



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Serious Misconduct and delay in Resolution of Election Protest

We agree with the foregoing findings. Respondent judge's conduct of "borrowing" money from litigants in his *sala* was highly improper and warrants extreme sanction from this Court. His insistence that the money he got was merely a "loan" taxes our credulity. In a recent case, we ruled that receiving money from litigants unavoidably creates the impression that litigants can facilitate the favorable resolution of cases pending before the courts.

A judge should impress upon the public that legal issues are resolved based solely on the facts and the laws applicable. Being at the forefront of the judicial system, respondent judge should have avoided impropriety and the appearance of impropriety in his behavior so as not to corrode the people's respect for the law and judicial institutions.

Respondent judge degraded his office when he took freebies from complainant. The public holds judges in high esteem due to the integrity and probity that qualify them for the job. It was thus highly improper for respondent judge to take free meals and goods from complainant. By his conduct he put the whole bench in disrepute. Respondent Judge was found **GUILTY** of serious misconduct and delay in the resolution of Election Protest and is ordered to pay a fine of P5,000.00. **(A.M. No. MTJ-02-1399, August 10, 2006)**

Judges: Gross misconduct, conduct unbecoming a judge and member of the bar, gross ignorance of the law and procedure, knowingly rendering an unjust judgment and order

Indeed, we have held that the filing of an administrative complaint against a judge is not an appropriate remedy where judicial recourse is still available, such as a motion for reconsideration, an appeal, or a petition for certiorari, unless it happens that the assailed order is tainted with bad faith, fraud, malice or dishonesty.

In *Bello III v. Diaz*, we reiterate that disciplinary proceedings against judges do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary. Administrative complaints against judges cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by their erroneous orders or judgments. An inquiry into their administrative liability arising from judicial acts may be made only after other available remedies have been with finality.

Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the persons of the judges concerned, whether of criminal, civil or administrative nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil, or administrative liability may be said to have opened, or closed. For obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against him at all. Indeed, since judges must be free to judge, without pressure or influence from external forces or factors, they should not be subject to intimidation, or the fear of criminal, civil or administrative sanctions for acts they may do and dispositions they may make in the performance of their duties and functions. The instant administrative complaint is **DISMISSED** for lack of merit. **(A.M. No. RTJ-06-2001, August 16, 2006)**

Judges: Simple misconduct

In administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in the complaint. In this case, complainant failed to prove that respondent judge granted with dispatch all the pleadings of the complainant and that respondent judge was responsible for the delay in the execution of the Court of Appeals' decision. Hence, the Court dismisses this particular charge.

For the orderly administration of justice, respondent judge should not have allowed the complainant to litigate personally because he was already represented by counsel. Respondent judge should have required the complainant to choose between self-representation or being represented by counsel.

On respondent judge's close friendship with the complainant, such did not render respondent judge guilty of violating any canon of judicial ethics as long as his friendly relations with the complainant did not influence his official conduct as a judge in the cases where the complainant was a party. Complainant failed to present any convincing proof that respondent judge gave any undue privileges in his court for the complainant, or that complainant benefited from his personal relations with the respondent judge, or that respondent judge used his influence, if any, to favor the complainant.

However, it would have been more prudent if respondent judge avoided hearing the cases where the complainant was a party because their close friendship could reasonably tend to raise suspicion that respondent judge's social relationship with the complainant would be an element in his determination of the cases. This may erode the trust of the litigants in respondent judge's impartiality and eventually, undermine the people's

faith in the administration of justice. Judges must not only render a just, correct and impartial decision but should do so in such a manner as to be free from any suspicion as to his fairness, impartiality and integrity. Respondent was found **GUILTY** of simple misconduct and **ORDERS** the **FORFEITURE** of P10,000.00 withheld from his retirement benefits. **(A.M. No. RTJ-04-1823, August 28, 2006)**

Judges: Gross Ignorance of the Law

Indeed, a preliminary investigation should have been conducted before the filing of the Amended Information. A preliminary investigation is a proceeding distinct from an inquest. A preliminary investigation is "an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial." An inquest is "a summary inquiry conducted by a prosecutor for the purpose of determining whether the warrantless arrest of a person was based on probable cause."

