

CIRILA RODAS, COMPLAINANT, VS. FLORENDO U. AQUILIZAN, RESPONDENT.*Adm. Matter No. P-20. December 09, 1974*

Ponente: ESGUERRA, J.

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Stenographer Florendo U. Aquilizan of the Court of First Instance of Manila, Branch IX, in a letter-complaint dated December 18, 1972, by Mrs. Cirila Rodas, mother of Roberto Rodas, one of the accused in Criminal Case No. 2493 then pending in that court, is charged with alleged illegal charging of transcript fee when he made the supposed statement: "no money, no transcript" despite court order that he should furnish it free of charge; and he "made it very hard" for the complainant to secure a copy of the transcript in the aforementioned criminal case, notwithstanding so much effort she made to obtain the same because she pitied her son who had been a detention prisoner in the city jail since August 1970.

When directed to comment on the unverified letter-complaint, respondent in his 2nd Indorsement, dated December 26, 1972, gave a supposed background of Criminal Case No. 2493 which was intended to clarify the insinuations in the letter-complaint that respondent's delay in giving the transcript resulted in the protracted disposition of said criminal case. He explained that the fiscal's office filed the case on August 24, 1970, and the accused were arraigned on September 7, 1970, before Branch II of the Court of First Instance of Manila; that when then Judge Jose Leuterio was elevated to the Court of Appeals, Judge Elias Asuncion took over and set the case for hearing on September 22 and 23, 1970, but on said dates the hearing was postponed on motion of the fiscal and the same was reset for October 14, 1970; that on this last date counsel for the accused moved for postponement and had it reset for October 21, 1970; that the case was re-raffled and assigned to Judge Juan O. Reyes of Branch XXI who set it for hearing on November 17, 1970, but counsel for accused Alfonso failed to appear and hence case was re-set for November 24, 1970; that on this last date the case was again postponed on the ground that it was transferred to Branch XXI; that the case was re-set for December 9, 1970, but by agreement of prosecution and defense it was re-set on December 16, 1970, then on January 13 and 26, 1971; that on January 13, 1971, defense moved for the cancellation of the hearing on that date and that scheduled for January 26, 1971, because the accused would be arraigned in another case in some other sala; that on January 13, 1971, complainant Cirila Rodas, mother of accused Rodas, filed a motion for reinvestigation of the case; that on February 8, 1971 Fiscal Abasolo manifested that there was sufficient evidence, hence the case was set for hearing on February 17, 1971; that on the latter date counsel for accused Rodas filed a motion to have the case again re-raffled because Judge Juan O. Reyes was promoted to the Court of Appeals, and as a result the case was transferred to Branch IX where the hearing was set for April 26, 1971; that another postponement occurred and the case was re-set for June 29, 1971, then upon motion of the private prosecutor it moved earlier to June 14, 1971; that because of failure of witnesses to appear it was again re-set for June 29, 1971, and then July 6, 1971; that it was only on July 6, 1971, when the case was heard, then continued on August 10, 1971, again re-set for September 21 and 22, 1971; and that it was on September 22, 1971, when Atty. Reynaldo T. Barrinuevo as counsel for accused Roberto Rodas wrote a letter (Exh. "A") to respondent in the following tenor:

"Kindly give a copy of the transcript of stenographic notes on the testimony of Jaime Cabanban last August 10, 1971 (as cross-examined by the undersigned), and those of Pat. Haw and Pat. Cablayan last September 21, 1971, upon payment of your legal fee.

In this connection, please advise bearer hereof as to how many pages said transcript consists of as soon as your convenience permits for her guidance on your said fee" (Italics portion apparently refers to complainant Cirila Rodas);

Underneath said letter (Exh. "A"), a notation (Exh. "A--2") was made by respondent in his handwriting to this effect:

"Dear Companero:

Normally transcribed, the hearings would reach a total of 100 pages or more. Are you willing to pay that at P1.00 a page? Please advise.

Atty. Florendo U. Aquilizan
Branch IX
C.F.I. Manila 9/29/71";

Apparently the interested party (Cirila Rodas) could not shoulder the cost of the transcript and so Atty. Barrinuevo filed an ex-parte motion for free transcript for the detained and indigent accused in Criminal Case No. 2493 on October 8, 1971; that on November 29, 1971, the Court acting on said motion ordered stenographers Antonio Jimenez and Florendo U. Aquilizan to give accused Rodas the transcripts she asked for, free of charge, not later than January 15, 1972; that the respondent submitted his transcript on January 14, 1972, one day before the deadline given by the court order; that said transcripts were picked up by Cirila Rodas on January 17, 1972; that the letter-complaint against respondent was only filed on December 18, 1972, or more than a year after the alleged wrong done by respondent; that respondent has had a good record in government service since 1937 and that this is the first time he is charged in an "unfounded and libelous letter complaint"; that the complainant did not come to court with clean hands; and that his comment and explanation be noted.

