

RUBE K. GAMOLO, JR., CLERK OF COURT IV, MUNICIPAL TRIAL COURT IN CITIES, MALAYBALAY CITY, BUKIDNON, COMPLAINANT, VS. REBA A. BELIGOLO, COURT STENOGRAPHER II, MUNICIPAL TRIAL COU...

A.M. No. P-13-3154 (Formerly OCA IPI No. 10-3470-P). March 07, 2018

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

This relates to the sworn complaint dated August 16, 2010 filed by complainant Rube K. Gamolo, Jr., Clerk of Court IV of the Municipal Trial Court in Cities (MTCC) in Malaybalay City, Bukidnon charging respondent Reba A. Beligolo, Court Stenographer II of the same court, with gross neglect of duty and inefficiency in relation to her duty to transcribe stenographic notes, and absenteeism and tardiness based on her failure to observe regular working hours.[1] The complainant accused the respondent of having repeatedly violated Administrative Circular No. 24-90 (Revised Rules on Transcription of Stenographic Notes and their Transmission to Appellate Courts dated 12 July 1990) and Administrative Circular No. 02-2007 (Reiteration of Administrative Circular No. 2-99 dated January 15, 1999 on Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness).

According to the complainant, the respondent did not transcribe and submit on time pursuant to Administrative Circular No. 24-90 the transcript of stenographic notes (TSNs) and orders of the MTCC in the following cases, namely:[2]

CASE

TITLE

VIOLATIONS

Criminal Case No. 392-02

People v. Rito Rocamora (Robbery)

Failed to submit TSN on or before 19 July 2007

Criminal Case No. 08-04

People v. Joeffrey Sayson (Acts of Lasciviousness)

Failed to submit TSN on or before 10 April 2006

Criminal Case No. 191-00

People v. Antiquin, et al. (Estafa)

Failed to submit TSN on or before 10 April 2006

Criminal Case No. 99-200

People v. Geldore (Reckless Imprudence resulting to Homicide)

Failed to submit TSN on or before 26 November 2004

Criminal Cases Nos. 089-05 and 090-05

People v. Pulotan (Less Serious Physical Injuries/Unintentional Abortion)

Failure to submit TSN

Criminal Cases Nos. 765-08, 793-08

People v. Diaz (B.P. 22)

Failed to submit TSN on or before 18 June 2010

Criminal Cases Nos. 569-07, 570-07

People v. Pao (Illegal Possession of Deadly Weapon)

Failed to transcribe Orders for Provisional Dismissal of the Case as of 22 November 2007

Criminal Case No. 770-08

People v. Petallar (Illegal Possession of Firearm)

Failed to transcribe the Order dated 29 March 2010

Criminal Case No. 1204-09

People v. del Castillo (Illegal Possession of Ammunition)

Failed to transcribe the Order dated 22 June 2010

Criminal Case No. 1273-10

People v. Salatan, et al. (Theft)

Failed to transcribe the Decision/Sentence of the court dated 19 July 2010

Civil Case No. 1829

Belican v. Spouses Ebon (Forcible Entry)

Failed to submit TSN[3]

Anent Administrative Circular No. 02-2007, the complainant claimed that the respondent incurred tardiness on the following dates:

DATES

ALLEGED INFRACTIONS

1, 2 March 2005

Reported late for work in the afternoon despite having logged in her Bundy card at 1:00 p.m.

November 2008

Arrived late for work 14 times

January 2009

Arrived late for work 12 times

May, June 2010

Failed to submit her Daily Time Record for the said period.

4, 5, 17, 19, 20, 21, 24, 26, and 27, May 2010; 7 and 8 June 2010

Absent without Leave

March 2010 up to the date of filing of complaint

Failed to submit her Daily Time Record[4]

It appears that the respondent submitted a medical certificate dated July 28, 2010 to explain her incurred absences prior to July 28, 2010 and for August 2010. However, on August 1, 2010, her co-employees spotted the supposedly sick respondent just roaming around Malaybalay City, Bukidnon.

In her comment dated January 3, 2011,[5] the respondent denied being an incorrigible employee, claiming that she had been elected president of the Bukidnon Chapter of the Court Stenographic Reporters Association of the Philippines (COSTRAPHIL), and had received performance ratings ranging from "Satisfactory" to "Very Satisfactory" from December 1997 up to the filing of the complaint; and that she had submitted the TSNs and prepared the orders in the following cases:

CASE

ALLEGED COMPLIANCE

Criminal Case No. 392-02

TSN submitted; case decided 21 August 2007

Criminal Case No. 08-04

TSN submitted; case decided 17 April 2006

Criminal Case No. 191-00 to 196-00

TSN submitted; case decided 30 May 2006

Criminal Case No. 99-200

TSN submitted; case decided 2 November 2004

Criminal Cases Nos. 089-05 and 090-05

TSN submitted; cases decided 12 March 2009

Criminal Cases Nos. 765-08 to 793-08

TSN dated 19 June 2010 is attached along with the consolidated decision of the court dated 5 July 2010

Criminal Cases Nos. 569-07, 570-07

Order dated 12 November 2007 duly transcribed

Criminal Case No. 770-08

Order dated 29 March 2010 duly transcribed

Criminal Case No. 1204-09

Order dated 22 June 2010 duly transcribed

Criminal Case No. 1273-10

Order dated 19 July 2010 duly transcribed

Civil Case No. 1829

TSN submitted; case decided 27 October 2008[6]

On her tardiness/absenteeism, the respondent implored the compassion of the Court, claiming that she had been raising their three children by herself ever since her husband had left them; and that it was only recently that she was able to hire a helper.[7]

The respondent admitted showing up late in court on March 1-2, 2005, and being habitually tardy on 12 occasions in January 2009 and 14 times in November 2008. She clarified that she submitted her daily time records (DTRs) for the period from May to June 2010, along with her leave applications, but the complainant refused to accept them; that the documents were later signed by the complainant as reflected in his transmittal letter dated October 8, 2010 addressed to Deputy Court Administrator Raul Bautista Villanueva; and that the claim that she was seen by her co-employees roaming around Malaybalay City, Bukidnon on August 1, 2010 was baseless.[8]

Ruling of the Court

The respondent is liable for simple neglect of duty.

