



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law; gross incompetence and inefficiency

In *Fortune Life Insurance Company, Inc. vs. Luczon, Jr.*, A.M. No. RTJ-05-1901, the Court declared that not all administrative complaints against judges merit a corresponding penalty. In the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action. The remedy of the complainant is judicial in nature.

The records show that respondent judge did not act arbitrarily or in bad faith on the case of complainant, hence, the case against respondent judge was dismissed for lack of merit

Parenthetically, the Office of the Court Administrator found complainant who is not a lawyer and who filed numerous cases against judges which were all dismissed for lack of merit to have violated Section 3 (e), Rule 71 of the 1997 Rules of Civil Procedure for assuming to be an attorney or an officer of a court, and acting as such without authority. For such offense the OCA recommended that complainant be cited for indirect contempt and be punished accordingly.

The Court agreed with the OCA that the paralegal services rendered by complainant on behalf of the underprivileged he claimed to be helping constitutes practice of law as defined by the Court in the cases of *Cayetano vs. Monsod*, G.R. No. 100113, September 3, 1991 and *Aguirre vs. Rana*, 451 Phil 428 (2003) as any activity, in or out of court, which requires the application of laws, legal procedure, knowledge, training and experience; performance of acts which are usually performed by members of the legal profession; and the rendition of any kind of service which requires the use of legal knowledge or skill.

For indirect contempt under Section 3 (e), Rule 71 of the 1997 Rules of Civil Procedure, complainant was fined P10,000.00. Further, the Court directed the courts and court employees to report to the office of the Court Administrator any further appearance of complainant before their sala.

Cramp their style in their own preserve! **(A.M. No. 09-3210-RTJ, June 20, 2012)**

Judges: Undue delay in rendering decision

Under Section 7 of the Revised Rules on Summary Procedure, a preliminary conference should be held not later than thirty (30) days after the last answer is filed.

Respondent judge set the case for preliminary conference way beyond the required 30-day period. More, the preliminary conference was reset four times for various reasons. He failed to exert his authority in expediting the proceedings of the unlawful detainer filed by complainant.

For undue delay in deciding a case, respondent judge was fined P20,000.00 and sternly warned. **(A.M. No. MTJ-11-1779, July 16, 2012)**

Clerk of Court: Simple neglect of duty and incompetence in the performance of duty

A clerk of court is a role model for other employees to emulate in the performance of duties as well as in the conduct and behavior of a public servant. He is chiefly responsible for the shortcomings of subordinates to whom administrative functions normally pertaining to him are delegated.

Respondent clerk of court's attempt to shift blame to the process server for the failure to serve summons and notice of hearing to complainant did not take her off the hook. As clerk of court she

exercises administrative supervision over the process server and it was her duty to ascertain that the process server performed his duty.

For simple neglect of duty and incompetence respondent was suspended for two (2) months without pay and sternly warned. **(A.M. No. P-11-2752, July 30, 2012)**

Court Stenographer: Disgraceful and immoral conduct

In *Regir vs. Regir*, A.M. No. P-06-2282, August 4, 2009, immorality was defined to include not only sexual matters but also conduct 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 toward good order and public welfare.

Respondent engaged in sexual relations with a married man which not only violate the moral standards expected of employees of the Judiciary but is also a desecration of the institution of marriage.

For disgraceful and immoral conduct, respondent was suspended for six (6) months and one day without pay and sternly warned. **(A.M. No. P-12-3080, August 29, 2012)**

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