



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 06-09
September 2006

Justices: grave misconduct, bias and patent partiality

As a matter of policy, the acts of a judge in his judicial capacity are not subject to disciplinary action. He cannot be subjected to liability – civil, criminal or administrative – for any of his official acts, no matter how erroneous, as long as he acts in good faith. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith or deliberate intent to do an injustice will be administratively sanctioned. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment. Thus, the remedy of the aggrieved party is not to file an administrative complaint against the judge, but to elevate the assailed decision or order to the higher court for review and correction.

An administrative complaint is not the appropriate remedy where judicial recourse is still available, such as motion for reconsideration, an appeal, or a petition for certiorari, unless the assailed order or decision is tainted with fraud, malice or dishonesty, which is not present in the instant case. The complainant's complaint – affidavit against the Court of Appeals Justices was **DISMISSED** for having resorted to the wrong remedy. **(A.M. OCA IPI No. 06-94-CA-J, August 1, 2006)**

Justices: grave abuse of discretion

It must be stressed that any administrative complaint leveled against a judge must always be examined with discriminating eye, for its consequential effects are by nature highly penal, such that the respondent stands to face the sanction of dismissal and/or disbarment. As champion – at other times tormentor – of trial and appellate judges, this Court must be unrelenting in weeding the judiciary of unscrupulous judges, but it must also be quick in dismissing administrative complaints which serve no other purpose than to harass them. While it is our duty to investigate and determine the truth behind every matter in complaints against judges and other court personnel, it is also our duty to see to it that they are protected and exonerated from baseless administrative charges. The Court will not shirk from its responsibility of imposing discipline upon its magistrates, but neither will it hesitate to shield them from unfounded suits that serve to disrupt rather than promote the orderly administration of justice.

Clearly, the administrative complaint against the CA Justice is flimsy and groundless. However, the filing of the complaint was motivated by complainants' desire to protect the interest of their constituents but was impaired by a misunderstanding of court procedures and proper legal remedies. Still, complainants should be more circumspect in filing administrative cases against judges and other officers of the judiciary, since such unfounded complaints merely consume the time and resources of the Court which could otherwise be devoted to more worthwhile cases. The reconsideration of the Resolution was **DENIED** and the complainants were **ADMONISHED** to be more circumspect in filing administrative cases against judges, with stern warning that a repetition of the same shall be dealt with more severely. **(A.M. OCA IPI No. 06-95-CA, August 29, 2006)**

Justices: bias and evident partiality

As aforesaid, it is very clear that the CA Decision against complainant had already attained finality. In the said Decision, the respondents point to the fact that there is no evidence, whether documentary or testimonial to show that the Mandaluyong property was purposely sold in order to buy the Greenhills property. The title issued for the Greenhills property does not show that complainant is one of the co-owners. While in the title of the Mandaluyong, the proportionate shares of the co-owners were stated clearly, the respondents found it improbable that complainant would agree to the title being issued without his name as co-owner if he really was one. Indubitably, the CA Decision was based on the respondents' appreciation of the evidence. Assuming *en arguendo*

that respondents erred in the appreciation of the evidence or even in the interpretation of the law, the same can be corrected by an appeal for a review of the said Decision. Complainant's allegations in his administrative complaint zero-in on the merits of the case, i.e. the issue whether or not co-ownership exists, which would have been proper subject of an appeal which complainant failed to file.

In fine, Jose utterly failed to show any basis for the alleged bias or partiality exercised by the respondents.

With the filing of this administrative case, the respondents' valuable time not to mention the resources of the Court had been unnecessarily wasted which could have been used for more important matters.

PREMISES CONSIDERED, complainant was found guilty of contempt of court and ordered to pay a **FINE** of Php5,000.00 within 10 days upon from notice hereof. (A.M. OCA IPI No. 06-100-CA-J, September 5, 2006)

Judges: neglect of duty, dishonesty and falsification of certificate of service

In the exercise of its administrative supervision over courts of the land, this Court constantly issues rules for the guidance of judges and court personnel with a view to maintaining an orderly administration of justice. Among these is the requirement of obtaining a Certificate of Appearance whenever they leave their station for reasons constituting "official business." In the case of judges, the certificate must be signed by the Court Administrator.

Office Order No.1 is clear in enumerating the instances when a judge or court employee may be considered on "official business." Respondent Judge's absence on the day to appear as a witness before a probate court, clearly does not fall within any of them. If he had applied for a certificate of appearance on official business to excuse his absence, such application would have been denied. The proper course of action was to file an application for leave of absence with the Court Administrator, which respondent Judge failed to do..

