



Supreme Court of the Philippines  
Philippine Judicial Academy



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**Justices: Grave Abuse of Authority**

The acts complained of pertain to respondents' exercise of their judicial functions and, are not subject to the Court's disciplinary power unless they are committed with fraud, dishonesty, corruption or bad faith.

In the instant case, the respondent justices reversed the findings of the Department of Agrarian Reform which declared the complainants as legitimate tenants and occupants of lands located in Nasugbo, Batangas and declared the lands exempt from agrarian reform. For failure of the complainants to prove that respondent justices acted with grave abuse of authority, the Supreme Court *En Banc* dismissed the administrative complaint against the respondents for lack of merit. **(A.M. OCA-IPi NO. 05-89-CA-J, September 13, 2005)**

**Judges: Gross Ignorance of the Law**

While the power to punish in contempt is inherent in all courts so as to preserve order in judicial proceedings and to uphold the due administration of justice, judges, however, should exercise their contempt powers for correction and preservation not for retaliation or vindication.

Respondent judge acted not only without or in excess of jurisdiction but with gross ignorance of the law. In declaring complainant guilty of indirect contempt of court and ordering his immediate arrest without giving him an opportunity to be heard, respondent judge violated the requirements of due process. For gross ignorance of the law, respondent judge was meted a fine of Php25,000.00. **(A.M. No. MTJ-02-1421, August 18, 2005)**

**Judges: Failure to Observe Diligence**

Respondent judge admitted he committed an honest mistake or oversight by reckoning the 15 day reglementary period for filing a notice of appeal from the date of receipt of the defendant's counsel, and not from the date of receipt of the defendant.

The Court admonished respondent judge to observe the care and diligence required of him in the performance of his duties. **(A.M. MTJ-05-1600, August 09, 2005)**

**Judges: Gross Ignorance of the Law**

It is settled that once retired, a judge could no longer decide cases. Neither may he, or his successors, promulgate the decisions written by him while he was still in office. A violation of this rule would make a judge liable for gross ignorance of the law.

Despite the audit team's advice that respondent judge desist from promulgating the decisions of the former judge who retired, respondent still promulgated the decisions in several criminal cases. For gross ignorance of the law, respondent was fined P20,000. **(A.M. No. 02-1397, June 28, 2005)**

**Judges: Gross Ignorance of the Law**

The Judge issuing the writ of execution must compute to the last centavo the amount due thereunder, including interest, costs, damages, rents or profits before placing the writ in the hands of the sheriff.

Ignorance of basic and elementary rules may constitute gross ignorance and merit the penalties therefor. However, respondent's omission resulted from lack of experience and not gross ignorance. The requirement to include the interest in writs of execution is spelled out only in jurisprudence. Respondent was admonished to be more diligent and studious.

**(A.M. No. OCA RTJ-05-1933, June 27, 2005)**

**Judges: Violation of Canon 3, Rule 3.12 of the Code of Judicial Conduct**

Rule 3.12 of Canon 3 of the Code of Judicial Conduct prohibits a judge from taking part in any proceeding where his impartiality might be questioned. Paragraph (d) thereof prohibits a judge when he is related by consanguinity or affinity to a party litigant within the 6<sup>th</sup> degree or to counsel within the 4<sup>th</sup> degree.

Respondent judge violated said Rule when he decided a civil case where his son-in-law was the counsel for the plaintiff. He was fined P11,000.00. **(A.M. No. RTJ-04-1833, June 28, 2005)**

**Judges: Gross Ignorance of the Law**

Section 24, Rule 114 of the Rules of Court prohibits the grant of bail after conviction by final judgment and after the convict has started to serve sentence. The only exception is when the convict has applied for probation before he commences to serve sentence.

The judgment finding the accused guilty has already become final and executory and she did not apply for probation. At the time respondent judge granted her application for bail, she was already serving her sentence.

From the foregoing, it is evident that the accused is not entitled to bail. Respondent judge was found guilty of gross ignorance of the law. He was fined P40,000.00. **(A.M. No. RTJ-02-1698, June 23, 2005)**

**Judges: Baseless and Unfounded Charges against Judges**

On the complainant's comment submitted in compliance with the Court's resolution of March 29, 2004, requiring him to show cause why he should not be held in contempt of court for filing an administrative complaint against respondent judge, the Court Administrator reported that:

"We are not convinced with the complainant's assertion that he filed the instant administrative complaint for a noble purpose and without malice or bad faith. This contention contradicts his own admission that he filed the complaint without exhausting remedies that are available to him under the Rules in order to use the same as a basis for the re-raffle of the case and the inhibition of the respondent judge. (Page 1, Comment dated May 18, 2004). It is also glaring that in his Motion to Withdraw the petition, the complainant himself states that the filing of the petition arose to correct the false notion that judges are 'infallible.' Petitioner was irked by the aplomb of respondent's clerk of court when counsel was following up the matter as if saying her judge's ruling is always in accordance with law.

"Obviously, his annoyance with the respondent's clerk of court and his desire to obtain the writ of replevin prompted him to file the administrative case and not any feigned noble purpose. The claim of noble intention to improve the dispensation of justice and quality of judges in the judiciary is a mere afterthought brought by the Resolution of the Court that required him to show cause regarding the matter."

