

FELIPE G. PACQUING, COMPLAINANT, VS. JUDGE BENEDICTO G. GOBARDE, REGIONAL TRIAL COURT, BRANCH 53, LAPU LAPU CITY, CEBU, RESPONDENT.*A.M. NO. RTJ-07-2042. April 19, 2007*

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f8403e115aa2/>**NACHURA, J.:**

In a Letter Complaint dated 4 August 2003,[1] Atty. Felipe G. Pacquing charged respondent Benedicto G. Cobarde, RTC, Branch 53, Lapu-Lapu City, Cebu, with undue delay in the disposition of Civil Case No. 2928-L entitled "Federico Nacua, et al., vs. Mactan Cebu International Airport Authority (MCIAA)."

As counsel for the plaintiff in that case, Atty. Pacquing alleged that Civil Case No. 2928-L had been pending with Judge Cobarde's court since 27 June 2001. He said that, on the said date, the defendant's formal offer of documentary evidence and the plaintiff's comment thereto were already submitted to the court. On 10 October 2002, Atty. Pacquing filed a Motion to Decide the Case. However, the court took no action.

Earlier, in a letter dated 4 February 2003, Atty. Pacquing sought the assistance of the Office of the Court Administrator (OCA) for the early resolution of the civil case. On 18 February 2003[2] and 30 May 2003,[3] the OCA, through Deputy Court Administrator Zenaida N. Elepaño, directed Judge Cobarde to comment. The directives notwithstanding, Judge Cobarde failed to comply.

In the 1st Indorsement dated 21 August 2003,[4] the OCA, through Court Administrator (now Associate Justice) Presbitero J. Velasco, Jr., again referred the complaint to Judge Cobarde for comment. It likewise ordered him to show cause within ten (10) days from notice why he should not be suspended, disbarred, or otherwise disciplinarily sanctioned as a member of the Bar. Still, no comment was filed. Hence, the OCA sent him a 1st Tracer dated 22 October 2003[5] enjoining him to comply with the earlier directive within five (5) days from notice, otherwise, the matter will be submitted to the Court. The action proved futile.

On 19 March 2004,[6] the OCA submitted the matter to this Court with the recommendation that Judge Cobarde be directed to file his comment on the complaint within a non-extendible period of ten (10) days from notice and to show cause why he should not be administratively dealt with for his intransigence. The Court adopted the recommendation of the OCA in its Resolution dated 5 May 2004.[7]

In a letter dated 24 March 2004,[8] Judge Cobarde apologized for his non-compliance with the directives of the OCA. He also admitted his delay in deciding the subject civil case, but explained that the same was unintentional. Attached to the letter was a copy of his Decision on Civil Case No. 2928-L dated 22 March 2004.[9]

In its Resolution dated 23 June 2004,[10] the Court noted Judge Cobarde's letter dated 24 March 2004.

Later, Judge Cobarde filed a Comment dated 28 June 2004[11] informing the Court that he already filed before the OCA his letter dated 24 March 2004 commenting on the complaint with a copy of his Decision dated 22 March 2004. He also stated therein that he would abide by whatever action the Court may take on the matter.

The Court noted the Comment in its Resolution dated 11 August 2004,[12] and referred the matter to the OCA for evaluation, report, and recommendation.

In a Memorandum dated 8 October 2004[13] addressed to then (now retired) Associate Justice Artemio V. Panganiban, the OCA observed that Judge Cobarde took almost three (3) years to finally decide Civil Case No. 2928-L, clearly beyond the 90-day reglementary period mandated by Article VIII, Section 15(1) of the Constitution, without bothering to request for an extension of time to decide the same nor giving any reason for such delay. Worse, he ignored no less than four (4) directives requiring his comment on the matter.

Thus, the OCA recommended that Judge Cobarde be fined P15,000.00 for undue delay in rendering a decision and an additional P5,000.00 for failure to comply with the lawful orders of the Court, and be sternly warned that a repetition of the same or similar act will be dealt with more severely.

We adopt the findings and the recommendation of the OCA.

Indeed, competence and diligence are prerequisites to the due performance of judicial office.[14] Judges are enjoined to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness.[15] Mandatory rules prescribing the time to render judgment and to resolve pending incidents within 90 days from the time of submission for resolution are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business.[16]

The failure to decide a case within the required period is inexcusable as it constitutes gross inefficiency and neglect of duty warranting administrative sanction.[17] Section 9 (1), Rule 140 of the Rules of Court, as amended by A.M. No. 01-10-SC, provides that undue delay in rendering a decision or order is classified as a less serious charge which, under Section 11 (B), is punishable by suspension from office without salary and other benefits for no less than one (1) nor more than three (3) months; or a fine of more than P10,000.00 but not exceeding P20,000.00.

Moreover, Judge Cobarde should be reminded that it is through the OCA that the Supreme Court exercises supervision over all lower courts and personnel thereof. His prolonged and repeated refusal to comply with the directives of the OCA to comment on the complaint constitutes a clear and willful disrespect for lawful orders of the OCA.[18] Such defiance is gross insubordination meriting the imposition of a fine of P5,000.00.[19]

WHEREFORE, in light of the foregoing, Judge Benedicto G. Cobarde of the Regional Trial Court of Lapu-Lapu City, Branch 53 is FINED the amount of P15,000.00 for his undue delay in rendering a decision in Civil Case No. 2928-L and the additional amount of P5,000.00 for his failure to comply with the lawful orders of this Court. Further, Judge Cobarde is STERNLY WARNED that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 1-2.

[2] Ibid., p. 7.

[3] Ibid., p. 8.

[4] Ibid., p. 9.

- [5] Ibid., p. 10.
- [6] Ibid., p. 11.
- [7] Ibid., p. 12.
- [8] Ibid., p. 13.
- [9] Ibid., pp. 14-17.
- [10] Ibid., p. 20.
- [11] Ibid., p. 21.
- [12] Ibid., p. 30.
- [13] Ibid., p. 31-33.
- [14] Canon 6, New Code of Judicial Conduct for the Philippine Judiciary; A.M. No. 03-05-01-SC, April 27, 2004.
- [15] Ibid., Section 5.
- [16] Arcenas v. Avelino, A.M. No. MTJ-05-1583, March 11, 2005; 453 SCRA 202.
- [17] Office of the Court Administrator v. Hamoy, A.M. No. RTJ-04-1830, January 17, 2005; 448 SCRA 322; Report on the Judicial Audit Conducted in the RTC, Branches 2 and 31, Tagum City, A. M. No. 04-1-56-RTC, February 17, 2005; 451 SCRA 605.
- [18] Re: Request for the Expeditious Resolution of Case Nos. 4666 to 4669, A. M. No. 04-6-141-MTC, September 20, 2005; 470 SCRA 198.
- [19] Zamudio, et al. v. Peñas, A.M. No. RTJ-95-1332, February 24, 1998; 286 SCRA 367.

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