Administrative Circular No. 24-90 requires all stenographers "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 respondent showed that she was able to submit the TSNs and orders in question but she did not establish that her submission of the TSNs and orders was made within the prescribed period. Indeed, as noted by the Office of the Court Administrator (OCA), the issuance by the Acting Presiding Judge of the MTCC and by the complainant of their memoranda directing her to submit the TSNs and orders was proof that she did not comply with the circular. For instance, in Criminal Case No. 1204-09 entitled *People v. del Castillo*, the Acting Presiding Judge issued to her the memorandum dated July 27, 2010 directing her to explain why she should not be subjected to administrative sanctions for failing to transcribe the order dated June 22, 2010. Although she replied in her comment that she had complied with the directive, she did not state the date when she had actually transcribed the order. The fact that the Acting Presiding Judge was subsequently constrained to issue to her another memorandum on July 27, 2010 was sufficient proof showing that she had not yet transcribed the order in question as of said date.

The Court cannot but stress the importance of the timely submission of the TSNs by the respondent. As reminded in *Absin v. Montalla*,[9] a case where the respondent was a court stenographer of the RTC in San Miguel, Zamboanga, every court stenographer should realize that "the performance of his duty is essential to the prompt and proper administration of justice, and his (respondent's) inaction hampers the administration of justice and erodes public faith in the judiciary." The Court then dismissed the respondent from the service for failing again to submit the TSNs in several cases for the period from 2004 until 2006.

Nonetheless, although the respondent did not comply with her duty to submit her TSNs within the prescribed period, there is no showing that her failing to do so was habitual. Also, she ultimately submitted the TSNs and transcribed the orders. As such, she was liable for simple neglect of duty.

Neglect of duty is the failure to give one's attention to a task expected of the public employee. Simple neglect of duty is contrasted from gross neglect, the latter being such neglect that, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare. Gross neglect does not necessarily include wilful neglect or intentional official wrongdoing. Those responsible for such act or omission cannot escape the disciplinary power of this Court. The imposable penalty for gross neglect of duty is dismissal from the service.[10]

Under Rule IV, Section 52 of the Uniform Rules on Administrative Cases in the Civil Service,[11] simple neglect of duty is considered a less grave offense, and is punishable by suspension from office (for one month and one day to six months) on the first offense, and dismissal on the second offense. We hasten to point out, however, that the penalty can be mitigated. In *Seangio v. Parce*,[12] we imposed a fine of P2,000.00 upon finding the respondent guilty of simple neglect of duty, observing that although delay attended the transcription of the stenographic notes, no apparent ill or malicious motive on the part of respondent was established; hence, absent any attribution and substantial proof of fraud or bad faith on the part of respondent, her failure to transcribe the stenographic notes on time constituted simple neglect of duty.

The penalty of fine may be imposed on the respondent. There was no showing of her having committed the delay with bad faith or fraud. But the fine should be P5,000.00 considering the number of cases where she had failed to submit the TSNs and orders on time.

On her tardiness and absenteeism, the respondent is admonished to be more conscientious about her attendance. Under Civil Service Commission Memorandum Circular No. 23, series of 1998, any employee is considered habitually tardy if, regardless of the number of minutes, she incurs tardiness 10 times in a month for at least two months in a semester, or at least two consecutive months during the year. Although the respondent admitted being habitually tardy in November 2008 and January 2009, her tardiness took place in different semesters, and did not occur on two consecutive months. We note that the first semester was from January to June, and the second semester from July to December.

On the unauthorized leave of absence incurred by the respondent on May 4, 5, 17, 19, 20, 21, 24, 26, and 27, 2010, and on June 7 and 8, 2010, the Acting Presiding Judge eventually approved the leave applications filed by the respondent.[13] Hence, the charges thereon are dismissed.

WHEREFORE, the Court FINDS and DECLARES respondent REBA A. BELIGOLO, Court Stenographer II of the Municipal Trial Court in Cities in Malaybalay City, Bukidnon GUILTY of SIMPLE NEGLECT OF DUTY and FINES her in the amount of P5,000.00 with a WARNING that her commission of the same or similar acts shall be dealt with more severely.

The Court ADMONISHES respondent REBA A. BELIGOLO for her habitual tardiness, and STERNLY REMINDS her to strictly observe the regular working hours.

SO ORDERED.

Velasco, Jr., Leonen, Martires, and Gesmundo, JJ., concur.

[1] Rollo, pp. 2-7.

[2] Id. at 111.

[3] Id. at 111-112.

[4] Id. at 112.

[5] Id. at 41-47.

[6] Id. at 113.

[7] Id. at 113-114.

[8] Id. at 114.

[9] A.M. No. P-10-2829, June 21, 2011, 652 SCRA 427.

[10] Alleged Loss of Various Boxes of Copy Paper During Their Transfer From the Property Division, Office of Administrative Services (OAS), to the Various Rooms of the Philippine Judicial Academy, A.M. Nos. 2008-23-SC, 2014-025-Ret., September 30, 2014, 737 SCRA 176, 191.

[11] CSC Resolution No. 991936, August 31, 1999.

[12] A.M. No. P-06-2252, July 9, 2007, 527 SCRA 24.

[13] Rollo, p. 91.

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