A formal investigation was conducted by Special Clerk of Court Roberto C. Honrado of the Court of First Instance of Manila, pursuant to the authority given by then Executive Judge Jose G. Bautista of the Court of First Instance of Manila in accordance with the provisions of Presidential Decree No. 6, September 27, 1972. In his report dated March 29, 1973, the Investigator recommended that the letter-complaint be dismissed on the grounds that the haggling about the price of the transcript became moot when the court ordered the respondent to give the complainant the transcript free of charge; that respondent was able to prove (Exhibits "3" and "3-A") that he submitted the transcript on January 14, 1972, one day before the deadline set by the court and that the complainant received the transcripts (that of August 10 and September 21, 1971) on January 17, 1972 (t.s.n. February 23, 1973, pages 2 and 3); and that on the issue of whether or not respondent was motivated by vindictive feelings when he capitalized (to give emphasis) certain portions of the transcript to "implicate or put down the accused son of the complainant", or "to influence the court or detract its attention from more important points", said respondent's acts are not prohibited by law and it would be absurd to believe that the trial court could be influenced thereby.

The "Report and Recommendation" of then Executive Judge Jose G. Bautista of the Court of First Instance of Manila concludes that there was no "unreasonable delay in the giving of a free certified transcript of notes" because it is clear from the evidence (Exhibits "3" and "3-A") that the respondent submitted the certified transcript on January 14, 1972, or one day before January 15, 1972, as required by court order (Exhibit "E"), as shown in "the record of Criminal Case No. 2493, entitled 'People vs. Roberto Rodas, et al'"; that the delay in the termination

of the criminal case cannot be blamed on respondent; that "respondent is not charging P1.00 a page but evidently bargaining that since normally to transcribe the three hearings would reach 100 pages of transcript of stenographic notes, respondent would like to know if complainant was willing to pay at P1.00 a page. . ."; that under "Circular No. 14 dated March 4, 1960, court stenographers are enjoined to observe strictly the provision of Section 8 of Rule 130 of the Rules of Court (now Section 8, Rule 141) in respect to both the amount of fees and the minimum of words on every page of their transcript (page 136, Revised Circulars of the Department of Justice for Courts of First Instance and other Inferior Courts, 2nd edition 1946-1970); that the Rules of Court have the force and effect of law (Conlu vs. Court of Appeals, S.C.- 60 O.G. No. 35, p. 5324) and establish likewise government policy on the matter"; that "respondent's insistence therefore why he should not protect myself and get a fair bargain is unbecoming and censurable"; that "the conduct of respondent in capitalizing certain answers (Exhibits "H-1" and "H-2") of the witness in the transcript", "submitted as evidence of respondent's vindictiveness", is completely wrong, and "apart from respondent's supposed good intentions and the possible effect on the court", respondent's act could be misinterpreted as favoring certain litigants, hence "respondent should be warned to refrain from such an unwarranted and contemptuous practice"; and that respondent "deserves only a reprimand" which the Judge recommended.

A careful examination of the evidence shows no compelling reason to disturb the findings of facts of the then Executive Judge. Our only role, therefore, is to determine the penalty which is appropriate and commensurate with the wrong done to be imposed on respondent. Although respondent did not cause the delay in the disposition of the criminal case and in the giving of the free transcript as required by court order, what is highly reprehensible in respondent's act and attitude is his arrogant and high-handed attempt to justify his insistence on charging contrary to law P1.00 per page of transcript to protect himself and get a fair bargain. This is practically a confession of respondent that he gave more value to his personal economic interest rather than to the public service and a completely wrong attitude on the part of a public servant. His primary concern should be the welfare and interest of litigants who come from the masses in general. His uncalled for emphasis in the transcript (Exhibits "G-1", "H-1" and "H-2") by capitalizing words adverse to the accused could not only be misinterpreted as motivated by his vindictive nature when he was required to submit the transcript free of charge, but also create the strong suspicion that he favors certain litigants and discriminates against others.

To a court stenographer's duty of making an accurate and faithful record of the court proceedings as well as its honest and authentic reproduction in the transcript, must be added the primary obligation to serve the public at the sacrifice of his personal interest if needed, without creating the impression in the minds of litigants requesting for transcripts that he is doing them a favor as a matter of personal charity when he provides free certified transcripts, instead of considering it as his bounden duty to do so.

Considering his length of service in the government which, by reason hereof, has become tainted with doubt as to its faithful, sincere, and dedicated character, and in order to set an example to all court stenographers so that they may learn the true meaning of the public service they are expected to render, respondent is suspended from office without pay for a period of six months from notice hereof, with a stern warning that a repetition of the same or similar offense in the future will be dealt with more severely. Respondent being also a member of the bar, let both the Bar Confidant of this Court and the Integrated Bar of the Philippines be notified of this decision so that it may be noted in respondent's personal record.

The Judicial Consultant shall also circularize all inferior courts about the outcome of this case.

SO ORDERED.

Castro, Chairman, Teehankee, Makasiar, and Muñoz Palma, JJ., concur.

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