RE: DROPPING FROM THE ROLLS OF LORNA M. GARCIA, COURT STENOGRAPHER III, REGIONAL TRIAL COURT – BRANCH 132, MAKATI CITY.

A.M. NO. 06-3-149-RTC. August 02, 2007

Ponente: CORONA, J.

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CORONA, J.:

In a letter[1] dated March 10, 2005, Judge Rommel O. Baybay, presiding judge of the Regional Trial Court (RTC), Branch 132 of Makati City, called the attention of the Office of the Court Administrator (OCA) to the unsatisfactory performance of respondent Lorna M. Garcia, court stenographer of said court.

In his letter, Judge Baybay mentioned that the RTC's branch clerk of court issued and served on respondent two notices informing her of her poor performance ratings for the periods of January 1 to June 30, 2004 and July 1 to December 31, 2004. Due to these ratings, Judge Baybay requested the OCA to drop respondent from the rolls.

The first notice read:

> You are hereby informed that your performance during the last semester [(January 1 to June 30, 2004)] has been unsatisfactory for the following reasons, among others:
>
> - You have been very slow in doing your work, particularly in preparing the orders dictated in open court and transcribing the [stenographic notes] taken down during court proceedings[;]
>
> - You have been very careless in typing orders/resolutions and repeatedly committing errors of the same kind, like misspelling/omission of words, mistakes in grammar and miscopying of the case numbers;
>
> - You have not been striving hard enough to record court proceedings as completely and accurately as possible. Not only inaccuracies and grammatical errors but also incomplete and incomprehensible sentences are commonly noticeable in your transcript of [stenographic] notes.
>
> You are, therefore, warned that failure to improve your performance within the remaining period of this semester shall warrant your separation from the service.[2]

The second notice read:

> You are hereby informed that your performance during the last semester [(July 1 to December 2004)] has been unsatisfactory for the following reasons, among others:
>
> - You have been very slow in transcribing the [stenographic] notes taken down by you during court proceedings, thus resulting in your inability to deliver on time the transcripts needed/requested for by litigants.
>
> - You have not improved in the performance of your duties of recording court proceedings and transcribing your [stenographic] notes, as your transcripts still contained the usual grammatical errors, inaccuracies and incomprehensible sentences due to omission or wrong choice of words, corrections of which have often been requested by the parties concerned.

> - You have been very careless in typing orders/resolutions/decisions and repeatedly committing errors of the same kind, like misspelling/omission of words, miscopying and mistakes in grammar.[3]

Per the OCA's directive,[4] the RTC branch clerk required respondent to explain in writing why she should not be dropped from the rolls for her unsatisfactory work performance.[5]

In an undated letter,[6] respondent explained that, although beset with a lot of obligations as a "mother and father" to her children and the place of work was too far from her residence, she had not taken her work for granted. She denied being very careless and slow in her work but admitted having occasionally committed mistakes in typing orders/resolutions/decisions. According to respondent, she was "just human." She appealed for compassion and promised to mend her ways.

The OCA was not convinced. In its memorandum to the Court, it stated:

> ...We find her explanation devoid of merit. If it were true that she performed her assigned duties well, as she claimed, she should have been given the correct rating by her rater.
>
> xxx xxx xxx
>
> ...Respectfully submitted for the consideration of the Honorable Court recommending that [respondent] Ms. Lorna T. Garcia, Court Stenographer III, RTC, [Branch 132 of Makati] , be: (1) DROPPED FROM THE ROLLS for obtaining "Unsatisfactory" ratings for the periods January 1 to June 30, 2004 and July 1 to December 30, 2004 and her position be declared VACANT; (2) entitled to receive all the benefits due her under the law; and (3) eligible for employment in any government agency and instrumentality, should she apply for one in the future.[7]

We agree with the OCA.

The Court reiterates the well-settled rule that public office is a public trust. Public officers and employees must not only possess honesty and integrity but must also serve with the highest degree of responsibility and efficiency.[8] Any conduct which imperils the employee's competence encumbers public service and will not be countenanced.[9]

Court employees, from the lowliest clerk to the judge, must carry out their duty with zealousness and dedication, bearing in mind that the dispensation of justice is a sacred duty and responsibility of the judiciary as enshrined in the Constitution.[10]

Under Rule XII of the Omnibus Rules on Appointments and Personnel Actions,[11] an employee who is given two consecutive "unsatisfactory" ratings may be dropped from the rolls. Further, the same rules provide that the dropping of an employee from the rolls owing to his or her unsatisfactory performance is "a mode of separation from service which is non-disciplinary in nature" which "shall not result in the forfeiture of the benefits that the employee concerned may be entitled to nor disqualification from reemployment in the government."

Separation from service appears too stern a consequence but public service is never too exacting. To remain effective, neither indolence nor ineptitude must be permitted to lurk at its portal.

WHEREFORE, respondent Lorna M. Garcia is hereby DROPPED from the rolls. Accordingly, her position is declared VACANT.

Let a copy of this resolution be served on respondent's address appearing on the record, pursuant to Rule XVI, Section 63 of the Omnibus Civil Service Rules and Regulations, as amended.

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SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

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[1] Rollo, p. 19.

[2]Annex "B," id., p. 21.

[3] Annex "D," id., p. 23.

[4]Id., pp. 16-18.

[5]Id., p. 14.

[6] Id., pp. 10-11.

[7] Memorandum dated February 27, 2006, id., pp. 1-6.

[8] Chua vs. Paas, A.M. No. P-05-1933, 9 September 2005, 469 SCRA 471.

[9]Id.

[10]Code of Conduct for Court Personnel.

[11]CSC Memorandum Circular No. 40, Series of 1998.

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