

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE JOSE L. ESCOBIDO, REGIONAL TRIAL COURT (RTC), BRANCH
37, CAGAYAN DE ORO CITY, RESPONDENT.**

A.M. No. RTJ-11-2282 (Formerly A.M. No. 10-7-220-RTC). June 14, 2021

Ponente: INTING, J.

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INTING, J.:

This administrative matter is rooted on the three judicial audits for the years 2005, 2008, and 2009 conducted by the Office of the Court Administrator (OCA) upon Branch 37, Regional Trial Court (RTC), Cagayan de Oro City, then presided by Judge Jose L. Escobido (Judge Escobido).

The Antecedents

In 2005, the first judicial audit on Branch 27 resulted in the issuance by the OCA through then Deputy Court Administrator Christopher O. Lock, of a Memorandum[1] dated April 20, 2005 which directed Judge Escobido to:

- a)
take appropriate action in eight criminal cases and 14 civil cases;
- b)
decide within the reglementary period two criminal cases and eight civil cases, and submit copies of the decisions to the OCA within 10 days from rendition; and
- c)
explain his failure to decide within the reglementary period 16 criminal cases and 29 civil cases, within 10 days from notice.

In his Letter[2] dated March 28, 2005, Judge Escobido manifested his partial compliance with the above-mentioned directives.

The second judicial audit in 2008 likewise caused the issuance of another Memorandum[3] dated September 2, 2008 by the OCA, through Deputy Court Administrator Reuben P. de la Cruz, which directed Judge Escobido, among others, to:

- a)
take appropriate action in 29 criminal cases and 12 civil cases;

b)

resolve the pending incidents in 13 criminal cases and four civil cases, within 30 days from notice;

c)

decide 26 criminal cases and 16 civil cases within 60 days from notice, and submit copies of the decisions to the OCA within 10 days from rendition; and

d)

explain in writing why he should not be administratively dealt with for failure to fully comply with the OCA's directives in the Memorandum dated April 20, 2005, within 30 days from notice.

In compliance thereto, Judge Escobido explained in his Letter[4] dated September 23, 2008, that 45 cases listed in the Memorandum dated September 2, 2008, had already been decided or resolved; and extended his apologies for his failure to furnish the Court with copies of his decisions, judgments, and final orders .in the cases due to the alleged oversight of Atty. Ben Johnson T. Pabelic, the Branch Clerk of Court.[5] He also asked for additional time to comply with the other directives in the Memorandum for the following reasons: (1) the House of Representatives Electoral Tribunal (HRET) designated him to take the deposition of some witnesses in HRET Case No. 07-025; (2) the increase in his case load; and (3) the resignation of some of the stenographers assigned to Branch 37.

A third judicial audit[6] was conducted from April 26 to May 9, 2009 on the same court pursuant to Travel Order No. 25-2009 dated April 1, 2009.[7] After the audit, the OCA found, among others, that there were eight criminal cases and 11 civil cases submitted for decision which remained undecided despite the lapse of the reglementary period to do so.[8]

Thus, upon the OCA's recommendation, the Court, in its Resolution[9] dated June 13, 2011, docketed the judicial audit report as an administrative complaint against Judge Escobido for Gross Neglect of Duty, Gross Inefficiency, Gross Incompetence, and Serious Misconduct.

Notably, Judge Escobido compulsorily retired from the service on September 18, 2019.[10]

The OCA Report and Recommendation

In the Memorandum[11] dated October 3, 2019, the OCA found that Judge Escobido had incurred undue delay in the rendition of the decisions in 20 criminal cases and 20 civil cases.[12] Considering that the maximum fine for unreasonable delay in the disposition of a single case is P20,000.00, the OCA recommended that Judge Escobido be fined in the total amount of P800,000.00, or in an amount corresponding to his basic salary for six months, to be deducted from his retirement benefits.[13]

While the case was pending resolution with the Court, Judge Escobido died on June 15, 2020 from cardiorespiratory arrest.[14] Thus, the sole issue for the Court's resolution is whether or not the death of Judge Escobido warrants the dismissal of the present administrative case against him.

