

**ANATOLIA A. JUNTILLA, COMPLAINANT, VS. BR. COC –
TERESITA J. CALLEJA AND COURT STENOGRAPHER –
SALOME A. MONTEZON, RESPONDENTS.**

A.M. No. P-96-1225 (OCA IPI No. 95-56-P). September 23, 1996

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

For alleged "acts grossly prejudicial" to her in Special Proceedings Case No. 1353, entitle "In the matter of the Intestate (Estate) of Deceased Serafin A. Juntilla, Anatolia Aruta Juntilla, petitioner", Anatolia Juntilla has lodged before the Court Administrator an administrative complaint against Atty. Teresita J. Calleja, Branch Clerk of Court, and Salome A. Montezon, Court Stenographer, both of the Regional Trial Court (RTC), Branch 7, Tacloban City.

In a Memorandum[1] dated May 16, 1986, the Office of the Court Administrator (OCA) made the following factual findings and evaluation:

"I

"It appears that: [A] on November 16, 1984, complainant filed a verified petition with the RTC, Branch 7, Tacloban City praying that she be given letters of administration over her sister's property as her deceased sister's common-law husband and foster daughter were dissipating her sister's properties; [B] in an order dated January 31, 1985, the trial court issued to her the letters of administration, subject to posting of a bond of P1,000.00 and submission of a true inventory of all the properties of the deceased; [C] Pablo de los Santos, the alleged common-law husband of her deceased sister, opposed the petition and gave evidence that he was legally married to her sister and that her sister's properties were actually conjugal assets; [D] after hearing, the trial court rendered judgment dismissing the case for failure of the complainant to file her formal offer of evidence; [E] complainant filed a notice of appeal of said dismissal; [F] said 'respondents conspired in deliberately not submitting all stenographic notes in x x x (her) favor under CA-GR CV No. 24473;' [G] 'from year 1990 until judgment (sic) was rendered, no stenographic notes in x x x her favor was submitted that grossly affected x x x (her) chance in winning x x x (her) case (in the Appellate Court);' [H] her 'case was dismissed due to the failure to present convincing evidence to support her claim;' [I] she 'happened to know that there was (sic) no stenographic notes submitted in x x x (her) favor when x x x (she) personally secured (d) a copy of the records of x x x (her) case in preparation for appealing x x x (her) case to the Supreme Court, in the Court of Appeals, Manila;' and [J] she was unable to appeal said case because when she asked for a copy of all the stenographic notes in the RTC, respondent Montezon told her 'arrogantly that all the records in x x x (her) case were forwarded to the Court of Appeals.'

"II

"Respondent Teresita J. Calleja, in her Comment, stated as follows:[1] 'branch clerks of courts do not have any control over the stenographers and their stenographic notes but could only direct and advise them to submit their respective transcripts to the court concern(ed);' [2] on December 29, 1989, complainant filed a notice of

appeal of the judgment in her case; [3] on February 7, 1990, she sent a letter to 'Stenographic Reporter Salome A. Montezon, directing her to submit without unnecessary delay, through the office, to the Court of Appeals one (1) original and three (3) legible copies of the transcript of her stenographic notes taken down during the trials on January 31, 1985, November 7, 1985 and March 17, 1987;' [4] on February 20, 1990, she sent the case record to the Court of Appeals with a transmittal letter 'with the note that stenographer Salome A. Montezon have (sic) not submitted her transcript; [5] on March 20, 1990, she 'received a letter dated February 21, 1990 from the Asst. Chief, Judicial Records Division of the Court of Appeals, requesting information as to whether the record of Sp. Proc. No. 1353 has already been transmitted;' [6] she replied on March 6, 1990 that the records had been sent earlier on February 20, 1990. That was the last communication from the Appellate Court regarding complainant's case; and [7] 'if ever the appeal of Anatolia Aruta Juntilla was dismissed by the Court of Appeals, the same cannot in any way be attributed as (sic) the fault of herein respondent. (Emphasis supplied.)

"III

"Respondent Salome A. Montezon, in her Comment, stated as follows:[1] 'what actually transpired was on February 20, 1990, Atty. Teresita J. Calleja, forwarded the original record of Sp. Proc. No. 1353 to the Court of Appeals together with the stenographic notes of the undersigned without waiting (sic) the transcript. (Index is hereto attached to reflect allegation.);[2] 'that from February 20, 1990 the matter was somewhat thrown unto (sic) oblivion as there never was any reminder from the Court of Appeals for the transcript of the notes especially so that it was attached to the record;' and [3] 'she never arrogantly told complainant that all her records are now with the Court of Appeals, the truth of the matter your respondent advised her of the procedure to follow up her appeal with the Court of Appeals so that she will know of the cause of the case dismissal;' (copied verbatim)."