Where the penalty prescribed by law for an offense is at least four years, two months and one day of imprisonment without regard to the fine, a preliminary investigation must be conducted before the filing of a complaint or information for such offense. The conduct of an inquest investigation does not fulfill the requirement for the conduct of a preliminary investigation before the filing of an information or complaint involving any such offenses, except when the accused was lawfully arrested without a warrant.

In the case at bar, the accused was not even arrested. He repaired to the CIDGU on its invitation. He should thus have been subjected to a preliminary investigation, not a mere inquest investigation. Respondent judge was found guilty of gross ignorance of the law and was **FINED** Fifteen Thousand (P15,000.00) Pesos, with warning that a repetition of the same or similar infraction shall be dealt with more severely. **(A.M. No. RTJ-06-2011, August 7, 2006)**

Judges: Grave abuse of authority

At bottom is the sad spectacle of two officials of the judiciary wasting the precious hours of the Court, including theirs, that could have otherwise been devoted to a more salutary productive judicial pursuit rather than on petty wrangling that has no place in the judicial pursuit system. They ought to be reminded that the nature and responsibilities of the men and women in the judiciary, as defined in different canons of conduct, are neither mere rhetorical words nor idealistic sentiments but working standards and attainable goals to be matched with actual deeds. The Court has repeatedly stressed that court employees, from the presiding judge to the lowliest clerk, being public servants charged with dispensing justice, should always act with high degree of professionalism and responsibility, if not maturity. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with law and court regulations. They should avoid any act or conduct that would or tend to diminish public trust and confidence in the courts. Indeed, those connected with the dispensation of justice bear a heavy burden of responsibility.

Patience is an essential part of dispensing justice; civility is never a sign of weakness and courtesy is a mark of culture and good breeding. Impatience and rudeness have no place in the government service in which personnel are enjoined to act with self-restraint and civility at all times. Herein Respondent judge was **REPRIMANDED** and **STERNLY WARNED** that repetition of the same or similar acts will be dealt with more severely. **(A.M. No. MTJ-1612 & A.M. No. P-05-1950, August 30, 2006)**

Judges: Failure to comply with court resolutions

It is an imperative for judges to comply with resolutions issued by the Court. By promulgating a decision in the election case whilst under suspension per resolution of the Court, indeed respondent judge miserably failed to render such obeisance to the Court's mandate.

Judges should respect the orders and decisions of higher tribunals, much more so this Court from which all other courts should take their bearings. A resolution of the Supreme Court should not be construed as a mere request and should not be complied with partially, inadequately or selectively. Herein respondent is hereby **FINED** in the amount of P10,000.00 with a **STERN WARNING** that a repetition of the same or similar acts in the future will be dealt with more severely. **(A.M. No. MTJ-04-1565, August 16, 2006)**

Judges: Failing to comply with directives of OCA

Judges are subject to human limitations. It is not lost upon us that the respondent suffered from serious ailments and was hospitalized therefor. However, while these circumstances will not exculpate him from administrative liability, they may be considered as mitigating circumstances

For failing to promptly comply with the directives of the Office of the Court Administrator, respondent was **FINED** in the amount of P1,000.00 to be deducted from his retirement benefits. **(A.M. No. P-04-1838, August 31, 2006)**

