

LAW 101

By: Gregorio M. Batiller, Jr.

RE: DISCIPLINE OF JUDGES AND JUSTICES

The Supreme Court recently came out with an amendment of Rule 140 of the Rules of Court regarding the discipline of Justices and Judges.

The amendment enumerated the acts which would constitute serious, less serious and light charges. Of the serious charges, the ones that caught my eye were:

- a) knowingly rendering an unjust judgment or order as determined by a competent court in an appropriate proceeding;
- b) willful failure to pay a just debt;
- c) borrowing money or property from lawyers and litigants in a case pending before the court.

The last would be highly improbable because a corrupt judge would not bother to borrow money or property from the lawyers or litigants. He'd very likely just take it in form of a bribe. Why bother to be coy about it?

The willful failure to pay a just debt raises questions on whether it should be strictly applied only to a personal loan availed of by the judge or justice concerned or whether it should cover loans of members of his immediate family or that of his family corporation. If applied strictly to a personal loan, then you have a built-in loop-hole. The judge or justice can just have the bank or financial institution or lender issue the loan in favor of his wife or a child and then adopt a pay when able attitude.

I would definitely appreciate being enlightened on what would constitute "knowingly rendering an unjust judgment or order. . ." This is probably one instance where the administrative case can be instituted *motu proprio* by the Supreme Court whereupon a review (whether on appeal or certiorari) of a lower court's decision, the Supreme Court can clearly discern that there was blatant grave abuse of discretion or gross ignorance of the law or bias in favor of a party. But care should be applied in such a case because certainly not all decisions of the lower courts which are reversed on certiorari or appeal by the Supreme Court can be said to have been maliciously rendered. But there are definitely cases where the bias in favor of one of the litigants is just too obvious. Hopefully this provision would compel judges and justices to take pains to review their decisions before promulgating same.

Of the less serious charges:

- a) undue delay in rendering a decision or order, or in transmitting the records of a case;
- b) frequent and unjustified absences without leave or habitual tardiness;

are grounds that are likely to affect quite a number of judges only – but not so much the justices. Who bothers to keep tab of when they report to office and how often? Or how long after a case is submitted for resolution that they finally render the pertinent decision?

Of the light charges, most interesting is the ground of fraternizing with lawyers and litigants with pending case/cases in his court. In the case of a large law partnership, should that mean that even if a particular lawyer has no case before the judge or justices concerned but his law office does, the ban applies? Judges and justices will be compelled to exercise prudence in attending functions so as to avoid being the company of lawyers or litigants with cases in their respective sala. But then, unless you are the adverse party or his counsel, who's to tell who their company is?