It then recommended that:

[1] the charge against respondent Atty. Teresita J. Calleja, Branch Clerk of Court, RTC, Branch 7, Tacloban City be DISMISSED for lack of merit; and

[2] Salome A. Montezon, Court Stenographer, be fined in the amount of P 1,000.00 and warned that a repetition of the same or similar acts in the future will be dealt with more severely."

We fully agree with the above findings of the OCA which are duly supported by the evidence on record, but we disagree with its recommendation.

First, on the liability of the respondent court stenographer Montezon. Rule 136, Sec. 17 imposes upon the court stenographer the duty to deliver to the Clerk of Court, immediately at the close of the morning or afternoon session concerned, all the stenographic notes she has taken. The transcripts of such notes are required to be attached to the records of the case not later than ten (10) days[2] from the time the notes were taken.[3] Record shows that respondent Montezon took her stenographic notes of the trial of January 31, 1985, November 7, 1985 and March 17, 1987.[4] After more than ten years, said notes remained untranscribed and untransmitted to the CA. The CA decision, in fact, was promulgated without the TSN. Clearly, Montezon dismally failed to comply with her public duty to transcribe the notes within the required period despite Atty. Calleja's order dated February 7, 1990, to submit her transcriptions. As an employee in the judiciary, Montezon is duty bound to diligently perform her assigned tasks[5] and obey her superiors. Her dereliction of duty which may jeopardize public faith and confidence in our judicial system should not be countenanced.

On the charge against the Branch Clerk of Court, Atty. Calleja, we note that it is her duty "to demand that the stenographer comply"[6] and perform her (stenographer) duty to transcribe the notes. Atty. Calleja must not only direct the stenographer, but she must likewise make sure that the latter strictly complies with the order. It is

incumbent upon the Clerk of Court to ensure an orderly and efficient record management system in the court and to supervise the personnel under her office, like herein stenographer Montezon, to function effectively.[7] The Clerk of Court is an essential officer in our judicial system.[8] As an officer of the court, she performs delicate administrative functions vital to the prompt and proper administration of justice. In this case, we find respondent Clerk of Court, Atty. Calleja, remiss in her duty when she wrote a letter to the Asst. Chief, Judicial Records Division of the CA stating that the "record" of the intestate case had already been forwarded when on the contrary she knew that Montezon had not yet transcribed the stenographic notes. The failure of the Clerk to transmit the record of a case constitutes negligence[9] which warrants disciplinary action. The transmission of the record is not the function of the stenographer but of the Clerk of Court, the former being essentially limited to transcription of the records of court proceedings.[10]

Public office is a public trust. All public officers are accountable to the people at all times. Their duties and responsibilities must be strictly performed. As administration of justice is a sacred task, this Court condemns any omission or act which would tend to diminish the faith of the people in the Judiciary.[11] Every employee or officer involved in the dispensation of Justice should be circumscribed with the heavy burden of responsibility and their conduct must, at all times, be above suspicion.[12]

ACCORDINGLY, for neglect of duty, Atty. Teresita S. Calleja, Branch Clerk of Court, RTC Branch 7, Tacloban City is hereby fined P1,000.00 and ADMONISHED to be strict in the supervision of court personnel. Salome A. Montezon, the court stenographer, is hereby fined P3,000.00 for dereliction of duty and WARNED that a repetition of the same shall be dealt with severely[13]

SO ORDERED.

Narvasa, C.J., (Chairman), Davide, Jr., Melo, and Panganiban, JJ., concur.

[1] This Memorandum was signed by Deputy Court Administrator Bernardo Abesamis.

[2] Par. 1 of Adm. Cir. 2, July 1, 1978.

[3] The period was now extended to 20 days under par. 2(a) Cir. 24-90, Aug. 1, 1990.

[4] The Deputy Court Administrator found that as of 1990, the RTC, Branch 7 of Tacloban City has 4 stenographers including Montezon. At that time, its caseload is "slightly more than one case per stenographer per day."

[5] See: Ongkiko, Kalaw, Dizon, Panga, Velasco Law Office, et. al. v. Sangil-Makasiar, A.M. No. P-96-1195, April 2, 1996.

[6] Sec. 17, Rule 136.

[7] See Putulin vs. Barias, Jr., 232 SCRA 472.

[8] Lloveras vs. Sanchez, 229 SCRA 302.

[9] Ramos vs. Gregorio, 224 SCRA 652.

[10] OCA vs. Bucoy, 235 SCRA 588, 593.

[11] Alivia vs. Nieto, 251 SCRA 62.

[12] Sy vs. Academia, 198 SCRA 705; Callejo Jr. vs. Garcia, 206 SCRA 491; Annang vs. Vda. de Blas, 202 SCRA 635; Cunanan vs. Tuazon, 237 SCRA 380; Eduarte vs. Ramos, 238 SCRA 36; Re: Report on the habitual

absenteeism of Mrs. Teresita Sabido, etc. 312 Phil. 513.

[13] See Ongkiko, *supra*.

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