

A.M. No. 03-05-01-SC
Adopting the New Code of Judicial Conduct for the Philippine Judiciary
Supreme Court of the Philippines
2004

WHEREAS, at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, on 25-26 November 2002, at which the [Philippine Supreme Court](#) was represented by the [Chief Justice](#) and Associate Justice [Reynato S. Puno](#), the Bangalore Draft of the Code of Judicial Conduct adopted by the Judicial Group on Strengthening Judicial Integrity was deliberated upon and approved after incorporating therein several amendments;

WHEREAS, the Bangalore Draft, as amended, is intended to be the Universal Declaration of Judicial Standards applicable in all judiciaries;

WHEREAS, the Bangalore Draft is founded upon a universal recognition that a competent, independent and impartial judiciary is essential if the courts are to fulfill their role in upholding constitutionalism and the rule of law; that public confidence in the judicial system and in the moral authority and integrity of the judiciary is of utmost importance in a modern democratic society; and that it is essential that judges, individually and collectively, respect and honor judicial office as a public trust and strive to enhance and maintain confidence in the judicial system;

WHEREAS, the adoption of the universal declaration of standards for ethical conduct of judges embodied in the Bangalore Draft as revised at the Round Table Conference of Chief Justices at The Hague is imperative not only to update and correlate the Code of Judicial Conduct and the Canons of Judicial Ethics adopted for the Philippines, but also to stress the Philippines' solidarity with the universal clamor for a universal code of judicial ethics.

NOW, THEREFORE, the Court hereby adopts this New Code of Judicial Conduct for the Philippine Judiciary:

CANON 1
INDEPENDENCE

Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

SECTION 1. Judges shall exercise the judicial function independently on the basis of their assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influence, inducement, pressure, threat or interference, direct or indirect, from any quarter or for any reason.

SEC. 2. In performing judicial duties, judges shall be independent from judicial colleagues in respect of decisions which the judge is obliged to make independently.

SEC. 3. Judges shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency.

SEC. 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

SEC. 5. Judges shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to be free therefrom to a reasonable observer.

SEC. 6. Judges shall be independent in relation to society in general and in relation to the particular parties to a dispute which he or she has to adjudicate.

SEC. 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.

SEC. 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.

CANON 2 INTEGRITY

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SEC. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

SEC. 3. Judges should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

CANON 3 IMPARTIALITY

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

SECTION 1. Judges shall perform their judicial duties without favor, bias or prejudice.

SEC. 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.

SEC. 3. Judges shall, so far as is reasonable, so conduct themselves as to minimize the occasions on which it will be necessary for them to be disqualified from hearing or deciding cases.

SEC. 4. Judges shall not knowingly, while a proceeding is before or could come before them, make any comment that might reasonably be expected to affect the outcome of such proceeding or impair the manifest fairness of the process. Nor shall judges make any comment in public or otherwise that might affect the fair trial of any person or issue.

SEC. 5. Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where

- (a) The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
- (b) The judge previously served as a lawyer or was a material witness in the matter in controversy;
- (c) The judge, or a member of his or her family, has an economic interest in the outcome of the matter in controversy;
- (d) The judge served as executor, administrator, guardian, trustee or lawyer in the case or matter in controversy, or a former associate of the judge served as counsel during their association, or the judge or lawyer was a material witness therein;
- (e) The judge's ruling in a lower court is the subject of review;
- (f) The judge is related by consanguinity or affinity to a party litigant within the sixth civil degree or to counsel within the fourth civil degree; or
- (g) The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings;

SEC. 6. A judge disqualified as stated above may, instead of withdrawing from the proceeding, disclose on the records the basis of disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing that the reason for the inhibition is immaterial or unsubstantial, the

judge may then participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceedings.

CANON 4 PROPRIETY

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

SEC. 3. Judges shall, in their personal relations with individual members of the legal profession who practice regularly in their court, avoid situations which might reasonably give rise to the suspicion or appearance of favoritism or partiality.

SEC. 4. Judges shall not participate in the determination of a case in which any member of their family represents a litigant or is associated in any manner with the case.

SEC. 5. Judges shall not allow the use of their residence by a member of the legal profession to receive clients of the latter or of other members of the legal profession.

SEC. 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.

