

**ONGKIKO, KALAW, DIZON, PANGA & VELASCO LAW OFFICES,
ET AL., COMPLAINANTS, VS. STELLA MARIE S. SANGIL-MAKASIAR,
COURT STENOGRAPHER, RESPONDENT.**

A.M. No. P-96-1195. April 02, 1996

Ponente: HERMOSISIMA, JR., J.

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HERMOSISIMA, JR., J.:

This administrative matter refers to the charge of dereliction of duty and negligence brought by the complainant, Atty. Jonathan Ong, against Mrs. Stella Marie S. Sangil-Makasiar, Court Stenographer of the Regional Trial Court (RTC), Branch 35 of Manila.

On June 27, 1995, a verified letter-complainant was filed by the law office of Ongkiko, Kalaw, Dizon, Ongkiko, Panga and Velasco, represented by its associate Atty. Jonathan Pelayo Ong, charging respondent Court Stenographer Mrs. Stella Marie S. Sangil-Makasiar, Regional Trial Court of Manila, Branch 35, with dereliction of duty, for failure to transmit to this Court the transcript of stenographic notes of the trial conducted on November 15, 1993, in connection with Criminal Case No. 93-129342, entitled, "People of the Philippines vs. Abdul Hadi Alshaikh y Shhta," where the accused was convicted of Kidnapping for Ransom and sentenced to suffer the penalty of reclusion perpetua.

The aforesaid criminal case was decided by the trial court on November 24, 1993 and Notice of Appeal was filed by the Public Attorney's Office (PAO for brevity), counsel for accused, on November 29, 1993. On March 24, 1994, a Notice to File Appellant's Brief was sent to PAO but the requisite brief for accused-appellant could not be prepared because respondent Court Stenographer had not yet transcribed the stenographic notes of the hearing conducted on November 15, 1993. This prompted counsel for accused-appellant to file a motion to suspend the running of the period to file appellant's brief which was granted by the First Division of this Court in its Resolution dated June 27, 1994. In the same resolution, respondent Court Stenographer was required to explain within ten (10) days from notice thereof, why she failed to transmit the transcript of stenographic notes on time.

On July 27, 1994, Mrs. Makasiar wrote the Clerk of Court of the First Division, alleging that the ten (10)-day period given her by the court was too short considering the volume of steno-notes taken in the case. She then asked for thirty (30) days to complete the same.

In a Resolution, dated August 29, 1994, the Court granted Mrs. Makasiar's request for a thirty (30)-day extension to file the aforesaid TSN.

However, Mrs. Makasiar was again unable to transmit the transcript of stenographic notes of the hearing conducted on November 15, 1993. This prompted her to file for another extension of thirty (30) days.

On September 21, 1994, we issued a Resolution granting her another extension of thirty (30) days and at the same time warning her that the same shall be the last and no further extension will be granted.

In spite of this warning, Mrs. Makasiar still failed to submit the transcripts. Consequently, the First Division of this

Court in its Resolution, dated January 23, 1995, withheld her salary effective immediately until she submits the aforesaid TSNs and required her to submit the transcripts within a non-extendible period of ten (10) days from notice.

Unfortunately, Mrs. Makasiar still failed to comply with the order of the Court. On February 24, 1995, she again wrote the Court for a final extension of ten (10) days to submit her transcripts. Meanwhile, herein complainant filed a Substitution of Appearance with request for extension of sixty (60) days within which to file appellant's brief.

In a Resolution, dated April 3, 1995, complainant was granted an extension of only forty-five (45) days to file brief. However, since respondent Court Stenographer had not yet submitted her transcript of stenographic notes, the appellant's brief could not be prepared, prompting complainant to file a motion to suspend the period to file brief.

Complainant contends that respondent Court Stenographer has been grossly negligent in the performance of her duties and has not complied with Sections 7 and 8 of Rule 122 of the Revised Rules of Court relative to the transcribing, filing and transmission of her transcript of stenographic notes. According to the complainant, Mrs. Makasiar failed to submit the transcript of stenographic notes despite the lapse of almost two (2) years from the time the notes were taken on November 15, 1993. Meanwhile, the accused continues to languish in jail.

