



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Grave abuse of discretion, dishonesty, gross ignorance of the law, grave misconduct and conduct prejudicial to the best interest of the service

Dishonesty, like bad faith, is not simply bad judgment or negligence, but a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment. In the instant case, it appears that the respondent intentionally fabricated the order to cover up for his official shortcomings. This is a reprehensible act that will not be sanctioned by the Court.

Wherefore, for dishonesty, gross misconduct constituting violation of the Code of Judicial Conduct and gross ignorance of the law, herein respondent was **ORDERED** to **PAY** a fine of P20,000.00, with **WARNING** that a repetition of the same or similar acts shall be dealt with more severely (**A.M. No. MTJ-03-1505, September 25, 2007**).

Judges: Denying without factual and legal basis motion to dismiss, oppression, grave misconduct, gross ignorance of the law and violation of anti-graft and corrupt practices

In the case at bench, respondent judge is faulted by complainant for denying his motion to dismiss the complaint for abatement of nuisance against him on the ground that, transferring his residence, plaintiff no longer stood to be affected by the acts complained of. It is complainant's position that respondent judge's refusal to dismiss the case in view of Article 697 of the **Civil Code of the Philippines** is bereft of factual and legal bases when considered in the light of the fact that said plaintiff's complaint did not seek indemnification for damages. It is essentially for this that complainant seeks to hold respondent judge liable for oppression, grave misconduct, gross ignorance of the law and violation of the **Anti-Graft and Corrupt Practices Act**.

Oppression, however, is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury; it is an act of cruelty, severity or excessive use of authority." The word "misconduct" implies wrongful intention such that, for gross misconduct to exist, the judicial act complained of should be corrupt or inspired by an intention to violate the law or a persistent disregard of well known legal rules (*In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr.*, 395 SCRA 231). Because it is such misconduct which affects a public officer's performance of his duties as such officer and his character as a private individual, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law (*Campilan v. Campilan, Jr.*, 381 SCRA 494)

There is gross ignorance of the law, on the other hand, when a judge displays utter lack of familiarity with the rules, thereby eroding the public's confidence in the competence of our courts (*Guillen v. Canon*, 373 SCRA 70). To be held liable for gross ignorance of the law, the judge must be shown to have committed an error that was "gross or patent, deliberate or malicious," as well as a judge who – shown to have been motivated by bad faith, fraud, dishonesty or corruption – ignored or contradicted or failed to apply settled law and jurisprudence (*Cabatingan, Sr., v. Arcueno*, 387 SCRA 532). This is likewise true of the charge of violation of the **Anti-Graft and Corrupt Practices Act** which was intended to promote morality in public administration (*Cavite Crusade for Good Governance v. Cajigal*, 370 SCRA 423)

The record, however, shows that complainant did not even deign to prove his charges against respondent judge beyond the inuendos and insinuations in his letter-complaint. In administrative proceedings like the one at bench, it goes without saying that it is the complainant who has the burden of proving by substantial evidence the allegations in the complaint (*Araos v. Luna-Pison*, 378 SCRA 246). The standard of substantial evidence is satisfied only when there is reasonable ground to believe that respondent judge is responsible for the conduct complained of even if such evidence might not be overwhelming or even preponderant (*Liquid v. Camano, Jr.*, 387 SCRA 1).

ACCORDINGLY, the instant complaint against respondent is **DISMISSED** (**A.M. No. RTJ-07-2083, Sept. 27, 2007**).

Judges: Violation of Rules 1.01, 2.01, 2.03 and 3.12(d) of the Code of Judicial Conduct and Section 1, Rule 137 of the Rules of Court

In administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in the complaint. The basic rule that mere allegation is not evidence cannot be disregarded. This is particularly true in the instant case.

Respondent was found administratively liable for violation of Section 1, Rule 137 of the Rules of Court and of Rule 2.03, Canon 2, rule 3.12, Canon 3 of the Code of Judicial Conduct for taking cognizance of a criminal case where he and his wife are economically interested in its outcome, and with the latter listed as private complainant therein. Respondent was **FINED** an amount of P20,000.00 and is sternly warned that commission of the same or similar act in the future will warrant a more severe penalty (**A.M. No. RTJ-06-1995, September 25, 2007**).

Judges: Gross misconduct in re: transcript of stenographic notes

As the Court has repeatedly pronounced, any administrative complaint leveled against a judge must always be examined with a discriminating eye on its consequential effects are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment. Mere imputation in the absence of sufficient proof will never be countenanced. Indeed, when an administrative charge against a judge is determined to have no basis whatsoever, the Court will not hesitate to protect her against any groundless accusation that trifles with judicial process. The Court will not hesitate to shield its employees from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

Charges against respondent judge were **DISMISSED** for lack of merit (**A.M. No. MTJ-06-1649, September 12, 2007**).

Judges: Conduct unbecoming a judge and highly unethical act for "publicly speaking on radio and in public fora regarding his bias and parochial views on certain controversial issues against public personalities and public officials

"As regards going on the air to express one's opinion over a matter of public concern, the undersigned believes that respondent Judge cannot be held to answer administratively simply because he was only exercising his constitutional right to be heard in a petition for the redress of grievances. As a consumer and as a member of the body politic it was his right, nay his duty to air what he honestly believed to be an incipient irregularity."

