



Supreme Court of the Philippines Philippine Judicial Academy



PHILJA Fax/Electronic Alerts

Issue 11-09
September 2011

Judges: Gross Ignorance of the law

The Supreme Court in *Republic of the Philippines vs. Judge Reyes*, 239 Phil, 304, 316 (1987) ruled that the doctrine of judicial stability or non-interference in the regular orders or judgments of a co-equal court is an elementary principle in the administration of justice. And in *Go vs. Villanueva, Jr.* (GR No. 154623, March 13, 2009) the Court stressed that no court can interfere by injunction with the judgments or orders of another court of concurrent jurisdiction having the power to grant the relief sought by the injunction.

Respondent judge ignored the principle of judicial stability when he issued a TRO to restrain the sheriff from enforcing the writ of execution issued by a co-equal court. He should have refrained from acting on the petition for the issuance of the TRO because the co-equal court that issued the writ of execution has still the jurisdiction to rule on any question on the enforcement of the writ of execution.

For gross ignorance of the law, respondent judge was fined P30,000.00 and sternly warned. **(A.M. No. RTJ-10-2225, September 6, 2011)**

Clerk of Court: Gross dishonesty

The Supreme Court does not tolerate any dishonesty and malversation committed by those responsible for safekeeping and handling of its funds. Any lenience on such infraction will ultimately diminish the faith and trust of the people in the judiciary.

Respondent clerk of court incurred shortages in the total amount of P222,817.00 representing her collections which were placed in her safekeeping.

For gross dishonesty respondent clerk of court was dismissed from the service with forfeiture of her retirement benefits. **(A.M. No. P-05-2083, September 6, 2011)**

Clerk of Court: Simple neglect of duty

After the consolidation of titles in the buyer's name for failure of mortgagor to redeem within one year redemption period, the writ of possession becomes a matter of right. Its issuance to a purchaser in an extra judicial foreclosure is merely a ministerial function which cannot be ignored or stayed. The issuance of the final deed of sale is a mere formality.

Respondent failed to issue the final deed of sale for more than three (3) years in favor of complainant. He should have known that his functions are ministerial, not discretionary as categorically provided in the Manual for Clerk of Court, to wit:

"Sheriffs are ministerial officers. They are agents of the law and not agents of the parties, neither of the creditor nor of the purchaser at a sale conducted by him. It follows, therefore, that the sheriff can make no compromise in an execution sale. x x x It is not his duty to decide on the truth or sufficiency of the processes committed to him for service."

For simple neglect of duty, respondent was fined P5,000.00. **(A.M. No. P-10-2739, August 24, 2011)**

Clerk of Court, et. al.: Dishonesty

The Supreme Court in *Garcia vs. Beda*, A. M. No. P-07-2311, 23 August 2007 held that the punching of one's daily time record is a personal act of the holder. It cannot and should not be delegated to anyone else.

Respondent admitted during the investigation that they allowed one of the staff from the office of the Clerk of Court to punch in their bundy cards.

For dishonesty, respondent personnel in the office of the Clerk of Court were fined P5,000.00 each, while respondent clerk of court was fined P10,000.00. They were all warned that repetition of the same or similar acts shall be dealt with more severely. **(A.M. No. P-11-2953, September 7, 2011)**

Cash Clerk III: Dishonesty and Conduct prejudicial to the best interest of the service

Dishonesty has been defined as a disposition to lie, cheat, deceive or defraud. It implies untrustworthiness, lack of integrity, lack of honesty, probity or integrity in principle on the part of the individual who failed to exercise fairness and straightforwardness in his or her dealings. On the other hand, conduct prejudicial to the best interest of the service refers to acts or omissions that violate the norm of public accountability and diminish or tend to diminish the people's faith in the Judiciary.

Respondent admitted to his dishonest act of misappropriating the money entrusted to him. He also admitted his improper conduct in accepting money to work outside the scope of his assigned task. Lastly, he also failed to return the money despite repeated demands from the complainant.

For dishonesty and conduct prejudicial to the best interest of the service, respondent was dismissed from the service with forfeiture of all his retirement benefits with prejudice to re-employment in the government service including GOCC's. **(A.M. No. 2011-05-SC, September 6, 2011)**

Philippine Judicial Academy

Chancellor

Adolfo S. Azcuna

Founding Chancellor Emeritus

Ameurфина A. Melencio Herrera

Head, Research, Publication and Linkages Office (RPLO)

Prof. Sedfrey M. Candelaria

Editors

Dean Eulogia M. Cueva

Atty. Orlando B. Cariño

Staff

Nennette G. Zaldivar

Rodrigo G. Javier

The *PHILJA Fax/Electronic Alerts* is issued monthly by the RPLO of the Philippine Judicial Academy with offices at the 3rd Floor of the Supreme Court Centennial Building, Taft Avenue, Manila. Tel. No. (02)552-9518; Telefax; (02)552-9621
E-mail address: research_philja@yahoo.com. For link to e-library: www.supremecourt.gov.ph.

If you have any Fax No. or E-mail address, please let us know so we could send the "Alerts" direct to you.