

**CENON R. ALFONSO, COMPLAINANT, VS. ARMANDO B. IGNACIO,
COURT STENOGRAPHER III, REGIONAL TRIAL COURT, PASIG CITY,
BRANCH 161, RESPONDENT.**

A.M. No. P-02-1557 (Formerly OCA IPI No. 01-1084-P). December 08, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case arose when Cenon R. Alfonso filed an Affidavit-Complaint[1] dated January 4, 2001 charging Armando B. Ignacio, Court Stenographer III, Regional Trial Court (RTC), Pasig City, Branch 161, with gross negligence relative to Civil Case No. 67654 entitled “Doctors of the New Millenium Holdings, Inc. v. People’s Trans-East Asia Insurance Corp., et al.,” for breach of contract and damages.

The complainant, who was the President, Chief Executive Officer and Chairman of the Board of Directors of the plaintiff corporation in the said case, made the following allegations:

- That on 9 August 2000, I testified as a first witness for the plaintiff in the above-entitled case on direct examination with Court Stenographer ARMANDO B. IGNACIO, the respondent in this complaint, taking the stenographic notes of the proceedings;
- That the transcript of stenographic notes (TSN) afore-mentioned was followed-up for several times by my office personnel but for one reason or another, the said respondent failed to furnish us a copy of the same until about two (2) days before the next scheduled hearing on 26 October 2000;
- That upon receipt of the said TSN, I noticed grave discrepancies in my testimony, the facts were distorted and pages of omissions on my testimony was (sic) not transcribed by respondent Armando B. Ignacio, copy of the said TSN is hereto attached and marked as Annex “A” and made as (sic) integral part of this complaint;
- That immediately upon noticing the grievous manner my testimony was taken by the said respondent, I caused the original copy to be brought to my lawyer, Atty. Norberto Ortiz Perez, who, upon examining the subject TSN, agreed that there was a deliberate intent to distort the facts in my testimony as the mistakes did not only pertain to isolated mistakes in typing of words but distortion of facts which did not happen, sentences of omissions and pages of omitted testimonies;
- That on 26 October 2000, before the start of the morning hearing, my lawyer confronted the respondent and then and there, the latter said that he was supposed to take a leave but he felt that the TSN that he prepared might be the subject of a query, thus, he was constrained to report and is willing to explain if asked by his presiding judge about any mistakes in his transcription;
- That when my counsel started to manifest about the grave mistakes in the TSN, the presiding judge, the Hon. Alicia P. Marino-Co, immediately summoned the respondent and right then and there rendered a resolution for the re-taking of my testimony with further order for the respondent to use a tape recorder, this time, the transcript of the manifestations and ruling of Judge Co is hereto attached and marked as Annex “B;”

- That on the same hearing, I commented to my lawyer that it is better to move for the inhibition of the court since that was not the first time that our case encountered problems from the court personnel who later on became our personal adversaries;[2]

In his Comment dated June 5, 2001, the respondent admitted that he was the court stenographer on duty when Civil Case No. 67654 was heard and tried on August 9, 2002. He alleged that he was able to finish the transcription of the stenographic notes of the proceedings in the said case five (5) days before the next scheduled hearing of the case, and that a representative of the plaintiff therein secured a copy of the transcript on August 9, 2000. The respondent, likewise, admitted that he had been previously charged administratively and was fined therefor.[3] He averred, however, that since then, he had been more attentive and careful with his work. He further claimed that the subject civil case had long been re-raffled to another branch of the court. The respondent also averred as follows:

- That insofar as the stenographic notes of the hearing of Civil Case No. 67654 are concerned, undersigned is willing and ready to read the same in the presence of complainant and the Honorable Deputy Court Administrative (sic) should he be required to do so. In this regard, undersigned is attaching as part of this Comment a duplicate original copy of the transcript of the hearing of Civil Case No. 67654 held on August 9, 2000, as Annex "1" hereof;...[4]

In its Report dated January 7, 2002, the Office of the Court Administrator (OCA) found the complaint against the respondent meritorious. The OCA opined that since this was the respondent's second offense, a stiffer penalty should be imposed upon him. Thus, it was recommended that the respondent be suspended for three (3) months without pay effective upon notice, with a warning that a similar offense shall be dealt with more severely[5] on the following finding:

It becomes apparent, however, that this matter could have been avoided had the respondent only taken the very elementary precaution of using a tape recorder during the taking of the testimony. With this precaution, respondent could have easily confronted complainant with the tape recording of his testimony to rebut any accusations of negligence. Respondent was not able to give a plausible explanation regarding his failure to take such precaution as using a tape recorder. When asked if he used a tape recorder, respondent replied "I did not use a tape recorder during that hearing. But at the (sic) next time, I will be using one" (Rollo, p. 30).[6]

We do not agree with the Court Administrator.

