

**JUDGE ABELARDO H. SANTOS, MUNICIPAL TRIAL COURT IN CITIES,
BRANCH 1, ANGELES CITY, COMPLAINANT, VS. AURORA T.
LARANANG, COURT STENOGRAPHER II, MUNICIPAL TRIAL COURT
IN CITIES, B...**

A.M. No. P-00-1368. February 28, 2000

Ponente: MENDOZA, J.

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MENDOZA, J.:

These are complaints filed against Aurora T. Laranang, Court Stenographer II of the Municipal Trial Court in Cities, Branch 1, Angeles City, Pampanga charging her with gross neglect of duty and habitual tardiness.

It appears that on August 4, 1997, complainant issued an order requiring respondent to explain in writing within five days why no administrative complaint should be filed against her for her failure to transcribe within 20 days of their taking her stenographic notes in the following cases:[2]

Case No.

Witness

Date of Trial

1. 91-508,509 Tomas Solmerano 12-8-92
2. 91-508,509 Tomas Solmerano 2-15-93
3. 91-508,509 Luciano Roman 9-6-93
4. 91-508,509 Carlos Santos, Sr. 3-27-95
5. 91-508,509 Carlos Santos, Sr. 12-18-95
6. 95-41,42,43 Cezar Pangilinan 12-5-95
7. 95-1435 Nerilla Francia 12-18-95
8. 95-11,28,29,30 SPO2 Ricardo Tolentino 12-19-95
9. 95-11,28,29,30 SPO1 Arthur Petil 12-19-95
10. 95-41,42,43 Ester Tiamzon 2-6-96
11. 94-769,770 Roger Tiglao 3-4-96

12. 95-1435 Dr. Roland Maniulit 3-19-96
13. 95-159 Dr. Sesnando Sandalo 3-31-96
14. 95-238 Rodolfo Basilio 5-28-97
15. 95-140 Juana Guinto 5-29-97
16. 95-11,28,29,30 SPO1 Arthur Petil 6-10-96
17. 95-11,28,29,30 SPO1 Arthur Petil 6-11-96
18. 95-34 Lucia Maglaqui 6-10-96
19. 95-1081,1082 Petra Cuadro 6-10-96
20. 95-1142 Ariel Yanga 6-24-96
21. 95-1435 Nerilla Francia 1-2-96
22. 94-606 Elena Siongco 6-24-96
23. 95-646,647 Francisca Pena 7-22-96
24. 95-1150 Abraham Tayag 7-29-96
25. 95-1144,1145 Aezel Mangabat 8-5-96
26. 95-917,918,919 Ruben Sabado 8-6-96
27. 96-602 Esmeralda Velasquez 8-19-96
28. 95-34 SPO1 Arthur Petil 8-19-96
29. 94-769,770 Roger Tiglao 8-19-96
30. 95-1150 Abraham Tayag 8-19-96
31. 91-508,509 Angelito Santos 8-20-96
32. 95-1645,1646,1647 Manuel Cunanan 8-23-96
33. 95-1150 Dr. Hernand Tulud 9-2-96
34. 96-15 Romer Rubio 9-2-96
35. 95-1435 Alice Aquino 9-3-96
36. 95-1645,1646,1647 PO2 Luis Taruc 9-3-96
37. 95-1142 SPO2 Francisco Fernandez 9-16--96
38. 96-303 Noel Fernandez 9-23-96
39. 96-576 Rolando Madlambayan 10-14-96
40. 95-159 Rommel Salunga 10-14-96
41. 94-769,770 Roger Tiglao 10-14-96
42. 95-932 Bienvenido Bautista 10-15-96

43. 95-140 Isabela Cunanan 10-18-96
44. 95-195,196 Atty. Ricardo Diaz 10-28-96
45. 96-303 Noel Fernandez 11-4-96
46. 95-1144,1145 Aezel Mangabat 11-5-96
47. 91-508,509 SPO3 Danilo Cabigon 11-11-96
48. 96-303 Andres Fernandez 11-11-96
49. 95-195,196 Atty. Ricardo Diaz 11-11-96
50. 95-932 Gregorio Chua 11-12-96
51. 96-255,256,257,258 Mario Marmolejo 11-25-96
52. 96-1005 Dominador Cutamora 11-25-96
53. 96-456 Edilberto Villanueva 11-25-96
54. 96-602 Esperanza Bartolome 12-10-96
55. 95-1435 Rowena Miguel 12-10-96
56. 96-14 Abraham Tayag 12-10-96
57. 96-303 Elizardo Mandap, Jr. 1-6-97
58. 96-576 Dr. Edwin Manzon 1-6-97
59. 95-1142 Dr. Nicanor dela Cruz 1-6-97
60. 96-201 Luz Uson 1-7-97
61. 95-1149 PO2 Benjamin Quimsay 3-17-97
62. 95-195,196 Ramon Yap 3-17-97
63. 96-1525 SPO2 Felimon Oyan 3-17-97
64. 96-303 Nardito Licup 4-14-97
65. 95-44 Perfecto Digman 5-26-97
66. 95-618 Marissa Santos 5-26-97

