

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
IMELDA S. PERLEZ, CLERK OF COURT, MTC, BRANCH 2, SAN PEDRO,
LAGUNA, RESPONDENT.**

A.M. No. P-00-1428. January 18, 2001

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a complaint filed by Judge Gloria B. Aglugub of the Municipal Trial Court, Branch 2, San Pedro, Laguna against the Clerk of Court, Imelda Perlez, for allegedly failing to submit the transcript of stenographic notes in certain cases and hiding the records of other cases resulting in the failure of Judge Aglugub to decide 19 cases[1] assigned to her within the prescribed time. For this reason, Judge Aglugub had to ask for an extension of time to decide the aforesaid cases.

Upon the recommendation of the Court Administrator, Clerk of Court Imelda S. Perlez was required to comment on the complaint against her. Meantime, Judge Aglugub was granted an extension of 90 days within which to decide the 19 cases.

Ms. Perlez' comment, slightly edited, states:

Undersigned Clerk of Court I, MTC Br. 2, San Pedro, Laguna, in compliance with the Order of the Honorable Court En Banc dated October 5, 1999, respectfully manifest:

With due respect she vehemently denies Judge Aglugub's allegation blaming her for her (Aglugub) failure to resolve 19 cases within the time frame required of her due to undersigned's propensity to hide records.

- Firstly, I have no physical control of the stenographers who fail to transcribe their stenographic notes for one reason or another except to remind them from time to time. In fact, I used to report to Judge Aglugub stenographers who do not heed my reminders. Just to cite an appropriate example, is an order of Judge Aglugub ordering Jennifer Lancion, our former stenographer, to bring to court all transcript of stenographic notes within ten (10) days from receipt hereof and copy of which is hereto attached as Annex "A"; and another order dated October 8, 1997 ordering again Jennifer Lancion under pain of arrest should she fail to do so within five (5) days from receipt thereof and copy of which is hereto attached as Annex "B"; This incident clearly indicates that if Hon. Judge herself could not discipline stenographer how much more for a Clerk of Court like me? Hence, I could not be used as an alibi or a fall guy for Judge Aglugub's failure to comply with the rules;

- Secondly, most if not all of the transcript of stenographic notes in the cases cited by Judge Aglugub were all assigned to former stenographer Jennifer Lancion to wit; Criminal Case Nos. 22262, 23855-58, 23300, 14668, 14700, 25457, 26739 and 22240 who, despite my continuous pounding and repeated reminders to come out with the corresponding TSN of the above cases, stubbornly and repeatedly failed and refused to do so until she left for good without a trace, and this was known to Judge Aglugub as per my manifestation dated July 16, 1999, a copy of which is hereto attached as Annex "C".

- Finally, why should I be blamed for the failure of an irresponsible and stubborn stenographer with temporary appointment status when I have exercised the necessary diligence of a good father of the family so to speak(?) It is the failure of stenographer Jennifer Lancion to transcribe and submit the required TSN that virtually hinders Judge Aglugub's compliance and not because I hide the records of these to which I vigorously deny. Before the unauthorized suspension of the undersigned, all of the above cases are intact and with the care of the Acting Clerk of Court.

In fine, undersigned has nothing to do with Judge Aglugub's failure to comply with the reglementary period required of her to decide cases but the failure of one stenographer who refused to transcribe or submit the TSN taken by her. In other words, Judge Aglugub knows from the very beginning that I have no hand in the delay or failure of Ms. Lancion's submission of the TSN but because she has some ax to grind against me, she is implicating me in all her failure(s) in the performance of her duties.

WHEREFORE, premises considered, it is most respectfully prayed that undersigned be absolved from Judge Aglugub's propensity to incriminate innocent persons like me.[2]

In a manifestation dated July 16, 1999, Ms. Perlez submitted copies of two orders,[3] dated July 28, 1997 and October 8, 1997, issued by Judge Aglugub to stenographer Jennifer Lancion directing the latter to submit the transcripts of stenographic notes taken by her in Case No. 25456 on pain of arrest. However, according to Ms. Perlez, when these orders were issued, Stenographer Lancion was no longer reporting for work, and, therefore, she should not be blamed for Ms. Lancion's failure to submit the transcripts of stenographic notes in question.

