



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Non-disclosure before the Judicial and Bar Council of the Administrative Case Filed

It behooves every prospective appointee to the Judiciary to apprise the appointing authority of every matter bearing on his fitness for judicial office, including such circumstances as may reflect on his integrity and probity. These are qualifications specifically required of appointees to the Judiciary by Sec. 7 (3), Article VIII of the Constitution.

We cannot overemphasize the need for honesty and integrity on the part of all those who are in the service of the Judiciary. We have often stressed that the conduct required of a court personnel, from the presiding judge to the lowliest clerk of court, must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them free from any suspicion that may taint the Judiciary. We condemn, and will never countenance any conduct, act or omission on the part of all those involved in the administration of justice, which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.

In view of the findings that herein respondent was guilty of grave misconduct which would have warranted his dismissal from the service had he not resigned during the pendency of this case, he was hereby meted the penalty of a fine of P40,000.00. It appearing that he has yet to apply for his retirement benefits and other privileges, if any, the Court likewise **ORDERS** the FORFEITURE of all benefits, except earned leave credits which respondent may be entitled to, and he is **PERPETUALLY DISQUALIFIED** from reinstatement and appointment to any branch, instrumentality or agency of the government, including government-owned and/or controlled corporations. **(JBC No. 013, August 22, 2007)**

Judges: Gross inefficiency, serious misconduct and failure to decide within the reglementary period

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties. Section 15(1) Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required period." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and make the administration of justice more efficient. Time and again, this Court has stressed the need to strictly observe this duty so as not to negate its efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plague Philippine courts.

A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is his responsibility. Court personnel are not the guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another. A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.

A judge's inability to decide a case within the required period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions. A judge should, at all times, remain in full control of the proceedings in his sala and, more importantly, should follow the time limit set for deciding cases.

Herein respondent was found **LIABLE** for undue delay in rendering judgment and was hereby ordered to pay a **FINE** of TWENTY THOUSAND (20,000.00) PESOS to be deducted from his retirement benefits. **(A.M. No. RTJ-07-2057, August 7, 2007)**

Judges: Using intemperate language in pleadings and assailing the dignity of the SC Justice

An act unrelated to a judge's discharge of judicial functions may give rise to administrative liability even when such act constitutes a violation of penal law. When the issue is administrative liability, the quantum of proof required is only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion. Evidence to support a conviction in a criminal case is not necessary, and the dismissal of the criminal case against the respondent in an administrative case is not a ground for the dismissal of the administrative case. Conversely, conviction in the criminal case will not automatically warrant a finding of guilt in the administrative case. We emphasize the well-settled rule that criminal and civil cases are altogether different from administrative matters, and each must be disposed of according to the facts and the law applicable to it. In other words, the disposition in the first two will not necessarily govern the third, and vice versa.

We agree that respondent should have been more circumspect in her language. We have held in a long line of cases that the judge is the visible representation of the law. Thus, a judge must behave at all time in such a manner that his or her conduct, official or otherwise, can withstand the most searching public scrutiny. The ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system. However, we do not agree that respondent's action merits the finding of indirect contempt against her. Respondent's outburst was due to the fact that the subject letter was addressed to the then Chief Justice, copy furnished all Associate Justices of the Supreme Court. She had never seen the letter and she must have been surprised when complainant quoted excerpts of the letter in his pleadings. It is expected of her to try to find out how complainant got hold of a copy of the letter.

Wherefore, the Court **REPRIMANDED** herein respondent for her use of temperate language in her pleadings. Respondent was **STERNLY WARNED** that a repetition of the same or similar act shall merit a more sever sanction. We **DISMISSED** all the other charges against respondent. **(A.M. No. RTJ-05-1908, August 15, 2007)**

Judges: Gross Ignorance of the Law; Grave misconduct

The gravamen of the felony is an intent to deceive, or fraudulent intent. Intent, being a state of mind, may be proved by words or by the conduct of the accused before, during, and after the transaction, subject of the case, independent of and distinct from the non-compliance with the promise or representation of the accused.

