



Supreme Court of the Philippines
Philippine Judicial Academy



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Judges: Gross Ignorance of the Law and Gross Violation of Ethics

The present administrative complaint stems from the temporary restraining order issued by the respondent Judge. Verification shows that the said case is pending review by the Court of Appeals. Thus, an administrative evaluation on the acts complained of is premature. Hence, the instant administrative case against respondent Judge was dismissed. **(A.M. OCA IPI No. 05-2222-RTJ, September 19, 2005)**

Judges: Grave Misconduct and Gross Ignorance of the Law

The action complained of is purely judicial in nature. All the allegations in the complaint are questions of law which have been reviewed, studied and resolved from the lowest court up to the Supreme Court. Complainant has availed of all the judicial reliefs under the law.

We agree with the respondent that Rule 70, exclusively refers to ejectment cases and not Rule 39. Once the Regional Trial Court has rendered a decision in its appellate jurisdiction, such decision shall, under Rule 70, Section 21 of the 1997 Rules of Civil Procedure, be immediately executory, without prejudice to an appeal, via a petition for review, before the Court of Appeals and/or Supreme Court. The instant administrative complaint against respondent Judge was dismissed for lack of merit. **(A.M. OCA IPI No. 05-2192-RTJ, September 12, 2005)**

Judges: Ignorance of the Law and Violation of Canon 3, Rules 3.01 to 3.03 of the Code of Judicial Conduct

Respondent judge erred. While a judge has the discretion in limiting cross-examination of a witness on collateral matters or on matters tending to impeach the witness by showing bias, interest or bad memory, or if the questions are repetitious, he cannot prevent or stop the cross-examination on all matters material to the defense. A wide latitude should be given in cross-examination to test the credibility of the witness on all matters stated on direct examination or connected therewith.

Since the purpose of the defense counsel in requesting a continuance of the cross-examination was to confront the witness with her previous testimony which was inconsistent with what he had given, the motion for continuance should have been granted. Respondent judge, however, cannot be faulted by allowing two (2) prosecutors to alternately interpose objections while the private complainant is under cross-examination. The state may be represented by two (2) prosecutors, but the rule is that only one should be allowed to examine the witness but both may make objections to the testimony.

The denial by the respondent of the motion for inhibition is a judicial act for which he cannot be faulted. The respondent was admonished and advised to be more circumspect in the performance of his duties.

(A.M. No. RTJ-05-1948, August 24, 2005)

Judges: Neglect of Duty and Undue Delay

The records of the case speak for itself that the alleged delay was due to the requested amicable settlement by complainants themselves. The case was decided on 26 November 2001 and the defendants duly filed a Notice of Appeal on 10 December 2001. In the interim, complainants allegedly became regular visitors to the respondent court enlisting their help to mediate between them and the opposing party for an amicable settlement. This fact was not controverted by the complainants in their numerous letters to this office. In fact the Manifestation dated 06 July 2002 filed by them is proof that they indeed were the ones praying for settlement. Their repeated non-appearance without justifiable reason and despite due notice sent by the court during the requested conferences is a big contributory factor to the delay of the final transmittal of the case to the Court of Appeals. The instant complaint against respondent was dismissed for lack of merit. **(A.M. OCA IPI No. 05-2314-RTJ, August 24, 2005)**

Judges: Dishonesty and Gross Ignorance of the Law

The allegation of the complaint that the decision of the respondent judge in a case is tainted with fraud, evident partiality and dishonesty is not supported by evidence. As respondent has aptly pointed out, a decision must first present the allegations of the contending parties whether erroneous or not, and it is up to the judge to determine which is more credible. The instant administrative complaint was dismissed for lack of merit.

(A.M. OCA IPI No. 05-1681-MTJ, August 31, 2005)

Judges: Falsification of Public Document and Abuse of Authority

Respondent cannot be faulted for solemnizing the marriage between the contracting parties if all the requirements under the law are met. The requirement of marriage license was dispensed with in this case because the parties executed a joint affidavit attesting to the fact that they have been living together as husband and wife for more than five years and they have no legal impediment to marry each other. A document executed before an officer authorized to administer oath is a public document. It is evidence, even against third person, of the fact of its execution, and has in its favor the presumption of regularity with respect to its execution. Respondent, therefore, correctly relied on the documents presented by the contracting parties before he solemnized their marriage. The charges against respondent were dismissed.

