



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

KONRAD A. RUBIN and OCA I.P.I. NO. 11-3589-RTJ
CONRADO C. RUBIN,
Complainants,

Present:

CARPIO, J.
Chairperson,
BRION,
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

- versus -

JUDGE EVELYN CORPUS-
CABOCHAN, Presiding Judge,
Regional Trial Court, Branch 98,
Quezon City

Promulgated:

JUL 29 2013

Respondent.

X -----X

DECISION

PEREZ, J.:

On 14 December 2010, a complaint was filed by Konrad A. Rubin (Konrad) and his father, Conrado C. Rubin (Conrado), against Hon. Evelyn Corpus-Cabochan (Judge Cabochan), Presiding Judge of the Regional Trial Court (RTC), Branch 98, Quezon City for serious misconduct, gross ignorance of the law, rendering an unjust judgment and gross inefficiency. The complaint stemmed from the decision rendered and order of voluntary inhibition issued by Judge Cabochan in Civil Case No. Q-09-64898.

ANTECEDENT FACTS

A civil case for damages was filed by Konrad before the RTC of Quezon City against Virgine Calvo, Alexander Ong and Martin Estores, as

owner, general manager and employee, respectively, of Trans Orient Container Terminal Services (co-defendants). The case was raffled to RTC, Branch 82.

After due proceedings, the presiding judge of RTC, Branch 82 found that the totality of the claim was only ₱311,977.00, hence, ruled that it was the first level court that had jurisdiction over the case. The case was dismissed without prejudice to its re-filing before the proper court.

Consequently, Konrad filed the complaint before the Metropolitan Trial Court (MeTC) and this was raffled to Branch 32. The co-defendants filed a motion to dismiss on the ground of lack of jurisdiction for the reason that the additional substantial allegations in the new complaint changed the very nature of the action, such that the subject matter thereof became incapable of pecuniary estimation.

After due consideration of the motion to dismiss and plaintiff's opposition thereto, the presiding judge of the MeTC issued an order denying the motion to dismiss, upon a finding that the claim for damages as clearly stated in the complaint is capable of pecuniary estimation, the amount of which falls within the jurisdiction of the MeTC.

Trial on the merits thereafter ensued.

On 24 June 2008, a decision was rendered in favor of plaintiff Konrad, directing the co-defendants to pay him the amounts of ₱7,000.00 as temperate damages; ₱10,000.00 as moral damages; ₱10,000.00 as exemplary damages; ₱10,000.00 as attorney's fees; and ₱2,901.90 for litigation costs.

Both of the opposing parties filed a motion for reconsideration.

In an order dated 19 March 2009, the MeTC decision was modified by increasing the award of moral and exemplary damages and attorney's fees to ₱20,000.00 each.

Still not satisfied with the decision, both parties appealed the case to the RTC of Quezon City. The case was docketed as Civil Case No. Q-09-64898 and was raffled to RTC, Branch 98, presided over by Judge Cabochan.

On 1 June 2010, Judge Cabochan rendered her judgment on the appeal. She reversed and set aside the decision of the MeTC based on her finding that the latter court had no jurisdiction over the original action. She ruled that the RTC had original jurisdiction over the case and pursuant to Section 8, Rule 40 of the 1997 Rules of Civil Procedure, her court “will proceed to try the case on the merits upon payment of the appropriate docket fees, as if the case was originally filed with it without prejudice to the admission of amended pleadings and additional evidence in the interest of justice.”¹

Konrad filed a motion for reconsideration assailing respondent Judge Cabochan’s judgment. The motion was heard on 23 July 2009.

Several days after the hearing of the Motion for Reconsideration, Konrad, together with his parents, sent a letter entitled “Request For Help” to the executive judge of RTC, Quezon City, copy furnished Judge Cabochan; the presiding judges of RTC, Branch 82 and MeTC, Branch 32; the Chief Justice; and the Court Administrator. In their letter, they expressed their grief over the judgment rendered by Judge Cabochan which allegedly resulted in a mockery of justice. They claimed that the judgment not only made the litigation of the case very expensive, it also prolonged the litigation, in violation of the Constitutional provision and the Rules of Court mandating a just, speedy and inexpensive disposition of every action and proceeding in court.²

In reaction to the “Request For Help” letter filed, Judge Cabochan issued an Order³ voluntarily inhibiting herself from the case. She noted that while Konrad had already filed his motion for reconsideration assailing her judgment, he still resorted to an unfair and inappropriate manner of questioning her ruling. She contended that the letter expressed the complainant’s serious doubts on her competence, partiality and integrity.⁴ She stressed that should she continue presiding over the case, her action will appear to be tainted with bias, hence, she deemed it proper to voluntarily recuse from the case.

