

JUDGE FELIPE G. BANZON, COMPLAINANT, VS. RUBY B. HECHANOVA, AND COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 69, SILAY CITY, NEGROS OCCIDENTAL, RESPONDENT.

A.M. No. P-04-1765 (Formerly OCA IPI No. 01-1174-P). April 08, 2008

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PER CURIAM

Judge Felipe G. Banzon (complainant) of the Regional Trial Court (RTC) Branch 69, Silay City, Negros Occidental, charges Ruby B. Hechanova, Court Stenographer III (respondent) with continued refusal to transcribe stenographic notes.[1]

In a letter dated February 1, 2001, complainant alleged: His efforts to expedite the promulgation of decisions in his sala are hampered by the indifference and refusal of respondent to perform her duty. Despite the memoranda[2] and orders[3] issued by him directing respondent to transcribe the stenographic notes taken by her with a warning that she shall be held in contempt and ordered arrested should she fail to comply therewith, respondent still refused to render due compliance. Complainant therefore filed the said letter recommending respondent's dismissal from the service.[4]

On February 6, 2001, respondent wrote a letter of resignation addressed to the Court Administrator stating that she could no longer bear the unreasonable pressure and discriminatory acts of complainant against her and that despite her efforts to transcribe the notes she had taken, she cannot cope with her task because of the pressure from complainant.[5]

In a 1[st] Indorsement dated August 30, 2001, the Court directed respondent to comment on complainant's letter dated February 1, 2001.[6]

On November 20, 2002, the Court received a letter from respondent stating that she had already submitted all the transcripts of stenographic notes (TSNs) requested by complainant and that she had voluntarily resigned from work on February 6, 2001.[7]

Respondent failed to submit proof, however, showing that she had indeed submitted the concerned TSNs.[8] Complainant also informed the Court, through a letter dated June 24, 2003, that while respondent transcribed and submitted transcripts of court proceedings, the same were done subsequent to the court's issuance of warrants of arrest on her person and that to date, she still ignored several orders directing her to complete the TSNs of 18 other cases.[9]

In the Report dated November 6, 2003, the Office of the Court Administrator (OCA) held that respondent's acts violate paragraph 2 of Administrative Circular No. 24-90 which requires stenographers to transcribe all stenographic notes not later than 20 days from the time the notes were taken; and following paragraph 5 thereof which disallows the resignation of stenographers without having transcribed all TSNs taken by them, respondent's resignation should not be accepted.[10]

On January 26, 2004, the Court issued a Resolution directing the National Bureau of Investigation (NBI) to locate, arrest, and detain respondent until she has finished transcribing all the stenographic notes required of her.[11]

Through a letter dated March 16, 2004, respondent asked for reconsideration of the Court's Resolution stating: that she already submitted the TSNs covered by the administrative case; that complainant told her that some of the cases were already decided or dismissed, and in civil cases, the testimonies were retaken because some of the stenographic notes she took cannot be located anymore; that she had just suffered the recent death of her husband and she did not want her parents, who are old and sickly, to worry about her being detained.[12]

Complainant denied respondent's assertions, in his letter dated August 6, 2004, and stated that respondent had not yet submitted all the TSNs required of her and there are new cases, which respondent handled, which she has also not yet transcribed despite orders for her to do so.[13]

In the Resolution dated November 17, 2004,[14] the Court, for humanitarian reasons, resolved to hold in abeyance for a period of 90 days, the enforcement of the directive to the NBI to arrest and detain respondent. She was given 90 days to finish and submit to the Branch Clerk of Court of RTC Branch 69 all the TSNs of 74 hearings enumerated in the Resolution. The Court also directed the immediate suspension of respondent without pay pending resolution of the administrative complaint.

After the lapse of 90 days from respondent's receipt of the Court's Resolution and per letter dated June 7, 2005[15] of the Clerk of Court of RTC, Branch 69 that respondent has not complied therewith, the Court through its Resolution[16] dated July 27, 2005, directed the NBI to implement the arrest order against her and detain her at the Silay City Jail until she finishes the transcription of the required stenographic notes. On December 6, 2007, the Court received NBI Agent Cortez's 1st Indorsement stating that they could not locate respondent at her given address and they have exerted efforts to locate her, to no avail.[17]

Hence, the instant resolution finding respondent guilty of gross neglect of duty.

Stenographers are enjoined to faithfully comply with Section 17, paragraph 1, Rule 136 of the Rules of Court which states:

Sec. 17. Stenographer. --- It shall be the duty of the stenographer who has attended a session of a 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 case; and it shall likewise be the duty of the clerk to demand that the stenographer comply with the said duty. The clerk of court shall stamp the date on which such 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 record of the case.