Respondent Court Stenographer, for her part, asseverates that complainant is unmindful of the heavy work done by her in court. She submits that Branch 35 of the Regional Trial Court, Manila, has been a Special Criminal Court since 1992. There are only four (4) stenographers assigned to this branch and each one has accumulated a compilation of stenographic notes to transcribe as they also have to take in-chamber orders and resolutions and dictations in open court with an average of fifteen (15) to twenty (20) cases scheduled for hearing, aside from preparing court decisions at an average of five (5) to six (6) cases per stenographer. As a wife and mother, respondent claims that she also has domestic responsibilities to attend to and sometimes gets sick or has to attend to sick members of her family.

We find the respondent guilty of dereliction of duty.

Sections 7 and 8, Rule 122 of the Revised Rules of Court provide in part, to wit:

"SEC. 7. Transcribing and filing notes of stenographic reporter upon appeal. " When notice of appeal is filed by the defendant the trial court shall direct the stenographic reporter to transcribe his notes of the proceedings. When filed by the People of the Philippines, the trial court shall direct the stenographic reporter to transcribe such portion of his notes of the proceedings as the Court, upon motion, shall specify in writing. The stenographer shall certify to the correctness of the notes and the transcript thereof which shall consist of the original and four copies and shall file the original and four copies of the transcript with the clerk without unnecessary delay.

xxx xxx xxx

SEC. 8. Transmission of papers to appellate court upon appeal. " Upon an appeal being taken, the clerk or judge of the court with whom the notice of appeal shall have been filed, must, within five (5) days after the filing of the notice, transmit to the clerk of the court to which the appeal is taken, the complete record in the case together with the notice of the appeal. The original and three copies of the transcript of the stenographic notes shall also be transmitted to the clerk of the appellate court together with the record, or as soon thereafter as possible. The other copy of the transcript shall remain in the lower court." (Emphasis supplied.)

These rules relating to the transcription of stenographic notes and their transmission to Appellate Courts have been updated by Administrative Circular No. 24-90 which was promulgated by this Court on July 12, 1990 and

became effective on August 1, 1990. Item number 2(a) of said circular provides, viz:

"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." (Emphasis supplied.)

In the case at bench, the transcript of stenographic notes in Criminal Case No. 93-129342 were taken on November 15, 1993. Respondent Court Stenographer admitted that she finished transcribing the notes only on June 28, 1995 and thereafter submitted the same to the Supreme Court on June 29, 1995. Hence, respondent stenographer incurred a delay of one (1) year and seven (7) months in transcribing the subject stenographic notes. This is a plain violation of Administrative Circular No. 24-90.

While we may sympathize with the heavy workload of respondent Court Stenographer, coupled with her domestic responsibilities, this is not an adequate excuse to be remiss in the diligent performance of one's duties as a public servant. Otherwise, every government employee charged with negligence and dereliction of duty will always use this as a convenient excuse to escape punishment to the great prejudice of public service. It is noteworthy to consider that respondent herein has been given, not one, but a total of three extensions by this Court just for her to finish transcribing the stenographic notes. Regrettably, it was only after the lapse of almost two (2) years that respondent herein was able to transcribe the notes and submit the same before us. Respondent, therefore, cannot accuse this Court of being overly strict towards her. On the contrary, we have been overly lenient.

WHEREFORE, premises considered, Mrs. Stella Marie S. Sangil-Makasiar is hereby ordered to pay a fine of Three Thousand Pesos (P3,000.00), with a stern warning that a repetition of the same or similar act or acts in the future will be dealt with more severely.

Let a copy of this Decision be spread in her personal file in the records of this Court.

SO ORDERED.

Padilla (Chairman), Bellosillo, Vitug and Kapunan, JJ., concur.

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