However making telephone calls to another judge who was presiding the Court wherein the petition to stop the provincial governor from implementing an allegedly questionable project is improper and a violation of the Code of Judicial Conduct.

Herein respondent judge was declared guilty of serious misconduct and is ordered to pay a **FINE** of P20,000.00, payable to this Court within ten (10) days from notice (**A.M. No. RTJ-01-1621, September 27, 2007**).

Judges: Audit Findings

We treated the judicial audit as an administrative complaint and referred it to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

The OCA noted that he failed to file his comment on the findings of the audit team despite his request for an extension of time to submit the same. Nonetheless, he partially complied with the memorandum with the transmittal of copies of "contancia." orders and decisions.

Inability to decide a case within the required period is not excusable and constitutes gross inefficiency. The Court has constantly reminded judges to decide cases promptly. Delay not only results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected; it also reinforces in the mind of the litigants the impression that the wheels of justice grind ever slowly, and worse, it invites suspicion of ulterior motives on the part of the judge. Failure to decide cases on time constitutes inefficiency that merits administrative sanction.

Judges are duty bound to comply with the required working hours to insure the maximum efficiency of the trial courts for a speedy administration of justice. Daily trials at a minimum of five hours per working day of the week will enable the judge to calendar as many cases as possible and to dispose with regular dispatch the increasing number of litigations pending with court. All other matters needing the attention of the judge are to be attended to outside of this five-hour schedule of trial.

Judges are reminded that circulars prescribing hours of work are not just empty pronouncements. They are there for the purposes of promoting efficiency and speed in the administration of justice, and require prompt and faithful compliance by all concerned. Respondent judge was found guilty of undue delay in rendering decision or order and is hereby **SUSPENDED** from office for three months without salary or other benefits effective upon receipt of this Resolution. He was also **FINED** in the amount of P10,000.00 for his display of

manifest indifference to the Resolution of this Court and further **REPRIMANDED** for his failure to observe office hours. He was **WARNED** that repetition of the same or similar act/acts will be dealt with more severely. He was also **DIRECTED** to fully comply with the directives of the Memorandum within sixty (60) days from receipt of this Resolution **(A.M. No. MTJ-07-1667, September 27, 2007)**.

Clerks of Court: Failure to conduct inventory of Cases

Herein respondent clerk of court failed to conduct the inventory of cases; to apprise the Judge of cases that require immediate action; failed to issue writs of execution as ordered; issued summons instead of subpoena in criminal cases; and nine case records were missing.

The OCA also found Clerk of Court negligent in her duties. She failed to take further action on the "summons" and warrants issued, to supervise her subordinates particularly on the service of the writs of execution, the stitching of all case records and the issuance of "summons" in criminal cases. Herein respondent clerk of court was found guilty of manifest negligence in the performance of her duties and is ordered to pay a **FINE** in the amount of P5,000.00, with **WARNING** that a repetition of the same or similar act will be dealt with more severely. She is also **DIRECTED** to inform the Court, through the Office of the Court Administrator, of the status of Civil Cases No. 8141 and 8142 **(A.M. No. MTJ-07-1667, September 27, 2007)**.

Sheriffs: Failure to make a return and submission to the court

According to the OCA, herein Sheriff failed to comply with Section 14, Rule 39 of the Rules of Court which requires the sheriff to make a return and submit it to the court immediately upon satisfaction in part or in full of judgment. Sheriff admitted that the returns were attached to the individual records only, but failed to furnish the Court with copies of the returns,

Herein Sheriff was found guilty of simple neglect of duty for failing to file the returns on time and is ordered to pay a **FINE** in the amount of P5,000.00, with **WARNING** that a repetition of the same or similar act will be dealt with more severely **(A.M. No. MTJ-07-1667, September 27, 2007)**.

Court Stenographer:

Section 17 of Rule 136 expressly states that it is the duty of a court stenographer to deliver to the clerk of court, immediately at the close of a court session, all the notes he has taken, to be attached to the record of the case. When such notes are transcribed, the transcript shall be delivered to the clerk, duly initialed on each page, likewise to be attached to the record of the case.

Since having no proof of any ill motive on the part of the Court Stenographer, he is reprimanded for failing to sign the transcript of stenographic notes of the May 23, 2002s proceedings

Herein Stenographer respondent was **REPRIMANDED** with similar **WARNING** that a repetition of the same or similar acts shall be dealt with more severely **(A.M. No. MTJ-03-1505, September 25, 2007)**.

Court Stenographer: Simple Neglect of Duty

A court stenographer performs a function that is vital to the prompt and fair administration of justice. Stenographers, like all other public officers, are accountable to the people at all times; thus, they must strictly perform their duties and responsibilities. A public office is a public trust, and a court stenographer violates this trust whenever she fails to fulfill her duties.

Herein respondent was **FINED** Five Thousand Pesos (P5,000.00 for SIMPLE NEGLECT OF DUTY and **WARNED** to be more circumspect in the performance of her duties, as a commission of the same or similar act in the future shall be dealt with more severely **(A.M. No. MTJ-06-1649, September 12, 2007)**.

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