

ADMINISTRATIVE SUPERVISION OF COURTS

SC ADMINISTRATIVE CIRCULAR NO. 24-90, July 12, 1990

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TO

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THE PRESIDING JUSTICE AND ASSOCIATE JUSTICES OF THE COURT OF APPEALS AND THE SANDIGANBAYAN, ALL JUDGES OF THE REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURTS, AND THE MUNICIPAL CIRCUIT TRIAL COURTS, CLERKS OF COURT OF THE COURT OF APPEALS, CLERKS OF COURT OF REGIONAL TRIAL COURTS, AND INFERIOR COURTS AND COURT STENOGRAPHERS

SUBJECT

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REVISED RULES ON TRANSCRIPTION OF STENOGRAPHIC NOTES AND THEIR TRANSMISSION TO APPELLATE COURTS

A great number of "Inherited Cases" (those heard and tried by Judges but left undecided us to resignation, retirement, and transfer/promotion to new assignments) has accumulated and cannot be decided or resolved promptly by incumbent Judges appointed or designated to replace their predecessors because of lack of transcripts of stenographic notes caused by the death or the absence of the recording stenographers who have resigned or retired and whose whereabouts are unknown. This has delayed review of appealed cases as the records are transmitted without the required transcripts of stenographic notes.

In order to minimize delay in the adjudication of pending cases, the following revised rules on transcription of stenographic notes are hereby promulgated:

- Clerks of Court and stenographers are enjoined to faithfully comply with Rule 136, Section 17, par. 1, Rules of Court, which is quoted hereunder:

"Section 17. Stenographers - It shall be the duty of the stenographer who has attended a session of Court either in the morning or in the afternoon, to deliver to the Clerk of Court, immediately at the close of such morning or afternoon session, all the notes he has taken, to be attached to the record of the cases, and it shall likewise be the duty of the Clerk to demand that the stenographer comply with said duty. The Clerk of Court shall stamp the date on which notes are received by him. When such notes are transcribed, the transcript shall be delivered to the Clerk, duly initialed on each page thereof, to be attached to the records of the case."

- (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.

(c) With respect to untranscribed stenographic notes as of the date of the effectivity of this Circular all stenographers are directed to submit the transcripts thereof not later than three (3) months from date of effectivity of this Circular.

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In pending cases where the provisions of the above Section 2 have not yet been complied with the following rules on transcription in case of appeal shall be observed:

(a) In civil cases appealed from the lower court to the Regional Trial Court, whether tried under regular or summary procedure, the stenographer concerned shall transcribe the stenographic notes within fifteen (15) days from perfection of appeal.

(b) In appeals to the Court of Appeals from the Regional Trial Court, whether by record on appeal or by the original record, the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of the Trial Court, who must submit the transcripts of stenographic notes to the Clerk of the Court of Appeals within a period of thirty (30) days from perfection of the appeal.

(c) In criminal cases appealed from an inferior court to the Regional Trial Court or from the latter to the Court of Appeals, the stenographers concerned shall transcribe the stenographic notes and file the original and four (4) copies of the transcript with the Judge/Clerk of the Trial Court not later than twenty (20) days from the date he was directed by the Court to transcribe his notes as provided in Section 7, Rule 122 of the New Rules of Criminal Procedure. The Judge/Clerk of the Trial Court shall transmit the original and three (3) copies of the transcripts to the Clerk of Court where the appeal is taken not later than ten (10) days from the filing of the same with the court of origin.

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In case a stenographer dies or is otherwise incapacitated, his untranscribed stenographic notes shall be immediately transcribed by the other stenographers, if this can, be done. If not, and the notes untranscribed involve controverted issues, a rehearing on those points should be ordered.

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No stenographer shall be allowed to resign from the service or allowed to retire optionally without having transcribed all transcript of stenographic notes taken by him. A stenographer due for compulsory retirement must submit to the Judge/Clerk all pending transcribed stenographic notes, three (3) months before retirement date.

No terminal leave or retirement pay shall be paid to a stenographer without a verified statement that all his transcript of stenographic notes have been transcribed and delivered to the proper court, confirmed by the Executive Judge of the Court concerned.

- If, upon the effectivity of this Circular, a stenographer is still clearing up his pending transcript of stenographic notes after he has compulsorily retired, he shall not be paid additional compensation.

- A stenographer shall not be allowed to travel abroad if he has pending untranscribed notes, unless otherwise ordered by the Court upon urgent grounds.

Administrative Circular No. 2 dated July 1, 1978 on the same subject is hereby superseded by this Circular which shall become effective August 1, 1990.

Manila, July 12, 1990.

(Sgd.) MARCELO B. FERNAN

Chief Justice

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