(A.M. OCA IPI No. 05-2190-RTJ, August 31, 2005)

Judges: Gross Inefficiency

As it is, respondent Judge did not order the re-taking of the testimonies of the vital witnesses and/or failed to render decisions/resolutions in the said cases until the audit conducted by OCA. Thus, there is no sufficient justification to warrant his exoneration. The twelve years unblemished service of respondent operates only to mitigate his liability. We reiterate that it is the duty of the respondent to dispose of court's business promptly. Proper and efficient court management is the responsibility of the judge – he is the one directly responsible for the proper discharge of official functions.

The motion for reconsideration of respondent Judge was granted and was exonerated from the charge of gross inefficiency and his fine was reduced to P5,000. **(A.M. 00-2-65-RTC, August 16, 2005)**

Judges: Gross Misconduct

Section 14, Rule 114 of the Revised Rules of Criminal Procedure specifies the person with whom a cash bail bond may be deposited, namely: the collector of internal revenue or the provincial, city or municipal treasurer. A judge is not authorized to receive the deposit of cash as bail nor should such cash be kept in his office.

Respondent judge personally accepted the cash bail bond of the accused. Hence, the Court found her guilty of gross misconduct for having abused her judicial authority and for deliberately making untruthful statements in her comment and during the investigation of the administrative case against her. She was suspended from office for six months without salary and other benefits and warned that a repetition of the same or similar acts will be dealt with more severely. **(A.M. No. MTJ-05-1609, September 20, 2005)**

Judges: Violation of Section 6 of the Revised Rule on Summary Procedure

Liberal interpretation or construction of the law or rules, however, is not a free commodity that may be availed of in all instances under the cloak of rendering justice. Liberality in the interpretation and application of Rules applies only in proper cases and under justifiable causes and circumstances. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.

Respondent judge admitted an answer to the complaint beyond the reglementary period from the service of summons and rendered judgment as warranted by the facts alleged in a complaint for unlawful detainer. For not following Section 6 of the Revised Rule on Summary Procedure, respondent judge was severely reprimanded with a warning that a repetition of the same or similar acts will be dealt with more strictly. **(A.M. No. MTJ-05-1610, September 26, 2005)**

Judges: Failure to serve court notice

Clearly, this does not speak well of respondent judge's competence in case management. While it may be noted that respondent judge has directed the personnel concerned to explain the delay in sending of notice, this will not free him from any liability. A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is his responsibility. Court personnel are not guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another. A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.

For failure to immediately serve court notice and order, respondent judge was admonished. **(OCA IPI No. 05-1689-MTJ, August 31, 2005)**

Judges: Gross Inefficiency; Dereliction of Duty; Violation of the Code of Judicial Conduct

"Indeed, respondent judge has been remiss in his duty to decide cases within the prescribed period. However, we have also held in a number of cases that lack of showing of malice, corrupt motive or improper considerations may be appreciated in imposing the proper penalty. We find that the penalty of dismissal imposed on respondent judge should be tempered considering that there was no proof that he delayed the resolution of the cases for any corrupt motive or improper considerations. He resolved the cases after his attention was called and before he was dismissed from the service."

Respondent judge's supplemental motion for reconsideration was granted and the decision rendered by the Court finding him guilty of gross inefficiency, dereliction of duty and violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct was modified. In lieu of his dismissal, the Court suspended him from service until his mandatory retirement. **(A.M. No. RTJ-04-1821, October 4, 2005)**

Judges: Acts of impropriety

This Court has repeatedly held that no position exacts a greater demand on the moral uprightness of an individual than a seat in the judiciary. This is because the judge "is the visible representation of the law and, more importantly, of justice. From him, the people draw their will and awareness to obey the law. Thus, the judge's behavior, not only while in the performance of official duties but also outside the court, must be beyond reproach. As Canon 2 of the Code of Judicial Conduct mandates, "[a] judge should avoid impropriety and the appearance of impropriety in all activities."

Here, respondent judge admits having issued checks, in a commercial transaction, drawn against his account which on the due date of the checks did not have sufficient funds to cover the value of the checks. By doing so, he acted with obvious impropriety in disregard of the strict standards of conduct of his high office. Respondent judge was fined Php10,000. **(A.M. No. MTJ-04-1553, August 18, 2005)**

Judges: Failure to decide a case within the prescribed period

The New Code of Judicial Conduct for the Philippine Judiciary expressly requires judges to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness. Here, respondent judge rendered a decision nine months after the complainants filed a motion for early resolution of their case.

However, due to the diligence shown by respondent judge in the performance of her duties as Executive Judge and Presiding Judge, the Court mitigated her liability and merely admonished her with a stern warning that a repetition of a similar infraction in the future will be dealt with more severely. **(A.M. No. RTJ-05-1945, August 25, 2005)**

Judges: Grave Abuse of Authority; Simple Misconduct

It has time and again been stressed that besides the basic equipment of possessing the requisite learning in the law, a magistrate must exhibit that hallmark judicial temperament of utmost sobriety and self-restraint which are indispensable qualities of every judge. A judge anywhere should be the last person to be perceived as a petty tyrant holding imperious sway over his domain.