Candor and fairness should characterize the conduct of a member of the bar before the court."

For filing a baseless and unfounded complaint, complainant was admonished and sternly warned. **(A.M. No. OCA IPI-03-1468-MTJ, April 27, 2005)**

**Judges: Reinstatement**

The Court has always been unsparing with members of the Judiciary who fail to live up to the rigid standards imposed by the Code of Judicial Ethics. As embodiments of justice in the eyes of the public, judges must be constrained to live within the bounds of honor and integrity and to have deep respect for the rule of law. A cavalier attitude towards the law should not be tolerated under any circumstance whatsoever.

The Court notes, however, that this was his first and only offense in his thirty-three years of government service. Ten years of this period of service were spent wearing the robes of a magistrate and not once did respondent judge mark these robes with the stain of impropriety or any semblance thereof. Respondent judge was reinstated but was considered suspended without pay for the entire time from the date of the dismissal up to his reassumption of office with a stern warning that a repetition of the offense will be dealt with more severely. **(A.M. No. RTJ-03-1779, August 23, 2005)**

**Judges: Gross Inefficiency**

The public's faith and confidence in the judicial system depends, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the court. Failure to decide a case or resolve a motion within the reglementary period of ninety (90) days as fixed by the Constitution and the law is not excusable. It constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate.

Respondent judge issued the writ of execution seventeen months after issuance of the order of execution. In addition, he did not explain the reason for the delay. His failure to offer any explanation was an admission of the negligence charge. Respondent was held guilty of gross inefficiency. He was fined P11,000.00 with a stern warning that a repetition of the same or similar act will be dealt with more severely. **(A.M. No. MTJ-04-1546, July 29, 2005)**

**Judges: Acts of Impropriety**

A judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only in the bench and in the performance of his official duties, but also in his everyday life should be beyond reproach. For conducting trials while on leave, respondent judge was held guilty of impropriety. Considering, however, that no bad faith or ill motive

can be attributed to the respondent, the Court reprimanded him for his actuation and warned him that the repetition of the same will be dealt with more severely. (A.M. No. RTJ-04-1891, July 28, 2005)

**Judges: Unauthorized Notarization; Unauthorized Practice of Law**

While judges are empowered to perform the functions of notaries public *ex-officio*, such authority is limited to the notarization of only those documents connected with the exercise of their official functions. Canon 5, Rule 5.07 of the Code of Judicial Conduct not only enjoins judges to regulate their extra-judicial activities in order to minimize the risk of conflict with judicial duties, but also prohibits them from engaging in the private practice of law.

Here, the respondent judge notarized a Deed of Absolute Sale, which is not connected to his official duties. Moreover, he notarized the document without the certification attesting to the lack of any lawyer or notary public in such municipality or circuit. For unauthorized notarization, respondent judge was fined Php20,000.00. (A.M. No. MTJ-99-1239, A.M. No. MTJ-05-1595, A.M. No. MTJ-05-1596, July 29, 2005)

**Sheriffs: Simple Neglect of Duty**

Under the Manual for Clerks of Court, sheriffs must render a report and an inventory after executing court orders. While respondent was not physically involved in the actual demolition of complainant's house, he admitted that he had prior knowledge of the demolition and was aware of its irregularity. Worse he failed to prevent such demolition by the estate administrator and to report to the court the unauthorized demolition, which failure constitutes neglect of his official duty to report all incidents occurring while serving court orders. For simple neglect of duty and incompetence, respondent was suspended for two months. (A.M. No. P-05-2008, June 21, 2005)

**Sheriffs: Simple Neglect of Duty**

Sheriffs play an important role in the administration of justice and as agents of the law, high standards are expected of them. They should always hold inviolate and invigorate the tenet that a public office is a public trust. Respondent sheriff was careless when he merely copied the prayer in plaintiff's motion for execution rather than the decretal portion of the appellate court's decision. While there may have been no evidence that his acts were tainted with bad faith, he nevertheless failed to discharge his duties knowledgeably and competently.

For simple neglect of duty, respondent sheriff was suspended for three (3) months with warning that a repetition of the same will be dealt with more severely. (A.M. No. RTJ-05-1943, August 09, 2005)

**Sheriffs: Gross Dereliction of Duty**

A sheriff in the performance of his duties, is not precluded from collecting sums in addition to what is authorized in Section 9 (a) of Rule 141 of the Rules of Court from a requesting party. He is however, mandated by the Rules to follow certain steps: First, the sheriff must make an estimate of the expenses to be incurred by him; second, he must obtain court approval of such estimated expenses; third, the approved amount shall be deposited by the interested party with the Clerk of Court; fourth, the Clerk of Court shall disburse the amount to the executing sheriff; and fifth, the executing sheriff shall liquidate his expenses within the same period for rendering a return on the writ.

Respondent sheriff did not follow the above procedure in collecting from the complainant the additional amount he needed in the service of summons. The court found him guilty of gross dereliction of duty and was meted a fine of P5,000.00. (A.M. No. P-05-2015, June 28, 2005)

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