To emphasize her point, Judge Cabochan narrated that during the hearing on complainants’ motion for reconsideration on 23 July 2010, Conrado requested that he be allowed to say a word regarding the controversy, which she graciously granted. To everyone’s surprise, Conrado

¹ *Rollo*, p. 185.

² *Id.* at 335-337.

³ *Id.* at 89-94.

⁴ *Id.* at 91.

took the occasion to express his utter disappointment on the outcome of the case while pointing his finger at the judge and declaring that the judgment rendered was unacceptable to Conrado. She contended that the incident, without a doubt, exposed the animosity of Conrado towards her.⁵

On 25 August 2010, Conrado wrote a letter to Judge Cabochan reacting on the order of inhibition issued by the latter. He expressed his opposition over the inhibition and denied the finger pointing allegation of respondent judge. He maintained that he never pointed a finger at the judge, but only expressed his sentiment over the outcome of the judgment and moved for the speedy disposition of the motion for reconsideration. He explained that the opposition to the voluntary inhibition is only for the purpose of giving the judge a chance to justify/rectify herself.

In a resolution dated 28 September 2010, Acting Executive Judge Fernando T. Sagun, Jr. (Acting Executive Judge Sagun, Jr.), upheld the voluntary recusal of Judge Cabochan. He relied on administrative circulars and jurisprudence establishing that a judge's voluntary inhibition is a judicial action which does not require prior administrative approval.⁶ He maintained that the question of whether to inhibit in a case is best left to the sound discretion and conscience of the presiding judge.

Undeterred, complainants filed a Joint Motion for Reconsideration questioning the resolution issued by Acting Executive Judge Sagun, Jr., maintaining their vigorous opposition to the voluntary inhibition of respondent judge. They invoked Konrad's right to a speedy resolution of his claim for damages.

Atty. Salvador B. Aguas, counsel for complainant Konrad, likewise filed a Motion for Reconsideration questioning the acting executive judge's resolution. He contended that respondent Judge Cabochan's right to inhibit from further handling the case, particularly in resolving plaintiff-appellee/appellant's Motion for Reconsideration, should not work against the important right of his client to a speedy disposition of his case, as the judge's right to inhibit is inferior to the superior mandate of the Constitution because such inhibition will not serve public interest.⁷

⁵ Id. at 142; Comment of Judge Cabochan dated 10 July 2011.

⁶ Id. at 169.

⁷ Id. at 116.

On 4 November 2010, Acting Executive Judge Sagun, Jr., issued an Order⁸ denying for lack of merit the two motions for reconsideration filed by Konrad and his counsel. He directed that parties and their counsels file any and subsequent pleadings regarding the case before the RTC where the case had been re-raffled.

Konrad and Conrado, thereafter, filed the instant administrative complaint against Judge Cabochan. They alleged that Judge Cabochan committed serious or grave misconduct for falsely accusing complainant Conrado of pointing his finger at her in the presence of the court's staff and other litigants; claiming that such statement is untrue and absolutely fabricated. They also claimed that Judge Cabochan acted in gross ignorance of the law when she ruled that it was the RTC and not the MeTC that had original jurisdiction over the case. Such ruling allegedly annulled the 19 February 2011 order of a co-equal court that it was the MeTC that had original jurisdiction over the case. They likewise accused Judge Cabochan of rendering an unjust judgment for directing the plaintiff to again pay docket fees and undergo rigorous trial after more than 10 years of litigation which will, in turn, subject Konrad to bear more expenses, and to suffer more delay and trauma. Finally, they charged respondent judge of gross inefficiency for rendering judgment on the appeal beyond the 90-day reglementary period, in violation of Konrad's right to a speedy disposition of his case.⁹

For the alleged infractions, complainants insisted that Judge Cabochan should not only be dismissed from the service but should also be disbarred.