SEC. 7. Judges shall inform themselves about their personal fiduciary and financial interests and shall make reasonable efforts to be informed about the financial interests of members of their family.

SEC. 8. Judges shall not use or lend the prestige of the judicial office to advance their private interests, or those of a member of their family or of anyone else, nor shall they convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.

SEC. 9. Confidential information acquired by judges in their judicial capacity shall not be used or disclosed for any other purpose related to their judicial duties.

SEC. 10. Subject to the proper performance of judicial duties, judges may

- (a) Write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice or related matters;
- (b) Appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;
- (c) Engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.

SEC. 11. Judges shall not practice law whilst the holder of judicial office.

SEC. 12. Judges may form or join associations of judges or participate in other organizations representing the interests of judges.

SEC. 13. Judges and members of their families shall neither ask for, nor accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done by him or her in connection with the performance of judicial duties.

SEC. 14. Judges shall not knowingly permit court staff or others subject to their influence, direction or authority, to ask for, or accept, any gift, bequest, loan or favor in relation to anything done or to be done or omitted to be done in connection with their duties or functions.

SEC. 15. Subject to law and to any legal requirements of public disclosure, judges may receive a token gift, award or benefit as appropriate to the occasion on which it is made, provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

CANON 5 EQUALITY

Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

SECTION 1. Judges shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, color, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes.

SEC. 2. Judges shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.

SEC. 3. Judges shall carry out judicial duties with appropriate consideration for all persons, such as the parties, witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.

SEC. 4. Judges shall not knowingly permit court staff or others subject to his or her influence, direction or control to differentiate between persons concerned, in a matter before the judge, on any irrelevant ground.

SEC. 5. Judges shall require lawyers in proceedings before the court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant grounds, except such as are legally relevant to an issue in proceedings and may be the subject of legitimate advocacy.

CANON 6 COMPETENCE AND DILIGENCE

Competence and diligence are prerequisites to the due performance of judicial office.

SECTION 1. The judicial duties of a judge take precedence over all other activities.

SEC. 2. Judges shall devote their professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.

SEC. 3. Judges shall take reasonable steps to maintain and enhance their knowledge, skills and personal qualities necessary for the proper performance of judicial duties, taking advantage for this purpose of the training and other facilities which should be made available, under judicial control, to judges.

SEC. 4. Judges shall keep themselves informed about relevant developments of international law, including international conventions and other instruments establishing human rights norms.

SEC. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

SEC. 6. Judges shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity. Judges shall require similar conduct of legal representatives, court staff and others subject to their influence, direction or control.

SEC. 7. Judges shall not engage in conduct incompatible with the diligent discharge of judicial duties.

DEFINITIONS

In this Code, unless the context otherwise permits or requires, the following meanings shall be attributed to the words used:

“Court staff” includes the personal staff of the judge including law clerks.

“Judge” means any person exercising judicial power, however designated.

“Judge’s family” includes a judge’s spouse, son, daughter, son-in-law, daughter-in-law, and any other relative by consanguinity or affinity within the sixth civil degree, or person who is a companion or employee of the judge and who lives in the judge’s household.

This Code, which shall hereafter be referred to as the New Code of Judicial Conduct for the Philippine Judiciary, supersedes the Canons of Judicial Ethics and the Code of Judicial Conduct heretofore applied in the Philippines to the extent that the provisions or concepts therein are embodied in this Code: Provided, however, that in case of deficiency or absence of specific provisions in this New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character.

This New Code of Judicial Conduct for the Philippine Judiciary shall take effect on the first day of June 2004, following its publication not later than 15 May 2004 in two newspapers of large circulation in the Philippines to ensure its widest publicity.

Promulgated this 27th day of April 2004.

HILARIO G. DAVIDE, JR.
Chief Justice
REYNATO S. PUNO
Associate Justice
JOSE C. VITUG
Associate Justice
ARTEMIO V. PANGANIBAN
Associate Justice
LEONARDO A. QUISUMBING
Associate Justice
CONSUELO YNARES-SANTIAGO
Associate Justice
ANGELINA SANDOVAL-GUTIERREZ
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ANTONIO T. CARPIO
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MA. ALICIA AUSTRIA-MARTINEZ

Associate Justice

(on leave) RENATO C. CORONA

Associate Justice

CONCHITA CARPIO-MORALES

Associate Justice

ROMEO J. CALLEJO, SR.

