

ATTY. ERNESTO L. PINEDA, COMPLAINANT, VS. JUDGE OFELIA TUAZON PINTO, RESPONDENT.

A.M. No. RTJ-04-1851. October 13, 2004

Ponente: CORONA, J.

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CORONA, J.:

The subject matter of this administrative case is a letter-complaint filed by Atty. Ernesto Pineda (counsel of record of the Roman Catholic Church of Pampanga), which was received by the Office of the Court Administrator on December 3, 2002.[1] Complainants charged Judge Ofelia Tuazon Pinto of the Regional Trial Court of Angeles City, Branch 60, with gross inefficiency, neglect and unreasonable delay in elevating to the Court of Appeals the records of Civil Case No. 8759, entitled Agueda B. Tinio and Simeon D. Tinio vs. Benjamin Labung and Roman Catholic Archbishop of Pampanga (RCA). That case was heard and decided by respondent judge unfavorably against the complainant.

Complainant alleged that respondent judge rendered her assailed decision on December 19, 2000. Dissatisfied, the RCA decided to appeal to the CA within the reglementary period. On February 1, 2001, the RCA represented by counsel (the complainant) filed a notice of appeal and paid the requisite docket and appeal fees. Notwithstanding the follow-ups made and despite the lapse of a considerable period, respondent judge failed to transmit the records of Civil Case No. 8759 to the CA. Complainant charged that the omission of respondent judge was a serious violation of Administrative Circular 24-90[2] and Canon 3, Rule 3.09 of the Code of Judicial Conduct.[3] He complained that, under the circular, stenographers are required to transcribe their notes of the proceedings and submit the transcripts to the judge or clerk of the trial court, who must in turn submit the transcripts of the stenographic notes to the clerk of court of the CA within 30 days from perfection of the appeal. According to complainant, respondent judge should have been mindful of her duties under Circular 24-90. He claimed that the delay for almost two years was too much to forgive because, as an administrative officer of the court, she should have organized and supervised her court personnel to ensure the prompt and efficient dispatch of business, requiring at all times the observance of high standards of public service and fidelity.

Complainant stated that respondent judge could not hide behind the inefficiency of her personnel as she was considered as the manager of her court.

In sum, complainant prayed for the dismissal from the service of respondent judge allegedly for her gross inefficiency, neglect and unreasonable delay in elevating the records of Civil Case No. 8759 to the CA.

The Office of the Court Administrator (OCA) required respondent judge to file her comment.[4]

Respondent judge averred that, upon being informed of the said complaint, she immediately directed her officer-in-charge (OIC) branch clerk of court to explain[5] the imputed delay in the transmission of the records of the aforementioned civil case.

In her explanation,[6] OIC branch clerk of court Raquel Clarin stated that, sometime in the second week of

February 2001, she received respondent's signed order giving due course to the notice of appeal in Civil Case No. 8759. Thereafter, she informed the clerk, Ms. Divina Narciso to prepare the records for transmission, after which she signed the transmittal letter addressed to the appellate court on March 14, 2001.

However, unknown to the OIC branch clerk of court, the records of the case were not immediately transmitted to the appellate court within the prescribed period because of incomplete transcripts. It appears that after she signed the transmittal letter, Ms. Narciso, upon wrapping the records of the case (including exhibits) noticed that the transcripts were still incomplete. Ms. Narciso asked the stenographer concerned to complete it, but the latter asked for more time. In the meantime, while waiting for the completion of the stenographic notes, Ms. Narciso became pre-occupied with other pending matters and thus forgot about the transmittal of the records to the CA.

The OIC branch clerk of court maintained that their omission was neither intentional nor malicious since it was the first time it happened to in her 24 years of government service. She also claimed that all the while she was of the honest belief that the records were already transmitted to the appellate court since she already signed the transmittal letter. It was only after respondent judge asked her to explain the incident and after verifying it with the civil clerk staff that she found out about the delay in the transmittal of the records which, as the record shows, were transmitted only on December 27, 2002. She begged for leniency since she was not only acting as an OIC but also as a researcher and court interpreter, among others, due to manpower shortage vis-a-vis tremendous volume of work.

For her part, respondent judge admits that there was indeed a delay in the transmittal of the records to the appellate court but seeks the indulgence of the complainant and this Court since it was not done maliciously or intentionally to cause damage to the parties. She maintains that her civil clerk staff inadvertently forgot to transmit the records (which was an isolated incident) due to the tremendous increase in the volume of their work (from its load of 200 cases a month to 832, beginning December 2002) brought about by the designation of Branch 60 as a Family Court in March 2000. With such designation, Branch 60 was vested with jurisdiction over one city and three municipalities of Pampanga.