In her comment dated 10 February 2011, Judge Cabochan refuted point by point the accusations hurled against her by the complainants. She maintained that she is not guilty of serious or grave misconduct because she did not falsely accuse Conrado when she stated that the latter pointed his finger at her while loudly expressing his utter disappointment at the outcome of the case. She averred that the incident was done in full view of everyone present in the courtroom at that time. To attest to such fact, she attached to her comment the affidavits of Court Stenographer Gloria E. de Leon, Court Aide Rosalina C. Nunag, Court Interpreter Joseph H. Garcia and Attorney Romeo L. Erenio, who all witnessed the incident that transpired during the hearing.

⁸ Id. at 119-120.

⁹ Id. at 1-18.

She explained that she is not guilty of gross ignorance of the law because her judgment was based on her sound appreciation of the evidence on record and the applicable law and jurisprudence on the matter. Her conclusion that the original jurisdiction was vested in the RTC was done in good faith and without malice nor with deliberate intention to favor or perpetuate an injustice to any of the parties. She maintained that her decision is based on the fact that the total amount of damages claimed was within the RTC's jurisdictional threshold.

She averred that she is likewise not guilty of rendering an unjust judgment because there is no final decree yet declaring that her judgment was grossly erroneous. She insisted that the filing of the administrative complaint is premature considering that the parties are not without judicial remedies to question her ruling.

As regards the charge of gross inefficiency, Judge Cabochan explained that the case was submitted for decision only after the parties had been given ample opportunity to file their respective memorandum on appeal. Contrary to complainants' allegations, the case was not yet considered submitted for decision on 29 July 2009. She argued that the reckoning date to determine the presence of delay is not 29 July 2009 but 4 February 2010, after the issuance of her Order declaring the case submitted for decision. She noted that in the spirit of fair play and observance of due process, she issued Orders dated 17 August 2009 and 28 October 2009, directing co-defendant Martin Estores to file his brief/memorandum. Unfortunately, the latter Order was returned with the annotation that Mr. Estores had already died.

If ever there was delay in the resolution of the appeal, Judge Cabochan submitted that it was only for a matter of less than a month and not ten months as alleged by the complainants. She explained that the delay was attributable to her frail health condition and her court's heavy caseload.

REPORT AND RECOMMENDATION OF THE OFFICE OF THE COURT ADMINISTRATOR

In its report¹⁰ dated 26 November 2012, the Office of the Court Administrator (OCA) found respondent Judge Cabochan not guilty of serious or grave misconduct; of gross ignorance of the law; and of rendering

¹⁰ Id. at 456-491.

an unjust judgment. The OCA, however, found her guilty of gross inefficiency for her delay in rendering a decision on the appeal.

OUR RULING

We agree with the findings of the OCA. The record is bereft of any evidence to prove complainants' contention that Judge Cabochan is guilty of serious or grave misconduct. Other than complainants' and their witness, Atty. Arceli A. Rubin's bare allegation that Judge Cabochan made a false accusation regarding the finger pointing incident, there were no other evidence adduced to rebut the statements made by respondent judge and her witnesses. Besides, the affidavit of Atty. Rubin cannot be said to have come from a disinterested person because not only is she one of the counsels of the complainants, she is also the wife of Conrado and the mother of Konrad.

On the other hand, the allegation of Judge Cabochan regarding the finger pointing incident is fully supported by the statements of three of the court's staff and a disinterested lawyer, who were all present in the courtroom when the incident occurred. Complainants' insistence that these witnesses were influenced by respondent judge into making those statements deserves scant consideration. In administrative proceedings, not only does the burden of proof that the respondent committed the act complained of rests on complainants, that burden is not satisfied when complainants rely on mere assumptions and suspicions as evidence.¹¹

In the case of *Office of the Court Administrator v. Lopez*,¹² the Court defined misconduct as "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer." The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence.

It is clear from the aforesaid definition that respondent Judge Cabochan is not guilty of grave or serious misconduct. Even assuming that Judge Cabochan erred in the narration of facts as stated in her order of inhibition, still she cannot be held liable in view of complainants' failure to establish that she was motivated by corruption or an intention to violate the law or to disregard established rules when she made the statement. What has been clearly established is that Conrado indeed pointed his finger during the alleged incident and even admitted such fact in his reply, although he

¹¹ *Dela Peña v. Huelma*, A.M. No. P-06-2218, 15 August 2006, 498 SCRA, 593, 602.

