



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Undue delay in deciding a case

The 3rd paragraph of S.C. Administrative Circular No. 28 dated July 3, 1989 provides:

A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. **The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or upon the expiration** of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within which to decide the same.

Respondent failed to observe the said Circular. His justification for failing to resolve Civil Case No. 27653, i.e. lack of stenographic notes does not hold water.

For his failure to decide complainant's case within the reglementary period, respondent judge was reprimanded. **(A.M. No. MTJ-10-1769, October 6, 2010)**

Judges: Ignorance of the law

Section 19 of Rule 70 of the Rules of Court provides:

Section 19. *Immediate execution of judgment; how to stay the same.* -- **If judgment is rendered against the defendant, execution shall issue immediately upon motion, unless an appeal has been perfected and the defendant to stay execution files a sufficient supersedeas bond, approved by the Municipal Trial Court and executed in favor of the plaintiff to pay the rents, damages, and costs accruing down to the time of judgment appealed from, and unless, during the pendency of the appeal, he deposits with the appellate court the amount of rent due from time to time under the contract, if any, as determined by the judgment of the Municipal Trial Court.** In the absence of a contract, he shall deposit with the Regional Trial Court the reasonable value of the use and occupation of the premises for the preceding month or period at the rate determined by the judgment of the lower court on or before the tenth day of each succeeding month or period. The supersedeas bond shall be transmitted by the Municipal Trial Court, with the other papers, to the Clerk of the Regional Trial Court to which the action is appealed.

Respondent judge should have granted complainant's motion for immediate execution considering that the defendant did not file the required supersedeas bond. It is basic rule in ejectment cases that the execution of judgment in favor of the plaintiff is a matter of right and mandatory. Respondent judge's excuse that he had lost jurisdiction over the case by virtue of defendant's appeal is unacceptable. The perfection of defendant's appeal is not a bar to the favorable action on plaintiff-complainant's motion for immediate execution.

Respondent judge was found guilty of ignorance of the law and fined P5,000.00 **(A.M. No. MTJ-05-1580, October 6, 2010)**

Judges: Undue delay in rendering decision

Violation of B.P. Blg.. 22 are covered by the Rule on Summary Procedure pursuant to A.M. No. 00-11-01-SC.

The Rule on Summary Procedure was promulgated by the Supreme Court to achieve an expeditious and inexpensive disposition of cases. Section 17 of the Rule requires the court to promulgate a judgment not later than 30 days after termination of trial.

Respondent judge failed to observe the mandated period of time to decide complainant's case under the Rule on Summary Procedure. He should have rendered a decision within 30 days from the termination of the trial on August 4, 2004.

Respondent judge was found guilty of undue delay in rendering a decision and was fined P20,000.00 to be deducted from his retirement benefits. **(A.M. No. MTJ-09-1738, October 6, 2010)**

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

In A.M. No. 95-4-143-RTC, March 13, 1998, 287 SCRA 50, the Supreme Court stressed that:

The Clerk of Court may not keep funds in his custody as the same should be deposited immediately upon receipt thereof with the City, Municipal or Provincial Treasurers where his court is located should there be no branch of the LBP in the locality. Thus, the failure of Atty. Ginete to remit the funds to the Municipal Treasurer of Panabo, Davao, constitutes gross neglect of duty, dishonesty and grave misconduct prejudicial to the best interest of the service.

A public servant, like the Clerk of Court, must exhibit at all times the highest sense of honesty and integrity. By Atty. Ginete's failure to properly remit the cash collection that are public funds he transgressed the trust reposed in him as cashier and disbursement officer of the court.

Respondent clerk of court made collections for the court's several funds (JDF, Fiduciary Fund, General Fund, Special Allowance for the Judiciary) but never bothered to deposit said collections in the official court depository bank, the Land Bank of the Philippines which failure violates the rule that all clerks of court are required to deposit all collections within twenty-four (24) hours upon receipt of the collections. His acts and omissions constitute a betrayal of the trust and confidence the Court reposes on a senior officer. Malversation of his collections was not remote.

For the gross neglect of duty, dishonesty, and grave misconduct, respondent clerk of court was dismissed from the service with forfeiture of all his retirement benefits except the monetary value of his accrued leave credits. **(A.M. No. P-06-2221, October 5, 2010)**

Deputy Sheriff: Conduct prejudicial to the best interest of the service

Section 10 of Rule 141 of the Rules of Court requires a sheriff implementing a writ to prepare and submit estimate of the expenses to be incurred for the approval of the court. Upon approval, the interested party shall then deposit the amount with the clerk of court ex-officio sheriff. The money shall be disbursed to the assigned deputy sheriff, subject to liquidation upon the return of the writ; any unspent shall be returned to the interested party.

Respondent sheriff failed to prepare an estimate of his expenses for the approval of the court – a violation of the said Rule.

As this is respondent's second offense of conduct prejudicial to the best interest of the service, he was dismissed from the service with prejudice to re-employment in the government service. **(A.M. No. No.P-09-2735, October 12, 2010)**

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