



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judge: Bribery**

An accusation of bribery is easy to concoct but difficult to prove. The complainant must present a panoply of evidence in support of such an accusation. Bare allegations would not suffice to hold respondent liable. In the absence of direct and convincing evidence to prove the alleged bribery, the respondent cannot be held guilty of said charge.

The Rules of Court requires that if a judge should be disciplined for grave misconduct or any graver offense such as bribery the evidence against him should be competent and derived from direct knowledge. The judiciary to which respondent judge belongs demands no less. Before any of its members could be faulted, competent evidence should be presented, since the charge is penal in character. The general rules in regard to admissibility of evidence in criminal trials apply, as pronounced by the Court in *Judge de Guzman v. Judge Dy*, 453 Phil. 214, 219 (2003).

In the instant case there was no evidence presented by complainant showing that respondent judge in fact accepted or received money or anything from the alleged bribe-giver. Neither was there any evidence to show that respondent judge unlawfully used his official function for his own benefit or personal gain.

The Court declared in this case that it will not hesitate to protect judges or court personnel against any groundless accusation that trifles with judicial processes when an administrative charge against them has no basis whatsoever in fact or in law. It will not shirk from its responsibility of imposing discipline upon all employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

The case against respondent judge was dismissed for failure of complainant to substantiate the charges. **(A.M. No. RTJ-14-2390, September 2, 2014)**

### **Sheriff: Gross Inefficiency**

The duties of the sheriff in implementing writs of execution are laid down in the Rules of Court. Paragraphs (c) and (d) of Section 10, Rule 39 provide for the manner a writ for the delivery or restitution of real property shall be enforced while Section 14, Rule 39 requires the sheriff to execute and make a return after its implementation.

The provisions enumerate the duties as follows:

**First**, to give notice of the writ and demand that judgment obligor and all persons claiming under him vacate the property within three (3) days;

**Second**, to enforce the writ by removing the judgment obligor and all persons claiming under the latter;

**Third**, to remove the latter's personal belongings in the property as well as destroy, demolish or remove the

improvements constructed thereon upon special court order;  
and

**Fourth**, to execute and make a return on the writ within 30 days from receipt of the writ and every 30 days thereafter until it is satisfied in full or until its effectivity expires.

The above provisions leave no room for any exercise of discretion on the part of the sheriff on how to perform his duties in implementing the writ and his compliance therewith is not merely directory but mandatory.

Respondent sheriff was found remiss in performing his mandated duties. There is no showing that the writ assigned to him was fully implemented. More, he failed to collect the money judgment in favor of complainant.

For gross inefficiency, respondent sheriff was suspended for nine months and one day without pay. (**A.M. No. P-14-3198, July 23, 2014**)

### **Cashier I: Dishonesty and Falsification of Public Document**

Civil Service Form No. 212, otherwise known as the PDS, is the official information sheet for all government personnel and is the main supporting document for appointment in the government.

The current PDS, revised in 2005, asks for the "Degree Course" "Year Graduated (if graduated)" and "Highest Grade/Level/Units Earned (if not graduated)".

In the PDS submitted by respondent, it was stated that he is a degree holder for which reason he was appointed to his position of cashier I. But the records reveal otherwise. He did not finish any course. The false statements in this PDS prejudiced other more qualified applicants who would have been hired for said position had it not been for his misrepresentation. He is liable not only for dishonesty but also for falsification of public document.

For dishonesty and falsification of public document, respondent was dismissed from the service with forfeiture of all retirement benefits and disqualification from re-employment in the government service including GOCCs. (**A.M. No. P-14-3218, July 08, 2014**)

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The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3<sup>rd</sup> Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9621, E-mail address: [research\\_philja@yahoo.com](mailto:research_philja@yahoo.com). For link to e-library: [elibrary.judiciary.gov.ph](http://elibrary.judiciary.gov.ph).

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