Associate Justice

ADOLFO S. AZCUNA

Associate Justice

DANTE O. TINGA

Associate Justice

AM No. 03-06-13-SC

CODE OF CONDUCT FOR COURT PERSONNEL

WHEREAS, the dispensation of justice is the basic duty and responsibility of the judiciary as enshrined in the Constitution; it is a sacred task of divine origin.

WHEREAS, the Constitution declares that a public office is a public trust, and all public officers and employees must at all time be accountable to the people, serve them with utmost responsibility, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

WHEREAS, court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon court personnel as part of the Judiciary.

WHEREAS, in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.

WHEREAS, while there are statutory provisions and Civil Service rules governing the ethical conduct of government officials and employees, there is a need to adopt norms of conduct that are specific to personnel in the Judiciary because of the special nature of their duties and responsibilities

WHEREAS, at its third meeting in Colombo, Sri Lanka, in January of 2003, the Judicial Group on Strengthening Judicial Integrity, which had earlier approved the Bangalore Principles of Judicial Conduct, submitted for consideration of the participating Chief Justices, including the Chief Justice of the Philippines, a Code of Conduct for Judicial Employees.

WHEREAS, the Code of conduct for Judicial Employees was refined through various amendments, including those introduced by the Chief Justice of the Philippines, to serve as a model Code of Conduct for judicial employees or court personnel.

WHEREAS, the Constitution of the Philippines vests in the Supreme Court administrative supervision over all courts and their personnel; thus, it has disciplinary authority over them and the power to promulgate a code of conduct for them.

NOW, THEREFORE, the **SUPREME COURT** *En Banc* hereby **PROMULGATES** this:

CODE OF CONDUCT FOR COURT PERSONNEL

SCOPE

SECTION 1. This Code of Conduct for Court Personnel shall apply to all personnel in the judiciary who are not justices or judges. Court personnel who are no longer employed in the Judiciary but who acquired, while still so employed, confidential information as defined in the second paragraph of Section 1 of Canon II on Confidentiality are subject to Section 4 thereof.

CANON I

FIDELITY TO DUTY

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions.

SECTION 3. Court personnel shall not discriminate by dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

SECTION 4. Court personnel shall not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity.

SECTION 5. Court personnel shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

CANON II

CONFIDENTIALITY

SECTION 1. Court personnel shall not disclose to any unauthorized person any confidential information acquired by them while employed in the judiciary, whether such information came from authorized or unauthorized sources.

Confidential information means information not yet made a matter of public record relating to pending cases, as well as information not yet made public concerning the work of any justice or judge relating to pending cases, including notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers.

The notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations and similar papers that a justice or judge uses in preparing a decision, resolution or order shall remain confidential even after the decision, resolution or order is made public.

SECTION 2. Confidential information available to specific individuals by reason of statute, court rule or administrative policy shall be disclosed only by persons authorized to do so.

SECTION 3. Unless expressly authorized by the designated authority, court personnel shall not disclose confidential information given by litigants, witnesses or attorneys to justices, judges or any other person.

SECTION 4. Former court personnel shall not disclose confidential information acquired by them during their employment in the Judiciary when disclosed by current court personnel of the same information would constitute a breach of confidentiality. Any disclosure in violation of this provisions shall constitute indirect contempt of court.

CANON III

CONFLICT OF INTEREST

SECTION 1. Court personnel shall avoid conflicts of interest in performing official duties. Every court personnel is required to exercise utmost diligence in being aware of conflicts of interest, disclosing conflicts of interest to the designated authority, and terminating them as they arise.

- (a) A conflict of interest exist when:
 - (i) the court personnel's objective ability or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired; or
 - (ii) the court personnel, the personnel's immediate family, or the personnel's business or other financial interest would derive financial gain because of the personnel's official act.
- (b) No conflict of interest exists if any benefit accrues to the court personnel as a member of a profession, business, or group to the same extent as any other member of such profession, business, or group who does not hold a position in the Judiciary.

- (c) The term "immediate family" shall include the following whether related by blood, marriage or adoption: (a) spouse, (b) children, (c) brother, (d) sister, (e) parent, (f) grandparent, (g) grandchildren, (h) father-in-law, (i) mother-in-law, (j) sister-in-law, (k) brother-in-law, (l) son-in-law, (m) daughter-in-law, (n) stepfather, (o) stepmother, (p) stepson, (q) stepdaughter, (r) stepbrother, (s) stepsister, (f) half-brother, (u) half-sister.