In compliance with said order, respondent submitted an undated letter explaining that as a result of the expansion of the jurisdiction of the Municipal Trial Courts by R.A. No. 7691 and the consequent increase of cases filed therein, and also because of a major surgery which she had undergone, she was not able to transcribe the stenographic notes taken by her within 20 days as required by Administrative Circular No. 24-90 of this Court. Nevertheless, she stated that she was subsequently able to transcribe 34 of the stenographic notes in question.

Finding the explanation of respondent to be unsatisfactory, complainant filed against her an administrative complaint, dated September 30, 1997, with the Office of the Court Administrator (OCA) for gross neglect of duty. In her comment, respondent alleged: (1) that she was not able to transcribe her notes because of illness which forced her to go on leave several times; (2) that on October 31, 1997, she completed transcribing 22 more stenographic notes, but complainant refused to receive the same; (3) that she was not the stenographer on duty

during three of the hearings included in the list; and (4) that she was being singled out by complainant who wanted to oust her from his staff.

On February 11, 1998, complainant issued another order requiring respondent to explain in writing within five days why no administrative complaint should be filed against her for being tardy six times in September, 13 times in October, and 19 times in November 1997. In compliance with the order, respondent submitted a letter, dated February 20, 1998, alleging that the entries in her Daily Time Records (DTRs) for the months in question were incorrect because said entries were merely copied from the records kept by complainant, there being no bundy clock or logbook in the trial court. Respondent claimed that she was forced to sign the DTRs by complainant. Respondent presented a list which she claims indicated the correct time of her arrival in, and departure from, the court in November 1997.

Finding the explanation of respondent also to be unsatisfactory, complainant filed with the OCA the instant administrative complaint for habitual tardiness against her. In her comment, dated October 21, 1998, respondent reiterates substantially the allegations in her letter to complainant.

The administrative complaints were referred to Judge Aida E. Layug, Municipal Trial Court in Cities, Angeles City, for investigation, report, and recommendation. In her report, dated January 28, 2000, Judge Layug recommends that the complaint for gross neglect of duty against respondent be dismissed and that the latter be found guilty of habitual tardiness only and reprimanded.

First. On the transcription of stenographic notes, Administrative Circular No. 24-90 provides in pertinent part:

2.

(a) All stenographers are required 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.

(b) The stenographer concerned shall accomplish a verified monthly certification as to compliance with this duty. In the absence of such certification or for failure and/or refusal to submit it, his salary shall be withheld.

In the instant case, respondent submitted the transcripts of stenographic notes in the following cases more than 20 days from the time the notes were taken:[3]

Case No.

Witness

Date of Trial

Date of Submission

1. 91-508,509 Tomas Solmerano Dec. 8, 1992 Sept. 11, 1997
2. 91-508,509 Tomas Solmerano Feb. 15, 1993 Sept. 11, 1997
3. 95-41,42,43 Cezar Pangilinan Dec. 5, 1995 Sept. 11, 1997
4. 95-1435 Nerilla Francia Dec. 18, 1995 Sept. 11, 1997
5. 95-41,42,43 Ester Tiamzon Feb. 6, 1996 Sept. 11, 1997

