



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Violation of Rule 3.05 of the Code of Judicial Conduct

Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of the court business promptly because undue delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature.

Respondent judge failed to act promptly on complainant's motion for reinvestigation of the criminal case filed against him. Said motion for reinvestigation was filed on January 2006 but respondent granted the reinvestigation only on July 26, 2006 – clearly beyond the mandated period of 3 months.

Respondent was found guilty of violating Rule 3.05 of the Code of Judicial Conduct and was fined P20,000.00, and sternly warned that a repetition of the same or similar acts will be dealt with more severely. **(A.M. No. RTJ-08-2101, July 23, 2008)**

Judges: Undue delay in rendering a decision

Section 15 (1), Article VIII of the Constitution provides that all cases before lower courts must be decided within three (3) months from the time they are submitted for decision; and Section 5, Canon 6, of the New Code of Judicial Conduct likewise enjoin judges to perform all judicial duties efficiently, fairly and with reasonable promptness,

The criminal case tried by respondent judge was submitted for decision on February 27, 2006. However, respondent rendered his decision on February 21, 2007.

In view of the fact that the said criminal case has been decided albeit belatedly, which fact shows an effort on the part of respondent judge to attend to his duties with zeal, the Supreme Court approved the recommendation of the OCA to impose a nominal fine of P2,000.00 **(A.M. No. RTJ-08-2123, July 14, 2008)**

Clerk of Court: Grave misconduct

The issue in administrative cases is not whether the complainant has a cause of action against the respondent, but whether the employee against whom the complaint is filed, has breached the norms and standards of service in the judiciary. Further, administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Supreme Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary powers. Desistance cannot divest the Supreme Court of its jurisdiction to investigate and decide complaints against court officials and employees.

Based on the supporting documents presented by the complainant which respondent clerk of court failed to rebut, the Court found respondent guilty of grave misconduct. As clerk of court, it is not his function or any of his staff to prepare the documents for the accused's application for probation. As a court employee he is not allowed to act as the accused's counsel. Moreover, respondent did not deny receipt of the envelope containing marked money. His explanation that the money was given out of gratitude for the assistance he extended was not given credence by the Court.

For grave misconduct, respondent was dismissed from the service with forfeiture of all retirement benefits except accrued leave credits, with prejudice to reemployment in any branch or instrumentality in the government including GOCC's. **(A.M. No. R-06-2182, August 12, 2008)**

Court Legal Researcher; Habitual tardiness

Non-office obligations, household chores, traffic problems, and health, domestic and financial concerns are not sufficient reasons to excuse or justify habitual tardiness.

Under CSC Memorandum Circular No. 14, s. 1991, an officer or employee of the civil service is considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two months in a semester or at least two (2) consecutive months during the year.

Respondent's explanation that she incurred tardiness because she had no maid and had to attend to the needs of her school children and that she was hypertensive did not justify her infractions.

For habitual tardiness, she was reprimanded and sternly warned that a repetition of the same or similar offenses shall be dealt with more severely. **(A.M. No. P-08-1-07-METC, July 14, 2008)**

Sheriff; Simple neglect of duty

Simple neglect of duty is defined as the failure of an employee to give one's attention to a task expected of him, signifying a disregard of a duty resulting from carelessness or indifference.

Respondent sheriff failed to exercise due diligence in determining whether the losing party had any other property out of which the decreed obligation could be satisfied. A judgment if not executed would be an empty victory on the part of the prevailing party.

For simple neglect of duty, respondent sheriff was fined P5,000.00 **(A.M. No. P-07-2388, June 30, 2008)**

Court Stenographer: Willful failure to pay just debt and insubordination

Section 52 (c) (10) of the Revised Uniform Rules on Administrative Cases in the Civil Service defines just debts as claims the existence and justness of which are admitted by the debtor.

Respondent's letter dated July 21, 2003, expressing her inability to pay her debt clearly shows her admission of the existence of the debt and her repeated failure to pay it.

Aside from failing to pay her debt, respondent displayed her indifference by repeatedly refusing to comment on the affidavit complaint. Her disregard of the OCA's and the Court's directives is disrespectful and betrays a recalcitrant streak in character. Refusal to comply with the Court's directives constitutes insubordination which is a defiance of authority.

For failure to pay her just debt and for ignoring the directives of the Court, respondent was found guilty of willful failure to pay a just debt, and insubordination.

She was fined P5,000.00. Parenthetically, respondent has already been removed from the service on December 13, 2005. **(A.M. No. P-07-2362, June 12, 2008)**

Court Stenographer; AWOL

Rule XVI, Section 63 of the Omnibus Civil Service Rules and Regulations, as amended by Circular No. 14, s. 1999 provides that an official or employee who is continuously absent without approved leave for at least thirty (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed at his address appearing on his 201 files, of his separation from the service not later than five (5) days from its effectivity.

The records of the Employees Leave Division of the Office of Administrative Service, OCA, show that respondent has not submitted her bundy cards since April 2007. Neither has she reported for work nor filed an application for leave.

The Office of the Court Administrator recommended to the Court that respondent be dropped from the rolls effective April 1, 2007 and that her position be declared vacant.

The Court approved the recommendation of the OCA, pronouncing that a court employee who goes on AWOL for a prolonged period of time disrupts the normal function of the organization and interrupts its operations. **(A.M. No. P-05-2072, August 13, 2008)**

Clerk III: Disgraceful and immoral conduct

An illicit relation is considered disgraceful and immoral conduct which is subject to disciplinary action. Hence, it becomes the imperative duty of every employee of the court to maintain its good name and standing as a true temple of justice.

Respondent, a married woman although separated de facto from her husband, was found by the OCA investigating team to having an illicit relationship with another man.

For disgraceful and immoral conduct respondent was suspended for six (6) months and one (1) day without pay and sternly warned that a repetition of the same or similar offense shall be dealt with more severely. **(A.M. No. P-06-2143, June 12, 2008)**

Utility Worker: Falsification of official document and dishonesty

Falsification of DTRs is patent dishonesty and dishonesty is a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. Dishonesty being a grave offense, carries the extreme penalty of dismissal in the absence of mitigating circumstances.

Based on the Report and Recommendation of the Executive Judge and which was adopted by the OCA, respondent falsified his daily time records. The Executive Judge stated that 'the attendance sheets and logbook pages show that respondent indeed had the propensity to indicate that he reported at the appointed hour of 8:00 A.M. when he was late most of the time; and to indicate that he worked until 5:00P.M. even when he left the office earlier; or did not make any entry in the attendance sheets or logbook as to the time of his arrival and/or departure.'

For falsification of official documents and dishonesty, respondent was suspended for six (6) months and one (1) day without pay and warned that a repetition of the same or similar acts will be dealt with more severely. **(A.M. No. P-06-2118, June 12, 2008)**

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