

**ATTY. BENJAMIN A. OPEÑA, PETITIONER, VS. FE RIZALINA V. LUNA,
STENOGRAPHER III, REGIONAL TRIAL COURT, CALOOCAN CITY,
BRANCH 130, RESPONDENT.**

ADM. MATTER NO. P-02-1549 (Formerly AM OCA IPI No. 01-1025-P). December 16, 2005

Ponente: GARCIA, J.

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GARCIA, J.:

The instant administrative case stemmed from an affidavit-complaint dated December 19, 2000 filed with the Office of the Court Administrator (OCA) by Atty. Benjamin A. Opeña charging Fe Rizalina V. Luna, Court Stenographer III, Regional Trial Court (RTC) Branch 130, Caloocan City, with grave misconduct.

The material facts are not disputed:

Complainant Atty. Benjamin A. Opeña was counsel on record for the plaintiff in Civil Case No. C-19052 entitled "Susana E. Genevia vs. Joseph T. Ching", an action for declaration of nullity of marriage, being heard at the Regional Trial Court (RTC) of Caloocan City, Branch 130.

On September 15, 2000, the initial presentation of plaintiff's evidence was held and respondent Luna was the attending stenographic reporter.

On December 6, 2000, complainant Atty. Opeña requested from respondent Luna a copy of the transcript of stenographic notes (TSN) of the September 15, 2000 hearing. As thus prepared, said transcript was triple-spaced and consisted of only eighteen (18) pages for which respondent allegedly demanded, as payment, the sum of five hundred pesos (P500.00). Complainant politely pointed out to respondent that the number of pages should be the controlling factor in determining the amount to be paid. Respondent, however, maintained that the proper price for the TSN was P500.00, the case being one for annulment of marriage and the proceedings being conducted ex parte. Complainant demurred on the ex parte angle exploited by respondent, saying that it was an open court proceedings conducted in the presence of the presiding judge and an assistant city prosecutor and that, in any case, it is immaterial whether the proceeding was held ex parte or not.

The impasse notwithstanding, complainant nonetheless gave in to the demand, the TSN being needed for the scheduled hearing of the case the following day, December 7 2000. Irked nevertheless, complainant filed the subject complaint-affidavit with the OCA.

In her comment dated May 15, 2001, respondent denies having compelled complainant to pay five hundred pesos (P500.00) for the TSN in question, albeit she admits receiving said amount. According to her, it is the common practice among stenographic reporters to charge such amount since it is understood that the party presenting his evidence ex parte shall shoulder all the expenses of the stenographic notes, including the copies thereof to be distributed to the Office of the Solicitor General, Office of the City Prosecutor, and the four (4) copies which would form part of the records of the case.

Respondent further asserts being with the judiciary for more than twenty (20) years as stenographic reporter

without facing, all those times, any administrative or criminal charge. She professed good faith in receiving the P500.00 paid by complainant, noting that such amount is reasonable in light of the customary practice among stenographic reporters. She closed by saying that she was merely complying with her duty and that she had no intention to insult the dignity of complainant.

In its Agenda Report dated 14 December 2001, the OCA found respondent's contention to be misplaced, noting that Section 10, Rule 141[1] of the Revised Rules of Court fixes the fees to be uniformly collected by stenographers for transcription of stenographic notes, thus:

Section 10. Stenographers. – Stenographers shall give certified transcript of notes taken by them to every person requesting the same upon payment of (a) five (P5.00) pesos for each page not less than two hundred and fifty words before the appeal is taken, and (b) three pesos and sixty centavos (P3.60) for the same page, after the filing of the appeal, provided, however, that one-third of the total charges shall be paid to the court and the remaining two-thirds to the stenographer concerned.

OCA found respondent to have violated the foregoing provision. Accordingly, it recommended that respondent be fined in the amount of one thousand pesos (P1,000.00), appreciating in her favor the mitigating circumstance of loyal service in the judiciary for twenty years and the fact that her service record has otherwise been unblemished thus far.

In its resolution of February 4, 2002, the Court had the instant case docketed as a regular administrative matter, and required the parties to manifest whether they are submitting the same on the basis of the pleadings filed. In his manifestation of March 18, 2002, and duly noted by the Court, complainant Atty. Opeña manifested his conformity thereto. No manifestation whatsoever, however, came from respondent's end.

Following Atty. Opeña's documented death sometime in July 2003, respondent, via a letter dated October 22, 2003, requested the immediate dismissal of the case.

