



# Supreme Court of the Philippines Philippine Judicial Academy



## ***PHILJA Fax/Electronic Alerts***

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### **Judges: Grave misconduct**

Respondent judge was found guilty of gross misconduct, aggravated by his act of making untruthful statements on his Certificates of Service.

A certificate of service is an instrument essential to the fulfillment by judges of their duty to dispose of their cases speedily as mandated by the Constitution. Judges are expected to be more diligent in preparing their Monthly Certificates of Service by verifying every now and then the status of the cases pending before their sala.

Respondent falsified his Monthly Certificate of Service for the months of February 2010 to December 2010 by stating that he had decided all special proceedings, applications, petitions, motions and all civil and criminal cases which have been under submission for decision or determination for a period of 90 days or more but the report of the OCA Audit Team revealed the contrary.

For gross misconduct, respondent judge was fined P40,000.00 to be deducted from his retirement benefits. **(A.M. No. MTJ-11-1790, December 11, 2013)**

### **Sheriff: Conduct Prejudicial to the Best Interest of the Service**

In the implementation of writs or processes of the Court for which expenses are to be incurred, sheriffs are mandated to comply with Section 10, Rule 141 of the Rules of Court, as amended by A.M. No. 04-2-04-SC, the pertinent portion of which reads:

*Sec. 10. Sheriffs, process servers and other persons serving processes.*

X X X X

With regard to sheriff's expenses in executing writs issued pursuant to court orders or decisions or safeguarding the property levied upon, attached or seized, including kilometrage for each kilometer of travel, guard's fees, warehousing and similar charges, **the interested party shall pay said expenses in an amount estimated by the sheriff, subject to the approval of the court. Upon approval of the said estimated expenses, the interested party shall deposit such amount with the clerk of court and ex-officio sheriff, who shall disburse the same to the deputy sheriff assigned to effect the process, subject to liquidation with the same period for rendering a return on the process.** The liquidation shall be approved by the court. Any unspent amount shall be refunded to the party making the deposit. A full report

shall be submitted by the deputy sheriff assigned with his return, and the sheriff's expenses shall be taxed as costs against the judgment debtor.

Respondent sheriff failed to follow said Rule 141 in the implementation of the writ issued in favor of complainant. He did not submit an estimate for the court's approval but, instead, demanded and received sums of money from the complainant.

For Conduct Prejudicial to the Best Interest of the Service, respondent sheriff was suspended from the service without pay for six months and sternly warned. **(A.M. No. No. P-12-3043, January 15, 2014)**

**Sheriff: Dishonesty and Grave misconduct**

The Court in *De Guzman, Jr. vs. Mendoza*, 493 Phil 690 ruled that any amount received by the sheriff in excess of the lawful fees allowed by the rules of court is an unlawful exaction and renders him liable for grave misconduct and gross dishonesty.

Respondent's claim for expenses regarding police assistance in the implementations of the writ of demolition issued in favor of complainant was refuted by the Certification issued by the police superintendent stating that they did not deploy police personnel to assist respondent. In short, respondent fooled complainant to make money.

For dishonesty and grave misconduct, respondent was dismissed from the service.

You can fool all the people sometime; you can fool some people all the time; but you cannot fool all the people all the time. **(A.M. No. P-12-3063, November 26, 2013)**

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***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 3<sup>rd</sup> 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](mailto:research_philja@yahoo.com). For link to e-library: [elibrary.judiciary.gov.ph](http://elibrary.judiciary.gov.ph).

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