

ANATOMY OF ADMINISTRATIVE CASES IN THE JUDICIARY

JENNY LIND R. ALDECOA-DELORINO

Deputy Court Administrator

Supreme Court



PROCEDURES IN ADMINISTRATIVE COMPLAINTS

SHORT or ABBREVIATED PROCEDURE

- **DOCKET AND CLEARANCE DIVISION (DCD)**
 - **Receive the Complaint**
 - **Assign the Complaint an Undocketed Number (UDK)**
 - **Determine if the Complaint is sufficient in Form and Substance**



Procedures in Administrative Complaints

WHEN THE RESPONDENT IS A JUDGE, THE COMPLAINT MUST:

- **Be in writing**
- **Be verified**
- **State clearly and concisely the facts and omissions constituting violations**
- **Be supported by affidavits and other documentary evidence**



Procedures in Administrative Complaints

WHEN THE RESPONDENT IS A COURT EMPLOYEE, THE COMPLAINT MUST:

- **Be under oath**
- **Specify the full name and address of the complainant**
- **Specify the full name, address, position and station of the respondent employee**
- **Be written in clear, simple, and concise language; enumerate the charges systematically**
- **Be supported by documentary evidence**



Procedures in Administrative Complaints

- **Return the Complaint if it is insufficient in Form and Substance**
- **If the Complaint is sufficient in Form and Substance, assign an Informal Preliminary Number (IPI)**
- **Refer the Complaint to the Administrative Matters and Research Division**



Procedures in Administrative Complaints

- **ADMINISTRATIVE MATTERS AND RESEARCH DIVISION (AMRD)**
 - **Assess and evaluate the Complaint**
 - **Prepare a draft Agenda Report based on the records at hand**
 - **Submit the draft Agenda Report to the OCA-Legal Office**



Procedures in Administrative Complaints

■ OCA – LEGAL OFFICE

- Prepare a final Agenda Report or the AMFA (Administrative Matter For Agenda)
- Submit the final Agenda Report or the AMFA to the ACA / DCA concerned and the Court Administrator



Procedures in Administrative Complaints

■ OFFICE OF THE ACA / DCA and COURT ADMINISTRATOR

- Review and approve the AMFA within 60 days
- Indorse the approved AMFA to the Supreme Court for final disposition of the case



Procedures in Administrative Complaints

FORMAL COMPLAINTS

- ❖ **COMPLAINTS FILED BY LITIGANTS and /or COUNSELS ARISING FROM PENDING CASES**
- ❖ **COMPLAINTS INITIALLY FILED BEFORE THE OFFICE OF THE OMBUDSMAN**



Procedures in Administrative Complaints

COMPLAINTS INITIATED BY OCA

- ❖ **MATTERS REFERRED BY THE CIVIL SERVICE COMMISSION, COMMISSION ON HUMAN RIGHTS, DEPARTMENT OF JUSTICE, AND THE COURT OF APPEALS**
- ❖ **COMPLAINTS FILED AGAINST JUDGES OR EMPLOYEES WHO HAVE BEEN CHARGED BEFORE, OR CONVICTED BY, THE SANDIGANBAYAN OR THE TRIAL COURTS**



Procedures in Administrative Complaints
COMPLAINTS INITIATED BY OCA

- ❖ **COMPLAINTS FILED PURSUANT TO A JUDICIAL AUDIT**
- ❖ **COMPLAINTS ARISING FROM ANONYMOUS LETTERS AND OTHER FORMS OF COMMUNICATION**



Procedures in Administrative Complaints

PROCEDURES IN FORMAL COMPLAINTS

CASES FILED BY LITIGANTS and/or COUNSELS

ARISING FROM PENDING CASES and

**COMPLAINTS INITIALLY FILED BEFORE THE OFFICE
OF THE OMBUDSMAN**

- ❖ **SHORT or ABBREVIATED PROCEDURE**
- ❖ **REGULAR or USUAL PROCEDURE**



Procedures in Formal Complaints

SHORT or ABBREVIATED PROCEDURE

If the respondent is a Judge, the AMFA shall recommend outright dismissal if the:

- **Complaint involves purely judicial matters**
- **Complaint is prematurely filed**
- **Complaint does not state a cause of action**
- **Respondent Judge is about to retire or is already separated from the service**



Procedures in Formal Complaints
SHORT or ABBREVIATED PROCEDURE

JUDICIAL IMMUNITY

- **No criminal, civil, or administrative liability for an erroneous decision or order rendered in good faith**
- **Exception: Administrative liability attaches when there is fraud, dishonesty, malice or bad faith, gross ignorance, or deliberate intent to do an injustice**



Procedures in Formal Complaints

SHORT or ABBREVIATED PROCEDURE

If the respondent is a court employee, the AMFA shall recommend outright dismissal if the:

- Complaint does not state a cause of action**
- Respondent employee is already separated from the service**



Procedures in Formal Complaints

REGULAR or USUAL PROCEDURE

- **An Indorsement to file Comment within 10 days is sent to the respondent**
- **Tracer Letter is sent to the respondent if no Comment is received within 45 days**
- **Case is evaluated upon receipt of Comment or after 30 days from mailing of Tracer Letter if no Comment is filed**



Procedures in Formal Complaints

REGULAR or USUAL PROCEDURE

- **A draft Agenda Report is prepared based on evaluation of Complaint, Comment, other pleadings and evidence**
- **Draft Agenda Report shall contain facts, findings and recommendation to re-docket the case to a regular Administrative Matter (A.M.)**

- or -

- **Draft Agenda Report shall recommend referral of the case to an Investigating Officer for investigation, report and recommendation (IRR)**



Procedures in Formal Complaints
REGULAR or USUAL PROCEDURE

IF THE RESPONDENT IS :

**Judge of RTC – referred to a Court of
Appeals Justice**

**Judge of 1st Level Court – referred to the
EJ of the RTC**

**Employee of multi-sala RTC – referred to the
EJ of the RTC**



Procedures in Formal Complaints
REGULAR OR USUAL PROCEDURE

IF THE RESPONDENT IS :

**Employee of single-sala RTC – referred to EJ
of the RTC exercising administrative
supervision**

**Employee of multi-sala 1st Level Court –
referred to the EJ of the 1st Level Court**

**Employee of single-sala 1st Level Court –
referred to the EJ of 1st Level Court
exercising administrative supervision**



Procedures in Formal Complaints **REGULAR or USUAL PROCEDURE**

- **An Evaluation, Report and Recommendation (ERR) is drafted, reviewed and approved containing findings and recommendations, taking into consideration the IRR**
- **The AMFA , Agenda Report , or ERR is indorsed to the Supreme Court for final case disposal**



PROCEDURES IN CASES INITIATED BY THE OFFICE OF THE COURT ADMINISTRATOR

**MATTERS REFERRED BY THE CIVIL
SERVICE COMMISSION, COMMISSION
ON HUMAN RIGHTS, DEPARTMENT OF
JUSTICE and COURT OF APPEALS**

- **Treated as formal complaints and
shall follow the regular procedure**



Procedures in Cases Initiated by the OCA

**COMPLAINTS AGAINST JUDGES and / or
EMPLOYEES WHO HAVE BEEN CHARGED
BEFORE, or CONVICTED BY , THE
SANDIGANBAYAN or TRIAL COURTS**

- **Complaint is assigned a Miscellaneous Docket Number**



Procedures in Cases Initiated by the OCA

JUDGE / EMPLOYEE IS ACCUSED OR CONVICTED BY SANDIGANBAYAN OR TRIAL COURT

- **Require the accused to Comment on the charges alleged in the Information**
- **Prepare draft Agenda Report based on the Information and Comment**
- **Recommend the re-docketing of the miscellaneous case as a regular Administrative Matter (A.M.)**



Procedures in Cases Initiated by the OCA
JUDGE / EMPLOYEE IS ACCUSED OR CONVICTED
BY SANDIGANBAYAN OR TRIAL COURT