In the present case, respondent judge unceremoniously cited the lawyer in contempt and declared himself as having such "absolute power." The Court said that it was a clear evidence of the respondent's unjustified use of the authority vested upon him by law. However, the Court said that respondent has also been provoked by the seemingly defiant attitude of the lawyer, hence, respondent was only guilty of simple misconduct. For grave abuse of authority and simple

misconduct, respondent judge was reprimanded and sternly warned that a repetition of the same or similar acts will be dealt with more severely. **(A.M. No. RTJ-01-1660, August 25, 2005)**

Legal Researcher: Impropriety of receiving money from litigants

The Court cannot overemphasize the need for honesty and integrity on the part of all those who serve in the Judiciary. Thus, all those in the service have continuously been exhorted to behave at all times to promote confidence in the integrity and impartiality of the Judiciary, and to avoid impropriety and the appearance of impropriety in all activities.

Here, respondent agreed with the complainant to look for a lawyer and to represent him in a case to be filed in the branch where she is the legal researcher and obtained a lawyer to represent complainant. Respondent also admitted that she received from complainant the amount of Php130,000.00 on two occasions to be used for the filing of the case for declaration of nullity of marriage. For gross misconduct, respondent was suspended for one year and sternly warned that a repetition of the same or similar act will be dealt with more severely. **(A.M. No. P-04-1908, August 16, 2005)**

Sheriffs: Acts of impropriety

The Code of Conduct for Court Personnel provides that in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.

Although there is no specific provision in the Civil Service Rules which prohibits a government employee from participating in a cockfight, respondent sheriff's presence thereat, nonetheless, elicits a bad impression. His presence adversely affects the integrity and honor of the entire judiciary. For committing an act of impropriety, respondent sheriff was reprimanded and advised to be more circumspect in his actuation especially his involvement in activities which may cast doubt in the integrity of the judiciary. **(A.M. No. 05-7-458-RTC, August 25, 2005).**

Sheriffs: Misconduct in implementing writs

Section 10 (d), Rule 39 of the Revised Rules of Civil Procedure provides that a sheriff should secure a special order of the court before he could destroy, demolish or remove the improvements on the property. Respondent sheriff not only gravely abused his authority in evicting the complainants from the property; he also committed misconduct when he demolished the improvements thereon without securing a writ of demolition.

The Court suspended him for a period of six months without pay, with a stern warning that a repetition of the same or similar act will be dealt with more severely. **(A.M. No. MTJ-04-1566, August 22, 2005)**

Clerk III: Simple neglect of Duty

Chapter VI of the 2002 Revised Manual for Clerks of Court provides that one of the functions of a Clerk III is to "maintain [a] systematic filing of criminal cases, civil cases, special civil actions, land registration cases and administrative cases." The loss of the TSNs, the responsibility of insuring their proper filing and keeping of which lies on respondent, reflects her failure to faithfully discharge her functions. Her explanation for not complying with complainant's instruction to file the TSNs in separate folders – shortage of folders, fasteners and the like – even if true, does not mitigate her responsibility for the loss. Neither does the re-transcription of the TSNs, for the loss of the TSNs did not only cost manpower time but cause a delay in the disposition of the *Conol* case and compromised the people's faith in the judiciary.

For simple neglect of duty, respondent was suspended from the service for one (1) month and one (1) day with a stern warning that a repetition of the same or similar offense will be dealt with more severely. **(A.M. No. P-05-2061, August 19, 2005)**

Lawyers: Fined for filing groundless suit

As officers of the court, lawyers have a responsibility to assist in the proper administration of justice. They do not discharge this duty by filing frivolous petitions that only add to the workload of the judiciary. Canon 12 of the Code of Professional Responsibility promulgated on June 21, 1988 is very explicit that lawyers must exert every effort and consider it their duty to assist in the speedy and efficient administration of justice.

In this case, complainant lawyer not only lacked personal knowledge of the charges but also failed to substantiate them. He claimed that respondent sheriff banged at his gate, shouted and posted notices at the gate but he failed to mention the details and the dates on which these infractions were alleged to have been committed. He presented no witnesses to prove his claim particularly his employees who had always informed the sheriff that he and his wife were away each time the notices were served. The case for serious misconduct filed by the complainant against the Sheriff was dismissed for lack of merit. For filing groundless suit, complainant was fined in the amount of Php5,000.00. **(A.M. No. P-05-2059, August 19, 2005)**

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