SECTION 2. Court personnel shall not:

- (a) Enter into any contract with the Judiciary for services, lease or sale of property apart from the employment contract relating to the personnel's position; nor use that position to assist any member of the personnel's immediate family in securing a contract with the Judiciary in a manner not available to any other interested party.
- (b) Receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Judiciary.
- (c) Participate in any official action involving a party with whom either the court personnel or any member of the personnel's immediate family is negotiating for future employment.
- (d) Knowingly employ or recommend for employment any member of the court personnel's immediate family.
- (e) Solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties.

SECTION 3. Nothing in Section 2 above shall prohibit court personnel from (a) accepting a public award presented in recognition of public services; (b) receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business; (c) donating to the Judiciary for the benefit of a group of court personnel (e.g. all the personnel of an office or unit of the Judiciary): *Provided*, that the value and circumstances of the donation are such that it could not be reasonably inferred that the donation would influence the recipient in performing official duties in favor of the donor or some other party or that such influence was the purpose of the donor.

Finally, nothing in Section 2 above shall prohibit any person, group or entity from donating cash or property of significant or historical value for the benefit of the Judiciary: *Provided*, that, such donation is received on behalf of the Judiciary by the designated authority.

SECTION 4. To insure compliance with the provisions of this canon on Conflict of Interest, court personnel who have authority to enter into or approve contacts for the Judiciary shall file a financial disclosure statement with the designated authority at the beginning and upon termination of employment in such position, and annually while so employed. The disclosure shall follow the guidelines established by the designated authority, and shall include all sources of personal and business income, including investments in personal or real property, as well as all income received by their spouses or dependent children.

SECTION 5. The full-time position in the Judiciary of every court personnel shall be the personnel's primary employment. For purposes of this code, "primary employment" means the position that consumes the entire normal working hours of the court personnel and requires the personnel's exclusive attention in performing official duties.

Outside employment may be allowed by the head of office provided it complies with all of the following requirements:

- (a) The outside employment is not with a person or entity that practices law before the courts or conducts business with the Judiciary;
- (b) The outside employment can be performed outside of normal working hours and is not incompatible with the performance of the court personnel's duties and responsibilities;
- (c) The outside employment does not require the practice of law; *Provided, however,* that court personnel may render services as professor, lecturer, or resource person in law schools, review or continuing education centers or similar institutions;
- (d) The outside employment does not require or induce the court personnel to disclose confidential information acquired while performing official duties; and
- (e) The outside employment shall not be with the legislative or executive branch of government, unless specifically authorized by the Supreme Court.

Where a conflict of interest exists, may reasonably appear to exist, or where the outside employment reflects adversely on the integrity of the Judiciary, the court personnel shall not accept the outside employment.

CANON IV

PERFORMANCE OF DUTIES

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

SECTION 2. Court personnel shall carry out their responsibilities as public servants in as courteous a manner as possible.

SECTION 3. Court personnel shall not alter, falsify, destroy or mutilate any record within their control.

This provision does not prohibit amendment, correction or expungement of records or documents pursuant to a court order.

SECTION 4. In performing official duties, court personnel shall not discriminate nor, manifest, by word or conduct, bias or prejudice based on race, religion, national or ethnic origin, gender or political affiliation.

SECTION 5. Court personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary.

SECTION 6. Court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority.

SECTION 7. Court personnel shall not be required to perform any work or duty outside the scope of their assigned job description.

INCORPORATION OF OTHER RULES

SECTION 1. All provisions of law, Civil Service rules, and issuances of the Supreme Court governing or regulating the conduct of public officers and employees applicable to the Judiciary are deemed incorporated into this Code.

EFFECTIVITY

SECTION 1. This Code shall take effect on the first day of June, 2004, and shall be published in a newspaper of general circulation not later than the fifteen day of May, 2004.

(Sgd.) **HILARIO G. DAVIDE, JR.**
Chief Justice

(Sgd.) **REYNATO S. PUNO**

(Sgd.) **JOCE C. VITUG**

Associate Justice

(Sgd.) **ARTEMIO V. PANGANIBAN**
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