Both parties manifested that they were submitting the case for resolution without further hearing. Ms. Perlez reiterated her denial of the judge's allegations.[4] On the other hand, Judge Aglugub attached to her letter[5] submitting the case for resolution orders and memoranda[6] issued by her to respondent Imelda S. Perlez ordering her to produce the records of cases or to submit transcripts of stenographic notes. It appears from the orders and memoranda submitted that in the course of a periodic physical inventory, Judge Aglugub found the records of 87 criminal cases and 8 civil cases to be missing. This was the subject of her orders dated September 12, 1997[7] and February 10, 1999[8] directing respondent Imelda Perlez to locate the records and submit them to the judge. On July 26, 1999, Judge Aglugub also issued an order to respondent Perlez requiring her to explain why she could not produce the records of a criminal case which Atty. Joaquin Misa wanted to examine.[9] In another order, dated July 28, 1999, respondent Perlez was directed to explain why she failed to issue a writ of demolition in a civil case considering that the order for its issuance had been issued by the court as early as October 2, 1998.[10]

From October 22, 1998 to April 5, 1999, the judge issued orders to respondent Imelda Perlez to submit to her the transcripts of stenographic notes in 12 cases submitted for decision.[11] Four of the cases (Case Nos. 22240, 14668, 14700, and 23300) are among the 19 cases in which Judge Aglugub asked for an extension of time to decide because the transcript of stenographic notes were unavailable. The testimonies of witnesses in these four cases were recorded by Stenographer Jennifer Lancion. The cases covered by the orders and memoranda are the subject of a separate administrative complaint (A. M. No. P-99-1348)[12] filed by Judge Aglugub against respondent Imelda S. Perlez.

In his report, the Court Administrator recommends that Clerk of Court Imelda S. Perlez be suspended for a period of one (1) month and one (1) day. The pertinent portion of his report, dated August 23, 2000, reads:

Judge Aglugub in her letter 19 July 2000 manifested that although she is amenable to have the case submitted for resolution without the need of further proceedings; however, to bolster her point, she deemed it best to furnish the Court with copies of memoranda addressed by her to Perlez, as well as orders for her compliance. Thus, she attached to her letter five (5) memoranda and eight (8) orders requiring respondent either to produce records of cases or to submit transcripts of stenographic notes.

A careful study of the records of this case shows that Perlez has been remiss in the performance of her duties. As Clerk of Court, she exercises supervision and control over the employees under her and is tasked to see that they discharge their duties properly and diligently. This she failed to do.

Perlez' contention that she is powerless against the stenographers is thoroughly misplaced. Administrative Circular No. 21-90 of this Court mandates that:

"1. Clerks of Court and stenographers are enjoined to faithfully comply with Rule 136, Section 17, paragraph 1 of the Rules of Court, which is quoted thereunder:

Section 17. Stenographers. - It shall be the duty of the stenographer who has attended a session of court 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 of Court to demand that the stenographers 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 of Court duly initialed on each page thereof, to be attached to the records of the case.

2 (a) All the 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, his salary shall be withheld."

There is no question that under this circular, Branch Clerk of Court Perlez has the obligation to see that the stenographers under her supervision regularly perform their duties. The circular also provides a penalty for any stenographer who fails or refuses to submit the required verified monthly certifications. When Lancion refused to transcribe her stenographic notes, Perlez should have reported immediately the matter to this court through Judge Aglugub and recommended the withholding of Lancion's salary. This she again failed to do.

The continuous defiance of Clerk of Court Perlez of the directives of Judge Aglugub that she submit the transcripts of stenographic notes of the nineteen (19) cases constitutes Insubordination which under the Civil Service Law and Rules, Book V of Executive Order 292 and Omnibus Rules, is classified as a less grave offense with the penalty of suspension of one (1) month and one (1) day to six (6) months, for the first offense and dismissal for the second offense.

For the additional information of the Court, in Administrative Matter No. P-99-1348 (formerly OCA IPI NO. 99-696-P), Judge Aglugub charged Perlez with Insubordination for refusal of the latter to submit the transcripts of stenographic notes of ten (10) cases, three (3) of which were subject of Judge Aglugub's 12 July 1999 request for extension of time to decide. In the same case, Perlez was likewise charged with Infidelity in the Custody of Court's Records for her failure to locate missing court records. The case has been referred to the Office of the Court Administrator for evaluation, report and recommendation in a Resolution of the Court's First Division dated 17 January 2000.

