

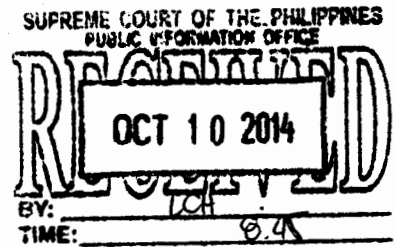


Republic of the Philippines  
Supreme Court

Manila

EN BANC

NOTICE



Sirs/Mesdames:

*Please take notice that the Court en banc, issued a Resolution dated September 30, 2014, which reads as follows:*

**“A.M. No. RTJ-07-2042 [Formerly OCA IPI No. 03-1824-RTJ] (Felipe G. Pacquing vs. Judge Benedicto G. Cobarde, RTC, Branch 53, Lapu-Lapu City); A.M. No. RTJ-08-2129 [Formerly OCA IPI No. 07-2702-RTJ] (Burt Tiongson vs. Judge Benedicto G. Cobarde, RTC, Branch 5, Lapu-Lapu City, Cebu); and A.M. No. RTJ-12-2330 [Formerly A.M. No. 12-7-138-RTC] (Office of the Court Administrator vs. Hon. Benedicto G. Cobarde, former Judge, Regional Trial Court, Branch 53, Lapu-Lapu City, Cebu).** – This refers to the Memorandum Report<sup>1</sup> dated June 28, 2012 of the Office of the Court Administrator (OCA) in connection with the request for the issuance of a Certificate of Clearance for Judge Benedicto G. Cobarde (Judge Cobarde), in support of his application for Compulsory Retirement Benefits under Republic Act No. 910,<sup>2</sup> as amended, effective December 20, 2010.

The OCA claims that the letter<sup>3</sup> dated December 21, 2011 of Atty. Andrea P. Maratas, Branch Clerk of Court, Regional Trial Court of Lapu-Lapu City, Cebu, Branch 53, disclosed that as of August 31, 2011, there are one hundred ninety-one (191) cases submitted for decision before Judge Cobarde that are already beyond the reglementary period to decide at the time of his retirement. The following are: (i) **73 Criminal Cases;**<sup>4</sup> (ii) **112 Civil and Special Proceedings Cases;**<sup>5</sup> and (iii) **6 Cadastral Cases.**<sup>6</sup>

After evaluation, the OCA recommended the re-docketing of the matter as a regular administrative case and that a fine in the amount of ₱200,000.00 be imposed against Judge Cobarde for gross inefficiency which shall be deducted from his retirement benefits.

<sup>1</sup> Rollo, p. 1-15.

<sup>2</sup> AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF BY THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY SIX.

<sup>3</sup> Rollo, pp. 18-27.

<sup>4</sup> Id. at 1-5.

<sup>5</sup> Id. at 5-12.

<sup>6</sup> Id. at 12-13.

Acting on the said Recommendation, the Court in a Resolution<sup>7</sup> dated August 29, 2012, took note of the Memorandum Report of OCA dated June 28, 2012 and re-docketed the case as a regular administrative matter against Judge Cobarde.

Except to the amount of fine imposed, this Court finds the recommendation of the OCA proper under the circumstances.

No less than the 1987 Constitution, particularly Section 15(1), Article VIII, mandates lower courts to decide or resolve all cases or matters within the reglementary period of three (3) months. Specifically, the Code of Judicial Conduct directs judges to dispose of their business promptly and decide cases within the required period. This Court, in Administrative Circular No. 3-99 dated January 15, 1999, likewise requires judges to scrupulously observe the periods provided in the Constitution.<sup>8</sup>

Indeed, the inability of Judge Cobarde to perform his duties is manifest in his failure to decide 191 cases within the mandatory 3-month reglementary period without any valid excuse. It is incumbent upon Judge Cobarde to request from this Court, through the OCA, for additional time to decide the cases which he could not seasonably act upon and decide.<sup>9</sup>

Under the Revised Rules of Court, undue delay in rendering a decision is a less serious offense punishable by suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months, or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

There were cases, however, in which this Court did not rigidly apply the Rules on the maximum amount of fine that may be imposed against the erring judge. In fact, this Court discussed in *Re: Cases Submitted for Decision before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal*<sup>10</sup> the varying amounts of fines imposed for the same offense depending on the circumstances of each case.

In the present case, we note that this is not the first time that an administrative case of the same nature has been filed against Judge Cobarde. Judge Cobarde had already been found administratively liable for undue delay in the disposition of cases in three (3) separate administrative cases and was fined the amounts of ₱20,000.00, ₱15,000.00, and ₱5,000.00.

<sup>7</sup> Id. at 28.

<sup>8</sup> *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 (Formerly A.M. No. 10-1-24-RTC), March 22, 2010, 616 SCRA 280, 282.

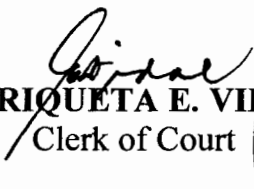
<sup>9</sup> *Re: Cases Left Undecided by Judge Bumanglag, Jr.*, 365 Phil. 492, 495 (1999).

<sup>10</sup> A.M. No. 09-9-163-MTC, May 6, 2010, 620 SCRA 298.

Under the circumstances, this Court deems it sufficient to fine Judge Cobarde in the amount of ₱100,000.00 for his failure to decide 191 cases submitted for decision within the reglementary period prior to his retirement.

**WHEREFORE**, this Court finds **JUDGE BENEDICTO G. COBARDE**, former Judge, Regional Trial Court of Lapu-Lapu City, Cebu, Branch 53, **GUILTY** of undue delay in rendering the decision in 191 cases, accordingly, he is ordered to pay a **FINE** in the amount of **ONE HUNDRED THOUSAND PESOS (₱100,000.00)** to be deducted from his retirement benefits.” Sereno, C.J., Perez and Perlas-Bernabe, JJ., abroad on official business. (adv3)

Very truly yours,

  
**ENRIQUETA E. VIDAL**  
Clerk of Court

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Deputy Court Administrators  
HON. RAUL B. VILLANUEVA (x)  
HON. JENNY LIND R. ALDECOA-DELORINO (x)  
HON. THELMA C. BAHIA (x)  
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A.M. No. RTJ-07-2042, et al.  
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