



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Violation of Section 1, Canon 4, of the New Code of Judicial Conduct

Section 1, Canon 4, of the New Code of Judicial Conduct for the Philippine Judiciary (*A.M. No.03-05-01-SC that took effect on June 1, 2004*) enunciates the rule that "judges shall avoid impropriety and the appearance of impropriety in all of their activities."

Courts are looked upon by the people with high respect. Misbehavior by judges and employees necessarily diminishes their dignity. Any fighting or misunderstanding is a disgraceful occurrence reflecting adversely on the good image of the judiciary.

Respondent judges failed to live up to the standard of propriety entrenched in the Code of Judicial Conduct. Shouting at each other in the workplace and during office hours is discourtesy and disrespect not only towards co-workers, but also to the court as well. The behavior of both respondents are totally unbecoming of members of the judicial service. What is more detestable is the fact that their squabble arose out of a mere allowance coming from the local government.

For violation of Section 1, Canon 4, of the New Code of Judicial Conduct for the Philippine Judiciary, both respondent judges were fined P11,000.00 each. (A.M. No. RTC-08-2124 and A. M. No. RTC-08-2125, August 27, 2009)

Judges: Dishonesty and falsification of an official document

In *Ratti vs. Mendoza-De Castro*, *A.M. No. P-04-1844, July 23, 2004, 435 SCRA 11*, the Supreme Court held that the making of untruthful statements in the Personal Data Sheet (PDS) amounts to dishonesty and falsification of an official document; and dishonesty which is a grave offense carries the extreme penalty of dismissal from the service.

Respondent judge's act of making an obviously false statement in his PDS was not mere inadvertence. He answered "no" to the simple question posed in the PDS. He answered "no" to the question "have you ever been charged formally with any infraction?", but the truth was he has been charged with an infraction.

For dishonesty and falsification of an official document, respondent judge was dismissed from the service with forfeiture of all benefits with prejudice to reemployment in the government service including GOCC's. Respondent was also disbarred for violation of Canons 1 and 2 and Rules 1.01 and 10.01 of the Code of Professional Responsibility. (A.M. No. RTJ-08-2138, August 25, 2009)

Sheriff: Grave abuse of authority

If demolition is necessary, there must be a hearing on the motion filed and with due notices to the parties for the issuance of a special order of demolition.

Section 10 (d), Rule 39 of the Rules of Court provides:

x x x (d) Removal of improvements on property subject of execution. – When the property subject of execution contains improvements constructed or planted by the judgment obligor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon motion of the judgment obligee after due hearing and after the former has failed to remove the same within a reasonable time fixed by the court.

Respondent sheriff is ignorant of the said rule. He immediately caused the demolition of complainant's property and destroyed their plants without an order of demolition from the court. His actuations amounted to grave abuse of authority.

For grave abuse of authority, respondent sheriff was ordered suspended for six (6) months and one day and sternly warned that a repetition of the same or similar acts will be dealt with more severely. (A.M. No. P-08-2571, August 27, 2009)

Sheriff: Dishonesty

Office refers to the official work station of the court personnel, and OCA Circular No. 7-2003 states that court personnel should indicate in their Bundy cards the truthful and accurate times of their arrival at, and departure from, the office.

Respondent sheriff's official work station (office) is RTC- San Fernando and not RTC-Guagua. Hence, his punching in of his Bundy card at RTC Guagua, is a clear violation of OCA Circular no. 7-2003, and which amounts to dishonesty.

For dishonesty, respondent was fined P10,000.00 and warned that a repetition of the same or similar act in the future shall be dealt with more severely. (A.M. No. P-07-2390, August 19, 2009)

Sheriff: Simple misconduct

Sheriffs are agents of the law and as such should refrain from the use of language that is abusive, offensive, scandalous, menacing or otherwise improper.

Respondent sheriff, without even considering whether complainant's residence is the same as the property involved in the case insisted on implementing the writ issued in said case despite the fact that complainant's motion to quash the writ was already set for hearing. Worse, his rude and inappropriate remarks and aggressive behavior during his visit to complainant's residence to implement the writ reveals his lack of civility and proper decorum in the performance of his duty.

In *Alavi vs. Alauya*, 335 Phil 1096, 1104 (1997), The Supreme Court held that judicial employees are expected to accord due respect not only to their superiors, but also to others. Their every act and word should be characterized by prudence, restraint, courtesy and dignity.

For simple misconduct, respondent sheriff was fined in an amount equivalent to his three (3) months salary and sternly warned that a repetition of the same or similar acts will be dealt with more severely. (A.M. No. P-09-2644, July 30, 2009)

Process Servers: Disgraceful and immoral conduct

In *Court Employees of the MTCC, Ramon Magsaysay, Zamboanga Del Sur vs. Sy*, A.M. No. P-93-808, November 25, 2005, 476 SCRA 127, 137-138, the Supreme Court held that immorality is not based alone on illicit sexual intercourse. It is not confined to sexual matters, but includes conducts inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community and an inconsiderate attitude towards good order and public welfare.

Respondent process server, a married man cohabited with a woman other than his legal wife and there is a strong likelihood that he fathered a child with said woman. Respondent's act are morally reprehensible, and it matters not that his immoral acts were committed outside the confines of his work as an employee of the judiciary. The conduct of all court personnel must be free from impropriety not only with respect to their duties but also as to their behavior outside the court as private individuals.

For disgraceful and immoral conduct, respondent process server was suspended from the service for six (6) months without pay and sternly warned of the possibility of dismissal should he persist with his immoral relationship. (A.M. No. P-06-2282, August 7, 2009)

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