A public office is indeed a public trust, and a court stenographer, without doubt, violates this trust by failing to fulfill his or her duties.[7] Furthermore, it cannot be overstressed that a transcript of stenographic notes should be a faithful and exact recording of all matters that transpire during a court proceeding.[8] In the case at bar, however, the complainant failed to substantiate the allegation that the respondent was remiss in his duties. Except for the self-serving claim of the complainant that the stenographic notes of the hearing of August 9, 2000 in Civil Case No. 67654 contained a "distortion" of his testimony and that there was a deliberate intent on the part of the respondent to cause the same, the allegations were not supported by independent evidence. As pointed out by the Court Administrator:

Preliminary (sic), it is worth pointing out that it is very difficult to determine whether or not the transcript of stenographic notes of the testimony of complainant taken during the hearing on August 9, 2000 contained numerous errors. Even if the court ordered the retaking of complainant's testimony, even if we have the said new transcript for comparison with the original and even if there are indeed discrepancies between the two, still these would not conclusively prove that the transcript in question was really inaccurate because of the possibility that complainant could have altered his answers or that his counsel could have rephrased his questions. We also have to take into consideration that during the hearing wherein the alleged mistakes in the

transcript of stenographic notes were brought to the attention of the court, the counsel of the opposing party manifested that he saw no discrepancy in the testimony of complainant as reflected in the said transcript (Rollo, p. 33).[9]

It is settled that in administrative proceedings, the complainant has the burden of substantiating the charges asseverated in the complaint.[10] The complainant has the burden of proving the allegations in his complaint with substantial evidence. In the absence of evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail. Even in administrative cases, if a court employee is to be disciplined for a grave offense, the evidence against him should be competent and should be derived from direct knowledge.[11] Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence.[12]

The Court further notes that while the complainant received a copy of the stenographic notes in question as early as October 26, 2000, the administrative complaint against the respondent was filed only on April 20, 2001.[13] If the charges against the respondent were true and the complainant sincerely wanted to pursue the instant administrative complaint, the latter should have immediately brought it to the Court's attention. Considering the urgency of the matter and the importance of the document involved, the delay in the institution of the complaint in this case must be construed against the complainant.

Furthermore, stenographers are not specifically required to use a tape recorder in documenting the proceedings in the trial court. The duties and responsibilities of stenographers are outlined in Administrative Circular No. 24-90, which took effect on August 1, 2002, to wit:

- Clerks of Court and stenographers are enjoined to faithfully comply with Rule 136, Section 17, par. 1, Rules of Court, which is quoted hereunder:

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

- (a) All 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 it, his salary shall be withheld.

(c) With respect to untranscribed stenographic notes as of the date of the effectivity of this Circular, all stenographers are directed to submit the transcripts thereof not later than three (3) months from date of effectivity of this Circular.

In fine then, the use of a tape recorder is more for the convenience of the stenographer, to facilitate the transcription of stenographic notes than a rule of thumb.

The Court has not hesitated to discipline court personnel who are found guilty of violations of the law. But it has likewise not hesitated to exonerate them whenever it finds the charges to be without basis.[14]

WHEREFORE, the instant administrative complaint against Armando B. Ignacio is DISMISSED for lack of merit.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 2.

[2] Id. at 1.

[3] In A.M. No. P-96-1180 promulgated on February 16, 1996, the Court meted a penalty of suspension against the respondent for lack of diligence in the performance of official functions.

[4] Rollo, p. 49.

[5] Report, p. 3.

[6] Id. at 2.

[7] Office of the Court Administrator v. Atty. Go, 422 Phil. 305 (2001).

[8] Umali-Paco v. Quilala, 413 SCRA 364 (2003).

[9] Report, p. 2.

[10] Cortes v. Agcaoili, 294 SCRA 423 (1998).

[11] Aurelio M. Sierra, et al., v. Judge Paterno G. Tiamson, et al., A.M. No. RTJ-04-1847, July 21, 2004.

[12] Lambino v. De Vera, 341 Phil. 42 (1997).

[13] Rollo, p. 1.

[14] Santos v. Lorenzo, 387 SCRA 406 (2002).

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