, 2011)**

Sheriff: Gross neglect of duty and gross inefficiency

Paragraph (c) and (d) of Section 10, and Section 14 of rule 39 of the Rules of Court enumerate the duties of a sheriff in the implementation of a writ for the delivery or restitution of real property as well as in the preparation and submission of return thereon:

Section 10. *Execution of Judgments for specific acts.* –

x x x x

- (c) *Delivery or restitution of real property.* - The officer shall demand of the person against whom the judgment for the delivery or restitution of real property is rendered and all persons claiming rights under him to peaceably vacate the property within three (3) working days, and restore possession thereof to the judgment obligee, otherwise, the officer shall oust all such persons therefrom with the assistance, if necessary, of appropriate peace officers, and employing such means as may be reasonably necessary to retake possession, and place the judgment obligee in possession of such property. Any costs, damages, rents or profits awarded by the judgment shall be satisfied in the same manner as a judgment for money.
- (d) *Removal of improvements on property subject of execution.* –
When the property subject of the execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the

judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.

SEC. 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 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.

Respondent sheriff was remiss in the performance of his duties as mandated by the Rule. He failed to implement and enforce the writ within the prescribed period. He failed to evict the occupants of the subject property and to remove their personal belongings and the structures and improvements introduced therein. Moreover, he failed to make periodic reports, thus depriving the court of the opportunity to know and ensure the speedy execution of its decision.

For gross neglect of duty and gross inefficiency, respondent sheriff was dismissed from the service with forfeiture of all his retirement benefits and with prejudice to re-employment in the government service including GOCC's. **(A.M. No. P-09-2716, October 11, 2011)**

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