In compliance with the Court's Resolution of January 19, 2004, for it to submit a report and recommendation, the OCA came out with a memorandum dated March 17 2004 recommending the denial of the requested dismissal of the case and reiterating its earlier recommendation for a fine of one thousand pesos (P1,000.00) against respondent.

We agree with the OCA's finding and recommendation.

In her comment to the complaint, respondent denies having compelled complainant to pay her P500.00 for the stenographic notes. The offered denial may be accorded plausibility but for a nagging fact, i.e., the circumstances obtaining in this case were such that complainant Atty. Opeña had no other choice but to pay the exorbitant amount demanded of him by respondent. Given the urgency of the moment, complainant needing, as it were, the TSN for the hearing scheduled the following day, respondent's act of demanding P500.00 was tantamount to compelling him to pay the same. Needless to stress, respondent must be made to answer for her action

Everyone in the judiciary, from the presiding judge to the lowliest clerk, bears a heavy responsibility for the proper discharge of his duty, and it behooves each one to steer clear of any situation in which the slightest suspicion might be cast on his conduct.[2] Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees. For, the image of the judiciary is necessarily mirrored in their actions.[3]

The Court cannot, to be sure, keep a blind eye on, let alone tolerate or condone, any conduct, act or omission that would violate the norm of public accountability or diminish or tend to diminish the faith of the people in the Judiciary.[4]

The Code of Conduct and Ethical Standards for Public Officers and Employees[5] sets out a policy towards promoting a high standard of ethical responsibility in the public service.[6] It enjoins those in the government service to extend prompt, courteous and adequate service to the public, and, at all times, to respect the rights of others and refrain from doing acts contrary to law, good morals and good customs, among other ideals.[7]

The law is clear. The Rules of Court fixes a uniform rate to be charged by court stenographers for the transcription of stenographic notes.[8] Nowhere is it stated that a different rate is to apply in ex parte hearings. For sure, the wording of the law clearly spells out that the rates therein defined apply to all wishing to secure a copy of the TSN without out distinction as to whether or not the proceedings involved is ex parte or otherwise.:

Verily, respondent cannot, as the OCA aptly observed, seek shelter from the alleged customary practice of stenographers of charging a party in an ex parte hearing for all the stenographic notes transcribed. Ignorance of the law excuses no one, especially those who, by the nature of their official duties and responsibilities, are expected to be aware of its provisions.[9]

Nor can complainant's death, without more, produce the effect of exonerating respondent from any administrative charge or freeing her from disciplinary sanction. Neither does such occurrence operate to divest the Court of its disciplinary jurisdiction over court personnel, the rule being that jurisdiction, once acquired, continues to exist until the final resolution of the case.

Indeed, the need to maintain the faith and confidence of the people in the government should not be distracted by the absence of the complainant. For, after an administrative complaint is given due course, the complainant is, as a rule, reduced to a mere complaining witness therein,[10] the government being transformed from that time on to be the real aggrieved party. This is because administrative proceedings against public employees are imbued with public interest, public office being a public trust.[11]

WHEREFORE, respondent Fe Rizalina V. Luna is hereby found guilty of violating Section 10 of Rule 141 of the Rules of Court and is ORDERED to pay a fine in the amount of two thousand pesos (P2,000.00) with a warning of a more severe penalty for another infraction.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Now Sec. 11.

[2] *Racasa v. Collado-Calizo*, 381 SCRA 151 [2002].

[3] *In re: Ms. Edna S. Cesar*, RTC, Br. 171, Valenzuela City, 388 SCRA 703 [2002].

[4] *Re: Absence Without Official Leave of Ms. Lilian B. Bantog*, Court Stenographer III, RTC, Br. 168, Pasig City, 359 SCRA 20 [2001]; *Sarmiento v. Salamat*, 364 SCRA 301 [2001].

[5] Republic Act No. 6713.

[6] *Zipagan v. Tattao*, 365 SCRA 605 [2001].

[7] *Arroyo v. Alcantara*, 368 SCRA 567 [2001].

[8] Sec. 10, Rule 141, Rules of Court; see Note # 1, *supra*.

[9] *Visitacion, Jr. v. Ediza*, 362 SCRA 403 [2001].

[10] *Dadap-Molinao v. Mijares*, 372 SCRA 128 [2001].

[11] Bulado v. Tiu, Jr., 329 SCRA 308 [2000].

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