What is more nettlesome is respondent judge's holding that there was novation or rescission of contract that prevented the onset of criminal liability for estafa. Jurisprudence is replete with cases that the criminal liability for estafa already committed is not affected by the subsequent novation of the contract, for it is a public offense which must be prosecuted and punished by the State on its own even if complete reparation had been made for the damage suffered by the offended party. Although totally inapplicable to the matter of criminal liability, the claim of novation by reason of the partial return of the money defrauded was swallowed by the respondent judge hook, line, and sinker to absolve the respondent from liability.

The Court recognizes that not every judicial error bespeaks ignorance of the law and, if committed in good faith, does not warrant administrative sanction. But this is true only in cases within the parameters of tolerable misjudgment. Where, however, the procedure is so simple and the facts so evident as to be beyond permissible margins of error, to still err thereon amounts to ignorance of the law.

Respondent judge was found **GUILTY** of gross ignorance of the law, and was ordered to pay a **FINE** of **FORTY THOUSAND PESOS** (P40,000.00) upon notice. **(A.M. No. RTJ-07-2059, August 10, 2007)**

Judges: Gross Ignorance of the Law; knowingly rendering an unjust judgment; grossly disregarding the law and prevailing jurisprudence; and dishonesty and abuse of authority

A petition for the issuance of a writ of *habeas corpus* is a special proceeding governed by Rule 102 of the Revised Rules of Court. The objective of the writ is to determine whether the confinement or detention is valid or lawful. If it is, the writ cannot be issued. What is to be inquired into is the legality of his detention as of, at the earliest, the filing of the application for the writ of *habeas corpus*, for even if the detention is as the instances mentioned in Sec. 4 of Rule 102, be no longer illegal at the time of filing of the application.

Thus, once a person detained is duly charged in court, he may no longer question his detention through a petition for issuance of a writ of *habeas corpus*. His remedy would be to quash the information and/or the warrant of arrest duly issued. The writ of *habeas corpus* should not be allowed after the party sought to be released had been charged before any court. The term "court" includes quasi-judicial bodies or governmental agencies authorized to order the person's confinement, like the Deportation Board of the Bureau of Immigration.

Ordinarily, to constitute gross ignorance of the law, the subject decision, order, or actuation of the judge in the performance of his official duties should be contrary to existing law and jurisprudence, and most importantly, he must be moved by bad faith, fraud, dishonesty or corruption. In the present case, there is no findings of bad faith or malice, but this does not excuse respondent. When the law is sufficiently basic, a judge owes it to his office to simply apply it, and anything less than that would be constitutive of gross ignorance of the law. In short, when the law is so elementary, not to be aware of it constitutes gross ignorance of the law. While judges should not be held accountable for every erroneous judgment rendered in good faith, such good faith is no defense where the basic issues are simple and the applicable legal principle evident and the basic as to be beyond permissible margins of error.

The Court finds respondent guilty of gross ignorance of the law and is hereby **SUSPENDED** for a period of **THREE (3) MONTHS AND ONE (1) DAY** without pay, with a **WARNING** that commission of a similar offense will be dealt with more severely. **(A.M. No. RTJ-06-2018, August 3, 2007)**

Judges: Grave Abuse of Authority

A patent disregard of simple, elementary and well-known rules constitutes gross ignorance of the law. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. They are expected to keep abreast of prevailing jurisprudence. To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence but should also be motivated by bad faith, fraud, malice or dishonesty.

All members of the bench are enjoined to behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. Respondent's act of issuing a TRO in blatant defiance of a higher court's decision failed to live up to such high standards of judicial conduct.

Herein respondent was found **GUILTY** of grave abuse of authority for defying a decision of the higher court. He was ordered to pay a **FINE** in the amount of Twenty Thousand Pesos (P20,000.00), to be deducted from his retirement benefits. **(A.M. No. RTJ-04-1840, August 2, 2007)**

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