She further states that, because of this increased workload, she conducts hearings from morning to afternoon with an average of 20 cases heard daily.

Respondent maintains that, despite the tremendous increase in the volume of their work and given the few employees assigned to her, she was able to lessen her caseload as shown by the inventory of her cases. She likewise explains that the delay was an isolated incident and that the subject records were finally transmitted to the Court of Appeals on December 27, 2002.^[7] Nevertheless, despite her mounting work, she never failed to remind her staff of their duties during their regular monthly meeting.

Judge Pinto also pleads for indulgence and consideration for her OIC branch clerk of court and the two staff clerks who are just as overworked. While she acknowledges the oversight they committed, she nevertheless prays that the lapse be viewed in the light of the explanation she made because she has really tried her best to be a good administrator or manager of her court but, due to the abnormal and unusual number of their pending cases, she and her staff committed the lapse. She promises to be more careful in the future.

The Office of the Court Administrator in its report and recommendation dated July 3, 2003 stated:

Administrative Circular No. 24-90 pertinently states that:

- xxx xxx xxx

(b)

In appeals to the Court of Appeals from the Regional Trial Court, whether by record on appeal or by the original record, the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of Trial Court, who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of thirty (30) days from perfection of the appeal.

xxx xxx xxx”

The abovequoted provision governs the transmission of the records of appealed cases from the trial court to the Court of Appeals. It explicitly enjoins the Judge/Clerk of Court to transmit the complete records of the case to the Court of Appeals within thirty (30) days from perfection of appeal. The inefficiency of the staff resulting in failure to comply with injunction does not free respondent judge from administrative liability. As administrative officer of the court, a judge is expected to keep a watchful eye on the performance and conduct of court personnel under his immediate supervision.

Respondent should be reminded that together with her responsibility of deciding cases with the least possible delay, she has the obligation to effectively manage her court and its personnel. Proper and efficient court management is definitely her responsibility. And, as pointed out in *Tan vs. Madayag* (231 SCRA 62), the court personnel are not the guardians of a judge’s responsibilities. Thus, the repeated pronouncement that the Judge such as the respondent cannot hide behind the incompetence of his subordinates. He should be the master of his own domain and take responsibility for the mistakes of his subjects (*Pantaleon vs. Guadiz*, 323 SCRA 147, *In Re: Judge Fernando F. Agmadag*, 254 SCRA 544).

It is a fact, however, that respondent judge was burdened with a heavy caseload and that the delay in the transmission of the records of Civil Case No. 8759 is an isolated case. Further, the delay was not done intentionally and not attended by any malice or corrupt motives. These serve to mitigate the penalty that should be imposed against the respondent judge (*Italics Ours*).[8]

Thus, OCA recommended that:

a)

The abovementioned administrative complaint be RED OCKETED as a regular administrative case; and

b)

Judge Ofelia Tuazon Pinto, Regional Trial Court, Branch 60, Angeles City be REPRIMANDED with a STERN WARNIN G that further similar misconduct in the future will be dealt with more severely.[9]

During the pendency of this case before this Court, we received a letter-manifestation dated February 3, 2004 from respondent judge that:

- Respondent herein is one of the applicants for the position of Associate Justice in any of the Six (6) Divisions of the Court of Appeals pursuant to RA 8246;
- Her application will not be favorably acted upon by the Judicial and Bar Council pending the determination of the merit of the above administrative case filed against her;
- The parties in the case subject of the complaint have already settled the matter by their execution of a Compromise Agreement in compliance with the decision rendered by the respondent in said case, thus rendering defendants’ appeal as moot and academic. Copy of the Compromise Agreement is hereto attached as Annex A;
- Respondent respectfully prays and appeals to the Hon. Court to give her the chance to be nominated for the position of Justice of the Court of Appeals and she is appealing for the early disposition of the above case by

dismissing the same; x x x [10]

In a joint motion to dismiss, the parties state that they already settled their differences amicably; that defendant RCA already executed a deed of absolute sale covering the subject property in favor of the plaintiff; that the instant case has become moot and academic; that the parties waive whatever actions they may still have against each other and that they pray for the dismissal of this case.