Having settled the issue of respondent judge's absences on two disputed dates, we now deal with the more important matter of severe delay in the trial of a Civil Case. The case has dragged on for more than 30 years since its filing. Respondent Judge issued at least 14 orders to reset the pre-trial alone.

Supreme Court circular No. 13, and Administrative Circulars No. 1-1988 and No. 3-99, enjoin all presiding judges to observe the guidelines in the administration of justice and repudiate manifestly dilatory tactics in order to avoid delays.

Admittedly, the chronological order of events in complainant's case shows that the parties significantly contributed to the delay by their filing of numerous pleadings and motions. Even so, neither the parties nor their lawyers should be allowed to dictate the pace by which a case proceeds. Respondent Judge had the duty to expedite the proceedings by all means available to him, including the issuance of orders to force the parties to go to trial if a settlement could not be reached within a reasonable time.

Respondent Judge has been the subject of three similar disciplinary cases, wherein he was found guilty of undue delay in the rendition of judgments, gross misconduct prejudicial to the best interest of the service, and violation of Canons 1 and 3 of the Code of Judicial Conduct. Respondent was. Respondent was **FINED** Php 20,000 for violation of Supreme Court Office Order No. 1, Supreme Court Circular No. 13, and Administrative Circulars No. 1-1988 and No. 3-99. The Court Administrator was **DIRECTED** to charge respondent's absence against his leave credits. (A.M. No. RTJ-04-1829, July 26, 2006)

Judges: conduct unbecoming and violation of the Code of Judicial Conduct

Obviously, the raffle procedure is designed to ensure that cases are randomly and equitably distributed among the courts. The rules for the conduct of raffle are intended to safeguard the impartial adjudication of cases and to obviate public suspicion regarding assignment of cases to predetermined judges.

In this case, respondent Judge failed to fully explain why he needed to see the case records before accepting them for docketing and why he instructed his clerk of court to refuse to accept the records of cases raffled to his branch. Respondent Judge provided only the vague explanation that the matter was not

complainant's concern as it had already been addressed. Under what circumstances, he failed to elaborate. The questionable acts of respondent Judge reveals lack of knowledge of basic court procedures.

We find respondent Judge equally liable for failing to render eight hours of service per working day as shown in the court logbook. Under Administrative Circular No. 3-99, judges are required to observe the prescribed schedule for session hours. Furthermore, judges are required as public officers to render eight hours of service every working day, fully utilizing the time to perform their judicial tasks and dispose of the court's business promptly. The congested dockets of the courts require no less.

If respondent Judge found his staff's performance or work skills unsatisfactory, he need not have resorted to scolding or berating them in full view of the public. As the investigating Justice correctly pointed out, Rule 3.10 of the Code of Judicial Conduct (now Section 3, Canon 2 of the New Code of Judicial Conduct) allows a judge to take appropriate disciplinary measures against erring lawyers or court employees. Resort to intemperate language only detracts from the image of composure and judiciousness that should characterize a member of the bench.

We emphasize the need for judges to abide by Court directives intended to promote the orderly administration of justice. Judges should administer their office with due regard to the integrity of the legal processes, remembering that they are not depositaries of arbitrary power, but under the sanction of law. Respondent was **FINED** Php10,000 for conduct unbecoming a judge and for violation of Supreme Court Administrative Matter No. 03-8-02 and Circular No. 63-2001 and **STERNLY WARNED** that repetition of the same or similar acts in the future shall merit a more severe sanction. (A.M. No. RTJ-04-1878, September 5, 2006)

Judges: gross ignorance of the law, bias and partiality and violation of the rules of procedure

The instant matter should not be resolved in an administrative case. The civil case for ejectment, which gave rise to the filing of this matter before us, is now on appeal with the Regional Trial Court of Olongapo City.

Respondent Judge is faithful to the provision of the Rules of Summary Procedure requiring that xxx the parties shall submit affidavits of their witnesses and other evidence on the factual issues defined in the order x x x."

The word "shall" underscores the mandatory character of said rule. It is therefore only right that respondent Judge strictly conforms to the prescribed set of procedure governing Ejectment as these procedural safeguards are meant to guarantee expediency and speedy resolution of cases covered by the Rule of Summary Procedure. The Court Resolved to **DISMISS** the instant complaint against respondent for lack of merit. (A.M. OCA IPI No. 05-1790-MTJ, August 16, 2006)

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