The Court's Ruling

The administrative case against Judge Escobido should be dismissed on account of his death during the pendency of the proceedings.

In the case of *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr.*[15] (*Re: Judge Abul*), the Court categorically ruled that "the death of a respondent in an administrative case before its final resolution is a cause for its dismissal,"[16] taking into consideration the constitutional principles of presumption of innocence and due process, viz.:

However, if viewed from the Constitutional lens, particularly that the respondent in the administrative case, similar to the accused in criminal cases, likewise enjoys the rights to presumption of innocence and due process, the Court now deems the dismissal of the instant administrative case proper based on the following grounds: (1) pending final judgment in the administrative case, the respondent enjoys the right to be presumed innocent; (2) the rule in criminal cases that death of an accused extinguishes personal criminal liability as well as pecuniary penalties arising from the felony when the death occurs before final judgment should likewise be applied in administrative cases; (3) the essence of due process necessitates the dismissal of the administrative case; and (4) humanitarian reasons also call for the grant of death and survivorship benefits in favor of the heirs.[17] (*Italics supplied.*)

Then came the ruling in *Flores-Concepcion v. Judge Castañeda*[18] (*Judge Castañeda*) where the Court likewise dismissed the administrative case against the respondent judge in view of her death during the pendency of the case. It explained as follows:

Hence, when the respondent in a pending administrative case dies, the case must be rendered moot. Proceeding any further would be to violate the respondent's fundamental right to due process. Should it be a guilty verdict, any monetary penalty imposed on the dead respondent's estate only works to the detriment of their heirs. To continue with such cases would not punish the perpetrator, but only subject the grieving family to further suffering by passing on the punishment to them.[19] (*Emphasis supplied.*)

Moreover, in *Judge Castañeda*, the Court held that the respondent in an administrative case must be afforded the opportunity not only to be informed of the judgment against him or her, but also to seek reconsideration of that judgment in order to fully comply with the requirements of due process.[20]

Because Judge Escobido has effectively lost the opportunity to be informed and to seek reconsideration of any judgment against him on account of his death on June 15, 2020, or during the pendency of the proceedings, the Court is constrained to dismiss this administrative case on the ground of mootness in accordance with the doctrine laid down in *Re: Judge Abul* and *Judge Castañeda*.

WHEREFORE, the administrative case against respondent Judge Jose L. Escobido is hereby DISMISSED in view of his death pending resolution thereof. Accordingly, the corresponding death and survivorship benefits are ordered to be RELEASED to the heirs of respondent Judge Jose L. Escobido pursuant to applicable laws and jurisprudence.

SO ORDERED.

Leonen (Chairperson), Delos Santos, and J. Lopez, JJ., concur.
Hernando, J., on official leave.

[1] Rollo, Vol. II, pp. 1-16.

[2] *Id.* at 26.

[3] *Id.* at 247-255.

[4] *Id.* at 274-284.

[5] Id. at 274.

[6] The judicial audit was conducted on Branch 37 together with Branches 19 and 40, Regional Trial Court, and Branches 3 and 5, Municipal Trial Court in Cities — all in Cagayan de Oro City. See rollo, Vol. IV, pp. 2446-2447.

[7] Id. at 2446.

[8] See Memorandum dated September 22, 2009 of the Office of the Court Administrator (OCA), rollo, Vol. III, pp. 1301-1315.

[9] Rollo, Vol. II, pp. 760-762.

[10] See Memorandum dated October 3, 2019 of the rollo, Vol. IV, p. 2418.

[11] Id. at 2418-2457.

[12] Id. at 2451-2453.

[13] Id. at 2456.

[14] See Certificate of Death of Judge Jose L. Escobido with Registry No. 2020-2762, id. at 2467, and Letter dated September 28, 2020 of Ma. Cherie A. Escobido, wife of Judge Jose L. Escobido, id. at 2462.

[15] A.M. No. RTJ-17-2486, September 8, 2020.

[16] Id.

[17] Id.

[18] A.M. No. RTJ-15-2438, September 15, 2020.

[19] Id.

[20] Id.

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