



# PHILJA E-Alerts

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### **Clerks of Court: Simple Neglect of Duty.**

Respondent failed to offer any valid reason for failing to present the case records to the audit team. We also note the audit team's report that several case records were not chronologically arranged and lacked certain documents (*i.e., certificates of arraignment, formal offer of evidence, writs of execution*); the court's docket books need updating, and the *rollos* and records of the cases that were jointly tried lacked a mother record containing all documents. These circumstances clearly indicate poor management of the court docket and poor record keeping.

The Manual for Clerks of Court provides that the Clerk of Court is the administrative officer of the court who controls and supervises the safekeeping of court records, exhibits, and documents, among others. Furthermore, Rule 136, Section 7 of the Rules of Court provides that the clerk of court shall safely keep all records, papers, files, exhibits, and public property committed to his charge, including the library of the court, and the seals and furniture belonging to his office.

Respondent, whose responsibilities include ensuring that the case records are safely kept and organized and are readily available upon the request of the proper parties, was himself remiss in the performance of his functions. His failure to immediately present all the case records prevented the audit team from examining and auditing the cases with accuracy. Branch clerk of courts must realize that their administrative functions are vital to the prompt and proper administration of justice. They play a big role in the complement of the court and thus cannot be permitted to slacken in their jobs under one pretext or another.

For respondent's failure to comply with the Court's Resolutions dated April 26, 2010; February 7, 2011; and March 23, 2011, respectively, he was found liable for simple neglect of duty and was fined P5,000, with a warning that a repetition of the same shall be dealt with more severely. (**A.M. No. MTJ-10-1760, November 16, 2015**)

### **Judges: Gross incompetence, inefficiency, negligence, and dereliction of duty; Violation of Canon 3 and Section 5, Canon 6 of the Code of Judicial Conduct.**

As frontline officials of the Judiciary, trial court judges should at all times act with dedication, efficiency, and a high sense of duty and responsibility as the delay in the disposition of cases is a major culprit in the erosion of public faith and confidence in the judicial system. This is embodied in Rule 3.05, Canon 3 of the Code of Judicial Conduct which states that *a judge shall dispose of the court's business promptly and decide cases within the required periods*; and in Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary.

Respondent judge did not deny the veracity of the audit team's findings that he failed to decide several criminal and civil cases submitted for decision, as well as the pending motions and incidents submitted for resolution, notwithstanding the Court's directive for him to decide within six (6) months from notice all cases submitted for decision.

While the rules prescribing the time within which certain acts must be done are regarded as mandatory, the Court has nevertheless been mindful of the plight of our judges and has been understanding of the circumstances that may hinder them from promptly disposing their businesses. The Court, in several instances, has allowed extensions of time to decide cases beyond the 90-day period. All that a judge needs to do is to request from the Court an extension of time to decide the cases, and to justify any request for additional time. The record does not show any attempt by respondent judge to request a reasonable extension of time to dispose of the submitted cases and matters before him.

For failure to decide several cases and to resolve the motions and incidents within the reglementary period, without strong and justifiable reason, constituting gross incompetence, inefficiency, negligence, and dereliction of duty, respondent judge was fined P100,000 to be deducted from his retirement benefits. **(A.M. No. MTJ-10-1760, November 16, 2015)**

**Judges: Revocation of designation as assisting judge and additional court assignments not a valid excuse for delay and failure to decide cases.**

With respect to respondent judge, we find that her explanation – the revocation of her designation was way beyond the reglementary period to decide the cases - does not sufficiently justify the delay in the disposition of the court's business. Based on the OCA report, in almost two years of her designation as Assisting Judge of the MTCC, Calbayog City, Samar, she still failed to resolve the motions and incidents in ninety-five (95) criminal cases and thirty-two (32) civil cases. These motions and incidents were submitted for resolution as early as February 2008 while she was still discharging her duties as assisting judge. Hence, contrary to respondent judge's contention, the 90-day prescriptive period to resolve these motions had already lapsed way before the revocation of her designation on July 20, 2009, as assisting judge at the MTCC, Calbayog City, Samar.

Neither does a heavy caseload nor the assignment of additional functions could exonerate her. If she could not decide the cases within the reglementary period, all she needed to do was to ask for extension of time to decide them. This, she also failed to do.

Under Article VIII, Section 15( 1) of the 1987 Constitution, judges of the lower courts are mandated to resolve or decide matters and cases within the reglementary period of ninety (90) days. This mandate applies not only to the presiding judges assigned to each court, but also to judges who are tasked to assist other judges in the resolution of cases.

For failure to resolve the motions and incidents in ninety-five (95) criminal cases and thirty-two (32) civil cases, and belatedly resolving three (3) other civil cases, respondent judge was held administratively liable and was fined P20,000. **(A.M. No. MTJ-10-1760, November 16, 2015)**