Administrative Circular No. 24-90[18] further requires stenographers to transcribe notes 20 days from the time they were taken,[19] thus:

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. x x x

Repeatedly, complainant issued orders directing respondent to transcribe the stenographic notes taken by her. She obstinately refused, however, and ignored orders, even those given by this Court. Respondent's persistent failure to transcribe stenographic notes as above prescribed constitutes gross neglect of duty,[20] which is a grave offense punishable by dismissal even for the first offense.[21]

As a stenographer, she should have realized that the performance of her duty is essential to the prompt and proper administration of justice, and her inaction hampers the administration of justice and erodes public faith in the judiciary.[22] The Court has expressed its dismay over the negligence and indifference of persons involved in the

administration of justice.[23] No less than the Constitution mandates that public officers serve the people with utmost respect and responsibility.[24] Public office is a public trust, and respondent has without a doubt violated this trust by her failure to fulfill her duty as a court stenographer.[25]

The fact that she filed a resignation letter dated February 6, 2001 cannot excuse her from liability. As correctly noted by the OCA, paragraph 5 of Administrative Circular No. 24-90 clearly disallows the same. It reads:

5. 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.

For displaying gross neglect of duty, the Court has no recourse but to dismiss respondent from the service.

WHEREFORE, Ruby B. Hechanova, Court Stenographer III of the Regional Trial Court, Branch 69 of Silay City, Negros Occidental is found GUILTY of GROSS NEGLECT OF DUTY and is hereby DISMISSED from the service, with forfeiture of all benefits and privileges except accrued leave credits, if any, with prejudice to re-employment in any branch or agency of the government, including government-owned and controlled corporations.

SO ORDERED.

Puno, C.J., Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Nachura, Reyes, and Brion, JJ., concur.

Quisumbing, J., Ynares-Santiago, Carpio, and Leonardo-De Castro, JJ., on official leave.

Velasco, Jr., no part due to prior action in OCA.

***** Also referred to as “Ruby B. Hechanova-Sardiñola” in some parts of the records.

[1] Rollo, p. 1.

[2] Dated September 13, 14 and October 17, 2000, directing respondent to report to work and transcribe the notes in *People of the Philippines v. Baquillos*, *People of the Philippines v. Belo*, *People of the Philippines v. Billones*, *People of the Philippines v. Divinagracia*, *People of the Philippines v. Pidoy*, *People of the Philippines v. Langrio*, *People of the Philippines v. Maquitar*, *People of the Philippines v. Dela Cruz*, and *People of the Philippines v. Bancaya*, rollo, pp. 2-5.

[3] Dated January 8, 2001 in *People of the Philippines v. Billones*, *People of the Philippines v. Langrio* and *People of the Philippines v. Sangrones*; dated January 24, 2001 in *People of the Philippines v. Billones*, *People of the Philippines v. Langrio*; *People of the Philippines v. Sangrones*; and dated January 25, 2001 in *People of the Philippines v. Garay*, *People of the Philippines v. Dela Cruz*, *People of the Philippines v. Samson* and *People of the Philippines v. Bancaya*, id. at 6-15.

[4] *Supra* note 1.

[5] Rollo, p. 27.

[6] Id. at 33.

[7] Rollo, p. 35.

[8] Id. at 36, 38, 43.

[9] Id. at 38-39.

[10] Id. at 44-45.

[11] Id. at 47.

[12] Id. at 52.

[13] Rollo, p. 54.

[14] Id. at 59-64.

[15] Id. at 68.

[16] Id. at 69.

[17] Id. at 94. NBI Supervising Agent Mamerto D. Cortez explained that he received the Resolution of the Court only on July 23, 2007; thus, the late compliance. Id. at 80-81.

[18] Revised Rules on Transcription of Stenographic Notes and Their Transmission to Appellate Courts, effective August 1, 1990.

[19] *Alcover v. Bacatan*, A.M. No. P-05-2043, December 7, 2005, 476 SCRA 607, 612.

[20] *Reyes v. Bautista*, A.M. No. P-04-1873, January 13, 2005, 448 SCRA 95, 102; *Ceniza-Guevarra v. Magbanua*, 363 Phil. 454, 459 (1999).

[21] Rule IV Section 52, A2 of the Revised Uniform Rules on Administrative Cases in the Civil Service, Civil Service Commission Memorandum Circular No. 19, s. 1999.

[22] *Judge Ibay v. Lim*, 394 Phil. 415, 421 (2000).

[23] *Supra* note 20.

[24] Id.

[25] Id.

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