Branch Clerk of Court: Conduct unbecoming of an officer

Insulting act of mimicking the judge, in the presence of other court employees, a gesture calculated to ridicule, is a behavior unexpected of one in the judicial service. The ideal is for a court employee to be well-mannered, civil, and considerate in his actuations, more particularly with respect to his relation to the presiding judge he is assigned under. Herein respondent acts went against the principles of public service and such unpleasant kind of behavior must not be tolerated if we are to demand the highest degree of excellence and professionalism among public employees and to preserve the integrity and dignity of our courts of justice. He

failed to live up to the norms of conduct demanded of his position. Respondent was meted a **FINE** of P2,000.00 and **STERNLY WARNED** that repetition of the same or similar acts will be dealt with more severely. **(A.M. No. MTJ-1612 & A.M. No. P-05-1950, August 30, 2006)**

Clerk of Court: Gross neglect of duty, dishonesty and grave misconduct

As the custodian of the Court's funds, revenues, records, properties and premises, the Clerk of Court is liable for any loss, shortage, destruction or impairment of said funds and properties. Hence, herein respondent cannot pass the blame for the shortages incurred to the one who performed the task of handling, depositing, and recording of cash and check deposits. As Clerk of Court, she has the general supervision over all personnel of her court. It was incumbent upon her to ensure that everyone is performing their duties and responsibilities in accordance with the circulars on deposits and collections so that all court funds are properly accounted for.

The 1991 Manual for Clerks of Court and the 2002 Revised Manual for Clerks of Court both provide that "[a] clerk of court found short of money accountabilities may be dismissed from the service."

Section 111 of the Government Auditing Rules and Regulations requires collecting officers to deposit their collections daily when the distance to the depository bank is less than 15 kilometers or the travel time is less than one day daily whenever the accumulated collections amount to P500 or more.

Circular no. 50-95 requires that "[a]ll collections from bailbonds, rental deposits and other fiduciary collections shall be deposited within twenty-four (24) hours by the Clerk of Court concerned, upon receipt thereof, with the Land Bank of the Philippines. The safeguarding of funds and collections, submission to this Court of a monthly report of collections for all funds, the proper issuance of official receipts for collections are essential to an orderly administration of justice. Hence, respondents' failure to comply with the aforementioned Court Circulars and other relevant rules designed to promote full accountability for public funds constitutes gross neglect of duty and grave misconduct.

Respondent was found **GUILTY** of gross neglect of duty, dishonesty and grave misconduct. She is hereby **DISMISSED** from the service with forfeiture of all retirement benefits, excluding accrued leave credits, with prejudice to re-employment in any government office, including government-owned and controlled corporations. Further, herein respondents are hereby ordered to **RESTITUTE** within 30 days from notice representing shortage in the Fiduciary Fund. **(A.M. No. P-01-1499, September 26, 2006)**

Interpreter: Serious misconduct

It is the sacred duty of everyone charged with the dispensation of justice, from the judge to the lowliest clerk, to maintain the court's good name and standing as true temples of justice. Circumscribe with the heavy burden of responsibility, their conduct must not only be characterized with propriety and decorum but, above all else, beyond suspicion.

Respondent was found **GUILTY** of serious misconduct and is hereby suspended for a period of one (1) year, with a stern warning that the commission of the same or similar acts will be dealt with more severely. **(A.M. No. MTJ-02-1399, August 10, 2006)**

Court Personnel: Dishonesty

Under Section 23, Rule XIV of the Rules Implementing Book V of E.O. No. 292, respondents whose DTR are evidently unrepresented of the truth, should be punished with dismissal, although it is their first offense. However, in *Office of the Court Administrator v. Sirios*, we held that we do not hastily inflict such an extreme penalty of dismissal upon an erring employee, especially so in cases where there exist mitigating circumstances which could alleviate his or her culpability. Although unintentional mistake and good faith are not valid defenses, the fact that respondents readily acknowledged their transgression, sought pardon and vowed to rectify their errors, and the fact that this is their first administrative offense, militate the reduction of the imposable penalty of dismissal from the service to lighter penalties

Hereby respondents are found guilty of **DISHONESTY** and are **FINED** and **STERNLY WARNED** that the commission of the same or similar offense in the future shall be dealt with more severely. **(A.M. No. P-04-1838, August 31, 2006)**

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