6. 94-769,770 Roger Tiglao March 4, 1996 Sept. 5, 1997
7. 95-1435 Dr. Roland Maniulit March 19, 1996 Sept. 11, 1997
8. 95-140 Juana Guinto May 29, 1997 Sept. 11, 1997
9. 95-11,28,29,30 SPO1 Arthur Petil June 11, 1996 Sept. 11, 1997
10. 95-1081, 1082 Petra Cuadro June 10, 1996 March 13, 1998
11. 95-1435 Nerilla Francia Jan. 2, 1996 Sept. 11, 1997
12. 94-606 Elena Siongco June 24, 1996 March 6, 1998
13. 95,646, 647 Francisca Pena July 22, 1996 Sept. 5, 1997
14. 95-1144, 1143 Aezel Mangabat Aug. 5, 1996 Sept. 5, 1997
15. 95-917, 918,919 Ruben Sabado Aug. 6, 1996 Sept. 5, 1997
16. 96-602 Esmeralda Velasquez Aug. 19, 1996 Sept. 5, 1997
17. 94-769, 770 Roger Tiglao Aug. 19, 1996 Sept. 5, 1997
18. 95-1645,1646,1647 Manuel Cunanan Aug. 23, 1996 Sept. 11, 1997
19. 95-1150 Dr. Hernad Tulud Sept. 2, 1996 Sept. 5, 1997
20. 96-15 Romer Rubio Sept. 2, 1996 Sept. 5, 1997
21. 95-1435 Alice Aquino Sept. 3, 1996 Sept. 11, 1997
22. 95-932 Bienvenido Bautista Oct. 15, 1996 Sept. 5, 1997
23. 95-140 Isabela Cunanan Oct. 18, 1996 Sept. 11, 1997
24. 95-195,196 Atty. Ricardo Diaz Oct. 28, 1996 Sept. 11, 1997
25. 96-303 Andres Fernandez Nov. 11, 1996 Sept. 5, 1997
26. 95-195, 196 Atty. Ricardo Diaz Nov. 11, 1996 Sept. 11, 1997
- 27.95-932 Gregorio Chua Nov. 12, 1996 Sept. 5, 1997
28. 96-456 Edilberto Villanueva Nov. 25, 1996 Sept. 5, 1997
29. 96-602 Esperanza Bartolome Dec. 10, 1996 Sept. 5, 1997
30. 95-1434 Rowena Miguel Dec. 10, 1996 Sept. 11, 1997
31. 96-303 Elizardo Mandap, Jr. Jan. 1, 1997 Sept. 5, 1997
32. 96-201 Luz Uson Jan. 7, 1997 Feb. 2, 1997

On October 31, 1997, respondent offered to submit the transcripts of stenographic notes in the following cases, but complainant allegedly refused to receive them:[4]

Case No.

Witness

Date of Trial

1. 91-508,509 Carlos Santos, Sr. March 27, 1995
2. 91-508,509 Carlos Santos, Sr. Dec. 18, 1995
3. 95-11,28, 29,30 SPO2 Ricardo Tolentino Dec. 19, 1995
4. 95-11,28,29,30 SPO1 Arthur Petil Dec. 19, 1995
5. 95-159 Dr. Sesnando Sandalo March 31, 1996
6. 95-238 Rodolfo Basilio May 28, 1997
7. 95-11,28,29,30 SPO1 Arthur Petil June 10, 1996
8. 95-34 Lucia Maglaqui June 10, 1996
9. 95-1142 Ariel Yanga June 24, 1996
10. 95-1150 Abraham Tayag Aug. 19, 1996
11. 91-508,509 Angelito Santos Aug. 20, 1996
12. 95-1142 SPO2 Francisco Fernandez Sept. 16, 1996
13. 95-159 Rommel Salunga Oct. 14, 1996
14. 91-508,509 SPO3 Danilo Cabigon Nov. 11, 1996
15. 96-255,256,257,258 Mario Marmolejo Nov. 25, 1996
16. 96-1005 Dominador Cutamora Nov. 25, 1996
17. 96-14 Abraham Tayag Dec. 10, 1996
18. 95-1142 Dr. Nicanor dela Cruz Jan. 6, 1997
19. 95-1149 PO2 Benjamin Quimsay March 17, 1997
20. 96-303 Nardito Licup April 14, 1997
21. 95-44 Perfecto Digman May 26, 1997
22. 95-618 Marissa Santos May 26, 1997

There is nothing in the records to show whether respondent submitted the transcripts of stenographic notes in the following cases:[5]

Case No.

Witness

Date of Trial

1. 91-528,509 Luciano Roman Sept. 6, 1993
2. 95-1150 Abraham Tayag July 29, 1996
3. 95-34 SPO1 Arthur Petil Aug. 19, 1996
4. 95-1645,1646,1647 PO2 Luis Taruc Sept. 3, 1996
5. 96-576 Rolando Madlambayan Oct. 14, 1996
6. 94-769,770 Roger Tiglao Oct. 14, 1996
7. 96-303 Noel Fernandez Nov. 4, 1996
8. 95-1144, 1145 Aezel Mangabat Nov. 5, 1998
9. 96-576 Dr. Edwin Manzon Jan. 6, 1997
10. 95-195,196 Ramon Yap March 17, 1997
11. 96-1525 SPO2 Felimon Oyan March 17, 1997

