

OCA CIRCULAR NO. 173-2017, August 17, 2017

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TO:

ALL JUDGES AND COURT PERSONNEL OF FIRST AND SECOND LEVEL COURTS

SUBJECT :

PROPER USE OF SOCIAL MEDIA

It has been observed that some judges and court personnel have been taking active part in social networking sites by sharing personal photographs and updates, and posting their views and comments on certain issues and current events. While judges and court personnel are not prohibited from engaging in social media, they are reminded that when they do, "they do not thereby shed off their status as members of the judiciary." [1] Using a social networking site, e.g., Facebook, Twitter, and Instagram, is an exercise of freedom of expression; however, there are restrictions upon a judge's conduct inherent in the office. [2]

Photographs and commentaries, including "sharing" and "liking" posts, that are otherwise acceptable for the general public may be considered inappropriate for members of the judiciary due to the higher standard of integrity, candor and fairness reposed on them. [3] Accordingly, "in communicating and socializing through social networks, judges must bear in mind that what they communicate—regardless of whether it is a personal matter or part of his or her judicial duties—creates and contributes to the people's opinion not just of the judge but of the entire Judiciary of which he or she is a part. This is especially true when the posts the judge makes are viewable not only by his or her family and close friends, but by acquaintances and the general public"[4]

As the visible personification of law and justice, judges and court employees have a higher standard of conduct. [5] The standard of conduct expected from members of judiciary is much higher than an ordinary man. [6] Section 6, Canon 4 of the New Code of Judicial Conduct provides that in the exercise of their freedom of expression, "they shall always conduct themselves in a manner as to preserve the dignity of the judicial office and the impartiality and independence of the Judiciary" [7]

Thus, judges and court personnel are reminded to conduct themselves in a way that would not call into question the dignity of the Judiciary. [8] Judges and court personnel, like Caesar's wife, must be above suspicion. [9] "[T]hey must exhibit the hallmark judicial temperament of utmost sobriety and self- restraint ." [10] They must avoid " impropriety and the appearance of impropriety" [11] in all of their activities, whether these be in the course of their duty or in their personal lives. [12] They are also reminded that as public officials, they "must at all times be accountable and lead modest lives." [13]

All told, judges and court personnel who participate in social media are enjoined to be cautious and circumspect in posting photographs, liking posts and making comments in public on social networking sites, for "public confidence in the judiciary (may be) eroded by their irresponsible or improper conduct." [14]

17 August 2017

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Court Administrator

[1]Lorenzana v. Austria, A.M. No. RTJ-09-2200, April 2,2014

[2]Florida Sup. Ct Jud. Eth. Adv. Comm. Op. 2009-20. (November 17,2009)

[3]New CODE OF JUDICIAL CONDUCT, Canon 4, 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."

[4]Lorenzana v. Austria, A.M. No. RTJ-09-2200, April 2,2014

[5]Id, citing California Judges Ass. Judicial Ethics Comm., Op. 66 On Social Networking.

[6]ABA Formal Opinion 462, "judges Use of Electronic Social Networking Media," (21 February, 2013)

[7]NEW CODE OF judicial CONDUCT, Canon 4, Sec. 6

[8]NEW CODE OF JUDICIAL CONDUCT, Canon 4, Sec. 2

[9] Mercado v. Salcedo, A.M. No. RTJ-03-1781, October 16,2009

[10]Soria v. Judge Villegas, 485 Phil. 406,415 (2004)

[11] NEW CODE OF JUDICIAL CONDUCT, Canon 4, Sec. 1

[12]Lorenzana v. Austria, A.M. No. RTJ-09-2200,2 April 2014

[13]CONST., art. XI, sec. 1

[14]ABA Model Code of Judicial Conduct Canon 1

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