¹² A.M. No. P-10-2788, 18 January 2011, 639 SCRA 633, 638.

claims that it was not directed to the judge but to the counsel for the defendants.¹³

We have observed that complainants focused mainly on the finger pointing incident. A perusal of the order of inhibition, however, would reveal that the incident is not the primary reason for respondent Judge Cabochan's recusal from the case. She cited the "Request For Help" letter as her main basis as she believed that it is a clear indication that the complainants entertain serious doubts on her competence, partiality and integrity. She was therefore exercising her judicial prerogative and discretion when she recused herself from the case. We have always maintained that judges, like Caesar's wife, should be above suspicion.¹⁴

In *People v. Hon. Ma. Theresa L. Dela Torre-Yadao et al.*,¹⁵ this Court held that voluntary inhibition is primarily a matter of conscience and sound discretion on the part of the judge since he is in a better position to determine whether a given situation would unfairly affect his attitude towards the parties or their cases.

Section 1, Rule 137 of the Rules of Court sets forth the rule on inhibition and disqualification of judges, to wit:

SECTION 1. Disqualification of judges. - No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above. (Emphasis supplied.)

The aforesaid rule enumerates the specific grounds upon which a judge may be disqualified from participating in a trial. It must be borne in mind that the inhibition of judges is rooted in the Constitution, specifically Article III, the Bill of Rights, which requires that a hearing is conducted

¹³ Rollo, pp. 95-97; Letter-reply of Conrado dated 25 August 2010.

¹⁴ *Chan v. Judge Majaducan*, 459 Phil. 754, 764 (2003) citing *Vedana v. Judge Valencia*, 356 Phil 317 (1998).

¹⁵ G.R. Nos. 162144-54, 13 November 2012.

before an impartial and disinterested tribunal because unquestionably, every litigant is entitled to nothing less than the cold neutrality of an impartial judge. All the other elements of due process, like notice and hearing, would be meaningless if the ultimate decision would come from a partial and biased judge.¹⁶

Certainly, a presiding judge must maintain and preserve the trust and faith of the parties-litigants. He must hold himself above reproach and suspicion. At the very first sign of lack of faith and trust in his actions, whether well-grounded or not, the judge has no other alternative but to inhibit himself from the case.¹⁷ The better course for the judge under the circumstances is to disqualify himself. That way, he avoids being misunderstood; his reputation for probity and objectivity is preserved. What is more important, the ideal of impartial administration of justice is lived up to.¹⁸ Hence, Judge Cabochan should not be condemned for her recusal in Civil Case No. Q-09-64898.

We likewise find the charges of ignorance of the law and rendering of an unjust judgment bereft of merit. It is clear that Judge Cabochan's judgment was issued in the proper exercise of her judicial functions, and as such, is not subject to administrative disciplinary action; especially considering that complainants failed to establish bad faith on the part of the judge. Well entrenched is the rule that a judge may not be administratively sanctioned from mere errors of judgment in the absence of showing of any bad faith, fraud, malice, gross ignorance, corrupt purpose, or a deliberate intent to do an injustice on his or her part.¹⁹

Complainants were assailing the propriety of the decision rendered by Judge Cabochan. Complainants should be reminded that unfavorable rulings are not necessarily erroneous. Should they disagree with the ruling, there are judicial remedies available for them under the Rules of Court. As a matter of public policy, a judge cannot be subjected to liability for any of his official acts, no matter how erroneous, as long as he acts in good faith. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.²⁰

¹⁶ *People v. Hon. Ong*, 523 Phil. 347, 356 (2006).

¹⁷ *Madula v. Judge Santos*, 457 Phil. 625, 634 (2003) citing *Gutang v. Court of Appeals*, 354 Phil. 77, 84 (1998).

¹⁸ *Id.* citing *Gutang v. Court of Appeals*, 354 Phil. 77, 84 (1998) further citing *Intestate Estate of the Late Vito Borromeo v. Fortunato Borromeo*, No. L-41171, 23 July 1987, 152 SCRA 171.

¹⁹ *Ceniza-Layese v. Asis*, A.M. No. RTJ-07-2034, 15 October 2008, 569 SCRA 51, 54-55.

²⁰ *Crisologo v. Daray*, A.M. No. RTJ-07-2036, 20 August 2008, 562 SCRA 382, 389.