- **Recommend suspension of the Judge or Employee who is charged with :**
 - **Violation of Anti-Graft and Corrupt Practices Act**
 - **Bribery under the Revised Penal Code**
 - **Non-bailable offenses under the Revised Penal Code or Special Laws**
 - **Other serious offenses as may be determined by the Court Administrator**



Procedures in Cases Initiated by the OCA
**COMPLAINTS FILED PURSUANT TO A
JUDICIAL AUDIT**

When a Judicial Audit is conducted:

- ❖ **Unfavorable reports**
- ❖ **Compulsory retirement**
- ❖ **Optional or disability retirement**
- ❖ **Resignation**
- ❖ **Promotion**
- ❖ **Transfer**
- ❖ **Directed by the Court Administrator or the Chief Justice**



Procedures in Cases Initiated by the OCA
**COMPLAINTS FILED PURSUANT TO A
JUDICIAL AUDIT**

- **The OCA-Audit Team submit s an Audit Report to the ACA/DCA**
- **The Audit Report is submitted to the Supreme Court if irregularities discovered during the audit are very serious, with appropriate recommendations for sanctions, including preventive suspension**



Procedures in Cases Initiated by the OCA

COMPLAINTS FILED PURSUANT TO A JUDICIAL AUDIT

- **Issue a Memorandum ordering Judge or employee to comply with the directives in the Audit Report if irregularities are not serious**
- **If Judge or employee fails to comply, OCA issues a Reminder to the Judge or employee to comply**



Procedures in Cases Initiated by the OCA

COMPLAINTS FILED PURSUANT TO A JUDICIAL AUDIT

- **Issue a Memorandum ordering Judge or employee to explain why no administrative sanctions should be imposed**
- **If the Judge or employee fails to explain or the explanation is unacceptable, a Memorandum is submitted to the Supreme Court**
- **Supreme Court issues Resolution imposing sanctions and directing the filing of a formal complaint**



Procedures in Cases Initiated by the OCA

COMPLAINTS ARISING FROM ANONYMOUS LETTERS AND OTHER SOURCES

- **OCA-Legal Office receives and forwards all anonymous complaints to the ACA / DCA concerned and to the Court Administrator**
- **ACA/DCA makes preliminary assessment and determines appropriate action**



Procedures in Cases Initiated by the OCA

ANONYMOUS COMPLAINTS

- **A Memorandum is issued directing the respondent to Comment on the Complaint**
- or -
directing the Executive Judge or the NBI to conduct a discreet investigation
- **Prepare an Agenda Report recommending the re-docketing of the Anonymous Complaint to a Formal Complaint if the investigation findings are adverse to the respondent**



Procedures in Cases Initiated by the OCA

ANONYMOUS COMPLAINTS

- **Issue a Memorandum directing respondent to Comment on the Anonymous Complaint**
- **OCA-Legal Office prepares an Agenda Report with findings and recommendations**
- **ACA/DCA and Court Administrator review and approve the Agenda Report**
- **Submit a final Agenda Report to the Supreme Court for case disposal**



NUMERICAL DATA ON ADMINISTRATIVE CASES

NUMBER OF CASES FILED
1 JANUARY 1986 to 31 AUGUST 2015

	31 Aug. 2015
Against RTC Judges	5,994
Against 1st Level Court Judges	3,952
Against Trial Court Personnel	6,180
Total	16,126



DISPOSAL OF CASES

1 JANUARY 1986 to 31 AUGUST 2015

ACTION TAKEN	RTC JUDGES	1 ST LEVEL COURT JUDGES	PERSONNEL	TOTAL
Dismissal of Complaint	4,392	2,877	3,203	10,472 (64.93%)
Admonition	192	139	294	611 (3.87%)
Forfeiture of Benefits	6	5	54	65 (0.40%)
Censure	14	12	22	48 (0.29%)
Dismissal from Service	80	78	421	579 (3.59%)
Fine	598	504	772	1,874 (11.62%)
Reprimand	110	127	680	917 (5.68%)
Suspension	53	48	631	732 (4.53%)
TOTAL	1053	913	2,874	



THANK YOU!