IN VIEW OF THE FOREGOING, we respectfully submit for the consideration of the Honorable Court our recommendations that:

- this matter be **FORMALLY DOCKETED** as an administrative complaint against Imelda S. Perlez, Clerk of Court, MTC, Branch 2, San Pedro, Laguna; and
- Clerk of Court Imelda S. Perlez be **SUSPENDED** for one (1) month and one (1) day.

The findings of the Court Administrator are well taken. Respondent Imelda S. Perlez is the administrative officer of the court.[13] As such, she is charged with the control and supervision of all subordinate personnel of the court, including the stenographers.[14] It is thus incumbent upon her to ensure that they perform their duties well.[15]

In the case of stenographers, the Rules of Court requires that they submit the transcript of stenographic notes taken by them not later than 20 days from the time the notes were taken.[16] As administrative officer of the court, the duty of the Clerk of Court is to ensure that the stenographers comply with this rule. In her comment, respondent Perlez lays the blame on stenographer Jennifer Lancion for her failure to submit the transcripts of stenographic notes. But, as the Court Administrator observes in his report, respondent Perlez should have reported the matter to the judge and recommended the imposition of administrative sanctions against the erring stenographer. Supervision is not a meaningless thing. Respondent Perlez has shown passivity, if not indifference, to the failure of those under her supervision to perform their duties faithfully and well.

The Court Administrator recommends that respondent Imelda S. Perlez be found guilty of insubordination and that, in accordance with the Civil Service Law, she be suspended for one (1) month and one (1) day. Although the penalty is the same, respondent should only be considered guilty of simple neglect of duty, not of insubordination, as this appears to be her first offense consisting of her failure to exercise effective supervision over the stenographers.

Under the Civil Service Law and the Omnibus Rules implementing the same,[17] simple neglect of duty is a less grave offense, punishable by suspension for one (1) month and one (1) day to six (6) months for the first offense and dismissal for the second offense. As this appears to be the first infraction committed by respondent and it has not been shown that her failure to submit the transcripts was willful or intentional,[18] we find the suspension of respondent Perlez for one (1) month and one (1) day without pay a sufficient penalty for her offense.

The incidents concerning missing court records[19] and respondent Imelda S. Perlez's alleged failure to produce them and make them available to concerned parties or to the court are the subject of another complaint in A.M. No. P-99-1348 and, therefore, no findings concerning them are made in this case.

WHEREFORE, this Court finds respondent Imelda S. Perlez guilty of simple neglect of duty and hereby suspends her for one (1) month and one (1) day without pay with warning that a repetition of the same acts or omissions will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Gutierrez, JJ., concur.

Belosillo, J., think this case should properly be a Division case.

[1] The cases and the dates they were submitted for decision are as follows:

CASE NUMBER

SUBMITTED FOR DECISION

22262

08-98

23855

10-98

23856
02-99
23857
02-99
23858
02-99
30275
10-98
23300
11-98
14668
12-98
14700
12-98
25457
02-99
26739
03-99
29268
04-99
29269
04-99
29270
04-99
29271
04-99
29272
04-99
98-103
02-99
98-106

02-99

22240

11-98

[2] Comment dated Nov. 10, 1999.

[3] Annexes A and B to Imelda Perlez's Comment.

[4] Letter of Imelda Perlez, dated May 20, 2000.

[5] Letter of Judge Aglugub, dated July 19, 2000.

[6] Annexes A to Q.

[7] Annex A.

[8] Annex C.

[9] Annex D.

[10] Annex G.

[11] Annexes J to O, and Q.

[12] Rollo (A. M. No. P-99-1348), p. 4-20.

[13] Manual for Clerks of Court, Chapter II, §B(1), p. 26.

[14] Office of the Court Administrator v. Flores, 249 SCRA 6 (1995).

[15] Juntilla v. Calleja, 262 SCRA 291 (1996).

[16] RULES OF COURT, RULE 136, §17, par. 2.

[17] UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, §52, B(1).

[18] Report on Judicial Audit Conducted in the Regional Trial Court, 291 SCRA 1 (1998).

[19] Annexes A, C, and G.

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