

SECOND DIVISION

[OCA I.P.I. NO. 11-3589-RTJ, July 29, 2013]

**KONRAD A. RUBIN AND CONRADO C. RUBIN, COMPLAINANTS,
VS. JUDGE EVELYN CORPUS-CABOCHAN, PRESIDING JUDGE,
REGIONAL TRIAL COURT, BRANCH 98, QUEZON CITY
RESPONDENT.**

D E C I S I O N

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 P311,977.00, 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 P7,000.00 as temperate damages; P10,000.00 as moral damages; P10,000.00 as exemplary damages; P10,000.00 as attorney's fees; and P2,901.90 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 P20,000.00 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 Order^[3] 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 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]

On 4 November 2010, Acting Executive Judge Sagun, Jr., issued an Order^[8] 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.

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 report^[10] 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 an unjust judgment. The OCA, however, found her guilty of gross inefficiency for her delay in rendering a decision