At the outset, let it be clear that the joint motion to dismiss (anchored on the execution of an amicable settlement between the parties) filed by the parties in essence, an affidavit of desistance or withdrawal of the administrative complaint by the complainant does not affect the jurisdiction of this Court to resolve the matter brought before us. We have always held that an affidavit of desistance by a complainant in an administrative case against a member of the judiciary does not divest the Supreme Court of its jurisdiction to investigate the matters alleged in the complaint or otherwise to wield its disciplinary authority^[11] because the Court has an interest in the conduct and behavior of its officials and employees and in ensuring the prompt delivery of justice to the people. Its efforts in that direction cannot thus be frustrated by any private arrangement of the parties. Neither can the disciplinary power of this Court be made to depend on a complainant's whims. To rule otherwise would undermine the discipline of court officials and personnel. Thus, we should proceed to resolve this complaint.

SC Administrative Circular No. 24-90 expressly mandates the judge/clerk of the trial court to transmit the transcript of stenographic notes to the clerk of court of the Court of Appeals within 30 days from perfection of the appeal.

The only complaint against respondent is that she failed to transmit the records of the case to the appellate court within the mandated 30-day period. Respondent judge herself candidly admits such failure which was due mainly to the tremendous increase of their caseload resulting from their designation as a Family Court, as well as the lapse of her clerk of court and civil clerk staff who were all overworked.

While a judge and all court personnel are mandated to observe the rules strictly, no one is perfect. While this Court has in the past imposed sanctions on erring court employees, this Court has also, in some instances, excused court officials and personnel for the delay in the transmittal of the records to the Court of Appeals on justifiable grounds.

In *Santos vs. Lorenzo*,^[12] decided by the distinguished Justice Vicente Mendoza, we held:

The same reason justifying respondent judge's failure to decide the cases in question within ninety (90) days justifies the failure of respondent Branch Clerk of Court to transmit the records on time. The heavy caseload of the court, coupled with the fact that an inventory of cases had to be made as a consequence of the designation of Branch 43 as a Family Court, prevented the early transmittal of the records to the Court of Appeals. xxx

xxx xxx xxx

The Court has not hesitated to discipline lower court judges and court personnel who are found guilty of violations of the law or the Code of Judicial Conduct. But it has likewise not hesitated to exonerate them whenever it finds the charges to be without basis. Let the guilty ones be severely brought to book, but let those who are innocent enjoy merited exoneration to which they are entitled as a matter of simple justice.^[13] (*italics ours*)

In *Santos*, the judge and clerk of court who were both charged with delayed rendition of judgment for seven months and transmittal of the records to the appellate court for two months were exonerated in view of the heavy influx of cases arising from their designation as a Family Court. Apparently, the same thing occurred in Branch 60.

Furthermore, the records reveal that even complainant RCA already signed a deed of absolute sale covering the property in question, thereby rendering the appealed cases moot. This shows that no injury was caused to the parties as they themselves had executed a compromise agreement. Finally, as OCA noted, this two-year delayed transmittal of records appears to be an isolated incident. Hence, we adopt the OCA recommended penalty of reprimand with stern warning.

WHEREFORE, based on the foregoing, Judge Ofelia Tuazon Pinto of Branch 60 of the Regional Trial Court of Angeles City is hereby REPRIMANDED with a STERN WARNING that a similar misconduct in the future will be dealt with more severely.

SO ORDERED.

Panganiban, (Chairman), and Sandoval-Gutierrez, JJ., concur.
Carpio Morales, J., on leave.

[1] Rollo, p. 1.

[2] Entitled “Revised Rules on Transcription of Stenographic Notes and Their Transmission to Appellate Courts.

a)

In civil cases appealed from the lower court to the Regional Trial Court, whether tried under regular or summary procedure, the stenographer, concerned shall transcribe the stenographic notes within fifteen (15) days from perfection of appeal.

b)

In appeals to the Court of Appeals from the Regional Trial Court, whether by record on appeal or by the original record, the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of the Trial Court, who must submit the transcripts of stenographic notes to the Clerk of the Court of Appeals within a period of thirty (30) days from perfection of the appeal. (Underscoring supplied).

[3] Code of Judicial Conduct.

Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

[4] 1st Indorsement dated December 20, 2002, Rollo, p. 18.

[5] Inter-Office Memo No. 01-03 dated January 13, 2003, Rollo, p.21.

[6] Rollo, p. 22.

[7] Rollo, p. 30.

[8] Rollo, pp. 89-90.

[9] Rollo, pp. 90-91.

[10] Rollo, p. 94.

[11] *Baikong Akang Camsa vs. Judge Aurelio D. Rendon*, A.M. No. MTJ-02-1395, 28 March 2003, 400 SCRA 1; *Timoteo M. Cassanova Jr. vs. Felizardo Cajayon*, A.M. No. P-02-1595, 3 April 2003, 400 SCRA 472.

[12] A.M. No. RTJ-02-1702, 20 August 2002, 387 SCRA 407.

[13] Ibid at pp. 413-414.

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