

ELISA C. RUSTE, COMPLAINANT, VS. CRISTINA Q. SELMA, RESPONDENT.

A.M. No. P-09-2625. October 09, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

The trial of Criminal Case No. 19388, "People of the Philippines v. Beethoven Rodriguez," for forcible abduction filed on complaint of Elisa C. Ruste, herein complainant, having been terminated on March 16, 2007, and the trial court, Branch 14 of the Regional Trial Court (RTC) of Zamboanga

City, having directed the parties to submit their respective memoranda, complainant's lawyer paid on September 5, 2007 herein respondent Cristina Q. Selma, Stenographer III at the trial court, P2,000 representing payment of her services in transcribing her stenographic notes taken during the hearings of the case on September 6, 11 and December 5, 2006.

Respondent failed to transcribe those stenographic notes, however, despite several "follow ups," hence, complainant filed a sworn complaint dated January 28, 2008 charging respondent with dereliction of duty.

Admitting having failed to transcribe the stenographic notes, respondent claimed that she had to prioritize the transcription of stenographic notes taken in other cases as required in open court, the same being needed in the next scheduled hearings thereof; and having become aware that complainant filed the present complaint against her, she returned the P2,000 to complainant's secretary who acknowledged receipt thereof.

The Office of the Court Administrator (OCA) found respondent guilty of simple neglect of duty;[1] which is penalized with suspension for one month and one day to six months on the first offense.[2] However, the OCA, noting respondent's more than 22 years of service in the judiciary, recommended a lighter penalty consisting of a P2,000 fine.[3]

Administrative Circular No. 24-90 requires stenographers

to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than twenty (20) days from the time the notes are taken. The attaching may be done by putting all said transcripts in a separate folder or envelope, which will then be joined to the record of the case. (Underscoring supplied)

Respondent's proffered excuse -- that she had to prioritize the transcription of stenographic notes taken in other cases which were needed in the next scheduled hearings -- does not impress, however. It bears noting that the stenographic notes subject of the request of Angela's counsel were taken in 2006 yet and had remained untranscribed even despite the lapse of more than one year when the present complaint was filed, and four months despite the payment of respondent's fees for the purpose. Her having had heavy work is not, as the OCA observed, an adequate excuse

. . . for her to be remiss in performing her duties as a public servant. Otherwise, every government employee charged with negligence and dereliction of duty would resort to the same convenient excuse to evade

punishment, to the great prejudice of public service. Respondent could have asked for extension of time for the submission of the transcripts of stenographic notes, but she did not. (Underscoring supplied)

Respondent's guilt of simple neglect of duty â”€ "the failure of an employee to give attention to a task expected of him,"[4] signifying a "disregard of a duty resulting from carelessness or indifference," is thus established.[5]

As the Court takes note of respondent's more than 22 years of service in the judiciary, the Court, instead of suspending her for one month and one day which is the minimum penalty which the charge calls for on the first offense,[6] imposes on her a fine of Five Thousand (P5,000) Pesos.[7]

WHEREFORE, respondent, Cristina Q. Selma, is found GUILTY of simple neglect of duty and is FINED Five Thousand (P5,000) Pesos. She is STERNLY WARNED that a repetition of the same or similar act will merit a more severe sanction.

SO ORDERED.

Corona[*], Nachura[***], Brion, and Abad, JJ. concur.

[*] Additional member per Special Order No. 718 dated October 2, 2009.

[**] Designated Acting Chairperson per Special Order No. 690 dated September 4, 2009.

[***] Additional member per Special Order No. 730 dated October 5, 2009.

[1] Rollo, p. 100.

[2] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 52 (B) (1).

[3] Rollo, pp. 100-101.

[4] *Inting v. Borja*, A.M. No. P-03-1707, July 27, 2004, 435 SCRA 269, 274.

[5] *Ibid.*

[6] *Vide Zamudio v. Auro*, A.M. No. P-04-1793, December 8, 2008, 573 SCRA 178, 187 (length of service considered a mitigating circumstance).

[7] *Ang Kek Chen v. Javalera-Sulit*, A.M. No. MTJ-06-1649, September 12, 2007, 533 SCRA 11, 26-27.

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