By way of summary, out of the 66 stenographic notes mentioned in the complaint, respondent failed to transcribe on time 54 notes (including the 22 notes complainant allegedly refused to receive). She failed to submit the transcripts of 11 stenographic notes. Her excuse was that because of illness, she had to go on leave. However, there is nothing in the records to show whether respondent went on sick leave in 1996. What the records show is that she went on vacation leave for 13 days in 1996, when most of the stenographic notes in question were taken.[6] Furthermore, even assuming that she was not able to transcribe her notes because of illness, respondent could have asked for extension of time for submitting the transcripts of stenographic notes. This, however, she failed to do. The only conclusion is that she was grossly neglectful of her duty under Administrative Circular No. 24-90 regarding the transcription of stenographic notes.

Second. With respect to the complaint for habitual tardiness, Civil Service Commission Memorandum Circular No. 4, Series of 1991 provides in pertinent part:

B. HABITUAL TARDINESS

Any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least (2) months in a semester or at least two (2) consecutive months during the year.

C. SANCTIONS

1. The following sanctions shall be imposed for violation of the above guidelines:

(a) for the first violation, the employee, after due proceedings, shall be meted the penalty of 6 months and 1 day to 1 year suspension without pay;

(b) for the second violation, and after due proceedings, he shall be dismissed from service.

In the instant case, the DTRs submitted by respondent show that she was tardy six times in September, 10 times in October, and 19 times in November 1997.[7] Her allegation that the entries in her DTRs for the months in question are not true and that she signed the same only because she was forced to do so by complainant has not been substantiated and, therefore, cannot be given credence. Her bare assertion cannot prevail over the presumption that the entries in the DTRs are correct and that she signed the same voluntarily. Indeed, the list presented by respondent, which she claims shows the correct times of her arrival in and departure from the office

in November 1997, indicates that she was tardy 19 times.[8]

It would seem that Judge Layug's only reason for recommending the exoneration of respondent of the charge of gross neglect of duty is that respondent after all was able to transcribe most of the stenographic notes taken by her. It should be pointed out, however, that liability for violation of Administrative Circular No. 24-90 is incurred if notes are not transcribed within 20 days after these are taken. The fact that the notes were later transcribed can only mitigate such liability. In previous cases, we imposed the penalty of fine on erring stenographers.[9] Considering the number of stenographic notes which respondent failed to transcribe on time, the fact that she failed to transcribe 11 notes taken by her, and her habitual tardiness, her suspension for six (6) months would be an appropriate penalty to impose on her.

WHEREFORE, respondent Aurora T. Laranang, Court Stenographer II of the Municipal Trial Court in Cities, Branch 1, Angeles City, Pampanga, is found guilty of gross neglect of duty and habitual tardiness and is hereby **SUSPENDED** for six (6) months and ordered to submit within the same period the transcripts of stenographic notes in the eleven (11) cases mentioned above, with **WARNING** that her failure to do so will be dealt with more severely.

The Presiding Judge and Branch Clerk of Court of the Municipal Trial Court in Cities, Branch 1, Angeles City are required to report on the compliance by respondent with this decision within ten (10) days after the expiration of the time given to herein respondent for submitting the transcript of stenographic notes.

SO ORDERED.

Bellosillo,(Chairman), Quisumbing, and De Leon, Jr., JJ., concur.
Buena, J., on leave.

[1] Complainant has since been dismissed from the service for conduct unbecoming a member of the bench in *Galang v. Santos*, Adm. Matter No. MTJ-99-1197, May 26, 1999.

[2] Complaint in OCA-IPI No. 97-362-P; Rollo, pp. 2-3.

[3] Comment in OCA-IPI-97-362-P, Annexes D, D-1, D-1-A, D-1-B, and D-1-C; Id., pp. 58-62.

[4] Id., Annex D-1-D; Id., p. 63.

[5] Complaint in OCA-IPI No. 97-362-P; Id., pp. 2-3 and Comment, Annexes D, D-1, D-1-A, D-1-B, D-1-C, and D-1-D; Id., pp. 58-63.

[6] Comment in OCA-IPI No. 97-362-P, Annex 3-A; Id., p. 70.

[7] Complaint in OCA-IPI No. 98-463-P, Annexes B, C, and D; Id., pp. 8-10.

[8] Id., Annex G; Id., pp. 15-27.

[9] See, e.g., *Ongkiko Kalaw Dizon Panga & Velasco Law Offices v. Sangil-Makasiar*, 256 SCRA 29 (1996).

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