Moreover, we have explained that administrative complaints against judges cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by the erroneous orders or judgments of the former. Administrative remedies are neither alternative to judicial review nor do they cumulate thereto, where such review is still available to the aggrieved parties and the cases not yet been resolved with finality.²¹ In the instant case, complainants had in fact availed of the remedy of motion for reconsideration prior to their filing of the administrative complaint.

Acting Executive Judge Sagun, Jr., was correct when he ruled on the inhibition request in accordance with existing issuances of the Court and caused the re-raffling of the case to another RTC in the station for continuation of hearing.²² Interestingly, we note that complainants did not take it against Judge Romero-Maglaya, the judge to whom the case was reassigned, when the latter affirmed the ruling of Judge Cabochan regarding the requirement to pay again the docket fees. Neither did they assail the judgment as being unjust or oppressive.

On the charge of undue delay in resolving the appeal, we adopt the findings of the OCA that Judge Cabochan is indeed guilty thereof.

We agree with respondent judge that the case could not have been considered submitted for decision on 29 July 2009 as claimed by complainants. Such assertions were belied by the fact that Konrad, through his counsel, even filed on 5 October 2009 a Brief for Plaintiff as Appellee to refute the allegations of co-defendants in their memorandum.

Be that as it may, whether the appeal was decided after ten months from the time it was submitted for decision, as insisted by the complainants, or slightly less than a month, as admitted by Judge Cabochan, the inescapable fact is that there was delay in deciding the appeal.

The rules and jurisprudence are clear on the matter of delay. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction

²¹ *Rodriguez v. Gatdula*, A.M. No. MTJ-00-1252, 17 December 2002, 394 SCRA 105, 110.

²² Section 8 (a), Chapter V, A.M. No. 03-8-02-SC, 15 February 2004:

(a) Where a judge in a multiple-branch court is disqualified or voluntarily inhibits himself/herself, the records shall be returned to the Executive Judge and the latter shall cause the inclusion of the said case in the next regular raffle for re-assignment. A newly-filed case shall be assigned by raffle to the disqualified or inhibiting judge to replace the case so removed from his/her court.

against the erring magistrate.²³ The penalty to be imposed on the judge varies depending on the attending circumstances of the case. In deciding the penalty to be imposed, the Court takes into consideration, among others, the period of delay; the damage suffered by the parties as a result of the delay; the number of years the judge has been in the service; the health and age of the judge; and the caseload of the court presided over by the judge.

In the instant case, we find it reasonable to mitigate the penalty to be imposed on respondent judge taking into consideration that this is her first infraction in her more than 23 years in the service; her frail health; the caseload of her court; and her candid admission of her infraction. Thus, we admonish respondent judge to be more circumspect in the exercise of her judicial functions to ensure that cases in her court are decided within the period required by law.

WHEREFORE, the complaint of serious or grave misconduct, gross ignorance of the law and rendering an unjust judgment against Judge Evelyn Corpus-Cabochan, RTC, Branch 98, Quezon City is **DISMISSED** for lack of merit. For her delay in resolving Civil Case No. Q-09-64898, Judge Cabochan is **ADMONISHED** to be more circumspect in the exercise of her judicial functions. She is warned that a commission of the same or similar offense in the future shall merit a more severe sanction from the Court. Judge Cabochan is reminded to be mindful of the due dates of cases submitted for decision in her court to avoid delay in the dispensation of justice.

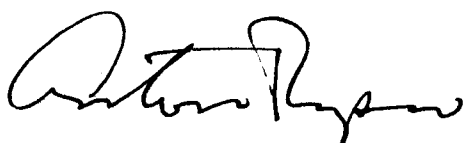
SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

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OCA v. Judge Marianito C. Santos, A.M. No. MTJ-11-1787, 11 October 2012, 684 SCRA 1, 9; *Re: Cases Submitted for Decision before Hon. Meliton G. Emuslan, Former Judge, Regional Trial Court, Branch 47, Urdaneta City, Pangasinan*, A.M. No. RTJ-10-2226, 22 March 2010, 616 SCRA 280, 283; *Report on the Judicial Audit Conducted in the RTC, Branch 22, Kabacan, North Cotabato*, A.M. No. 02-8-441-RTC, 3 March 2004, 424 SCRA 206, 211.

WE CONCUR:



ANTONIO T. CARPIO

Associate Justice

Chairperson



ARTURO D. BRION

Associate Justice



MARIANO C. DEL CASTILLO

Associate Justice



ESTELA M. PERLAS-BERNABE

Associate Justice