

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROBERTO DE LEON, ET AL., ACCUSED, ROMEO CHAVEZ,
ACCUSED-APPELLANT, IN RE LOSS OF STENOGRAPHIC NOTES,
BERNARDINO B. BLANC...**

G.R. No. L-40884. August 22, 1978

Ponente: AQUINO, J.

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AQUINO, J.:

Bernardino B. Blancaflor, a former temporary stenographer in the Court of First Instance of Rizal, Pasay City Branch, was required in this Court's resolution in this case dated July 30, 1976 to submit within thirty days from notice his transcript of the stenographic notes taken on October 20, 1973 in Criminal Cases Nos. 633-P and 935-P and to show cause within the same period why disciplinary action should not be taken against him for his failure to submit the transcript on or before June 17, 1976, the period previously granted to him for that purpose.

Because Blancaflor failed to comply with that resolution, a fine of P200 was imposed upon him in this Court's resolution of February 14, 1977.

On May 19, 1977 Blancaflor filed in this Court a motion to lift the fine. He stated that he did not transcribe the notes for the hearing held on October 20, 1973 in the De Leon case because the said notes might have been lost when his residence was burned on December 15, 1974. He suggested the retaking of the testimony of the witness who testified at that hearing.

In view of that disclosure, the matter was referred to the Executive Judge of the Pasay court for investigation. Blancaflor was required by Judge Pedro JL. Bautista to appear before him or to execute an affidavit to explain the loss. He did not comply with that directive.

Judge Bautista in his report found that Blancaflor did not submit to the branch clerk of court or to the clerk in charge of criminal cases his stenographic notes, or the transcripts thereof, in Criminal Cases Nos. 633-P and 935-P, and therefore, he violated section 17, Rule 136 of the Rules of Court which requires a stenographer to deliver the notes which he has taken to the clerk of court immediately at the close of the session. (See Circular No. 115, series of 1966 of the Secretary of Justice).

Judge Bautista recommended that Blancaflor be reprimanded. In this Court's resolution of January 30, 1978, Blancaflor was required to comment on Judge Bautista's report and to show cause why disciplinary action should not be taken against him for his violation of section 17, Rule 136. He failed to submit any comment.

His appointment as temporary stenographer expired on January 15, 1975. He was reappointed in 1976. He is now serving as temporary stenographer in the Court of First Instance of North Cotabato, Kidapawan Branch V. His appointment will expire on March 6, 1979.

For the loss of his stenographic notes in Criminal Cases Nos. 633-P and 935-P, Blancaflor is severely censured,

and the fine of P200 already imposed upon him stands.

Considering his inefficiency, as shown by the fact that he failed to submit on time the transcripts of his stenographic notes in *Arahan vs. Aboitiz Shipping Corporation*, CA-G. R. No. 59230-R; *Sobrepeña vs. Sobrepeña*, CA-G. R. No. 59220-R; *People vs. Libutan*, CA-G. R. No. 19956-Cr., and *Navarro vs. Vibal*, CA-G. R. No. 62107-R, the Court further resolved that his appointment as temporary stenographer should not be renewed when it expires on March 6, 1979.

The Presiding Judge of the Court of First Instance of North Cotabato should require respondent Blancaflor to transcribe his stenographic notes before the expiration of his temporary appointment.

WHEREFORE, respondent Blancaflor is severely reprimanded. He is ordered to pay to the Court within five days from notice the fine of P200. He is served notice that his temporary appointment will not be renewed. Copies of this resolution should be attached to his personal record and furnished the Court of Appeals and the Court of First Instance of North Cotabato, Kidapawan Branch V.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Santos, JJ., concur.

Concepcion, Jr., J., no part.

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