

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ATTY. MARIE YVETTE GO, BRANCH CLERK OF COURT AND PHOEBE PELOBELLO, COURT STENOGRAPHER III, BOTH OF THE REGIONAL TRIAL COURT, ...

A.M. No. P-01-1485. November 29, 2001

Ponente: PARDO, J.

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PARDO, J.:

On August 24, 2001, the Court Administrator filed the instant complaint against respondents Atty. Marie Yvette Go, Branch Clerk of Court and Phoebe Pelobello, Court Stenographer III, both of the Regional Trial Court, Branch 25, Iloilo City, charging them with gross neglect of duty and insubordination. The complaint reads:

"1. On 04 July 1995, Judge Bartolome M. Fañunal rendered a decision in Civil Case No. 14254 entitled People of the Philippines vs. Perla A. Enalao, et al., Defendants; Gredia G. Alajar, Intervenor;

"2. On 31 July 1995, Intervenor Gradia G. Alajar, through counsel Atty. Cornelio Salinas, filed a Notice of Appeal;

"3. In an Order dated 03 August 1995, the trial court gave due course to the Notice of Appeal and directed that the record of the case together with the transcript of stenographic notes be forwarded to the Court of Appeals;

"4. On 05 February 1997, Atty. Marie Yvette D. Go forwarded the records of Civil Case No. 14254 to the Clerk of Court, Regional Trial Court, Iloilo City, one (1) year, six (6) months and two (2) days from the time Judge Fañunal ordered the transmittal of the said records to the Court of Appeals;

"5. The Office of the Clerk of Court, Regional Trial Court, Iloilo City mailed the records of the Court of Appeals on 17 February 1997 via registered mail. The transcripts, however, were not included in the transmittal;

"6. Prior to the transmittal of the said records, Judge Fañunal in an Order dated 17 January 1997 directed Court Stenographer Phoebe Pelobello to submit her stenographic notes within one (1) week from receipt thereof. She failed to comply with the order.

"7. Meanwhile, the Court of Appeals in a Resolution dated 13 March 2001 required Ms. Pelobello to comply with the Resolutions dated 27 September 1999 and 03 March 1999 and to show cause within ten (10) days from notice why payment of her salary shall not be suspended. Court Stenographer Pelobello failed to comply with the order of the trial court as well as with the order of the Court of Appeals;

"8. On 01 September 2001, Court Stenographer Pelobello submitted the transcripts of stenographic notes taken on 09 January 1990, after a period of five (5) years and twenty-eight (28) days from the time the Notice of Appeal was given due course.

"WHEREFORE, it is respectfully prayed of this Honorable Court that respondents be found liable for gross neglect of duty and insubordination and be meted the appropriate penalty." [1]

On April 7, 1997, Gredia G. Alajar filed a letter-complaint[2] with the Department of Justice charging respondents Clerk of Court Magdalena Lometillo and Assistant Clerk of Court Gerry Sumaculub with gross neglect of duty relative to Civil Case No. 14254, entitled *People of the Philippines versus Perla A. Enalao, et. al.*

In her complaint, Gredia Alajar alleged that there has been a delay of more than eighteen (18) months in the transmittal of the record of Case No. 14254 from the Regional Trial Court, Branch 25, Iloilo City to the Court of Appeals, Manila.

During the investigation of the case, on October 5, 2000, the Executive Judge discovered that Atty. Magdalena Lometillo, the Clerk of Court, and Atty. Gerry Sumaculub, Assistant Clerk, had no hand in the delay incurred in Branch 25,[3] where Atty. Marie Yvette Go was the Branch Clerk of Court and Phoebe Pelobello was the Court Stenographer.

On October 12, 2000, Stenographer Pelobello admitted that there was a delay in the transmittal of the record because she could not find her transcripts after they transferred to another office. She found her notes attached to other records. When required by the Court of Appeals to show cause and explain why her salary should not be ordered suspended for failure to comply with the resolution dated September 27, 1999 requiring her to submit the transcript of stenographic notes taken on January 9, 1990, Pelobello admitted that she did not submit any explanation.[4]

When asked if she knew that she was the cause of the delay in the resolution of the case, she said that she was not aware of that. She further explained that there was no reminder for her to submit the transcripts.[5]

Thus, Court Stenographer Pelobello transmitted the transcript only on September 1, 2000.

On October 16, 2000, Executive Judge Tito G. Gustillo submitted the following report and recommendation:

"The delay of One (1) year, Six (6) months and Two (2) days was incurred by RTC, Branch 25, Iloilo City because Court Stenographer Phoebe Pelobello misplaced her transcript of stenographic notes taken on January 9, 1990 in Civil Case No. 14254 entitled "*People of the Philippines versus Perla Enalao, et al.*"

"The order of the Court dated January 15, 1997 issued by Judge Bartolome M. Fañunal, Presiding Judge, RTC, Branch 25 directing stenographer to submit her stenographic notes within One (1) week from receipt of said Order as well as the Resolution of the 15th Division, Court of Appeals dated March 13, 2000 requiring Stenographer Phoebe Pelobello to comply with the Resolution dated September 27, 1999 and March 3, 1999 and to show cause within ten (10) days from notice why payment of salary shall be suspended notwithstanding, the said Court Stenographer failed to comply with the Order of the trial court as well as with the Order of the Honorable Court of Appeals.

"It was only on September 1, 2000 that Court Stenographer Phoebe Pelobello was able to submit the transcript of stenographic notes taken on January 9, 2000 and after a delay of FIVE (5) YEARS and TWENTY-EIGHT (28) DAYS.

"The undersigned finds and holds Court Stenographer Pelobello, RTC Branch 25, Iloilo City, as the real culprit for the unreasonable delay of Five (5) years and Twenty Eight (28) days in transmitting her transcript of stenographic notes to the Honorable Court of Appeals.

"That she misplaced her transcript of stenographic notes is no excuse for the imposition of the administrative sanction that should be meted against her. She did not even exhibit any remorse of conscience or display repentance for the Gross negligence and infidelity in the custody of official document she committed.

"The Court likewise finds the Branch Clerk of Court Atty. Yvette D. Go liable for the delay under the principle of command responsibility.

"WHEREFORE, the undersigned investigator-designate hereby finds Court Stenographer Phoebe Pelobello GUILTY for gross negligence in the performance of her duties as such stenographer and recommends the severest penalty short of dismissal.

"Clerk of Court Atty. Marie Yvette D. Go, RTC, Branch 25 is likewise found wanting in following up Court Stenographer Phoebe Pelobello for submission of the required stenographic notes and hereby recommends that she shall be CENSURED this being her first offense." [6] (Emphasis ours.)

Atty. Go admitted that she forgot all about the appeal until January of 1997. Despite notification to Court Stenographer Pelobello, the latter failed to transmit the transcripts of the case until September 1, 2000.

As to Pelobello, we must emphasize that a public office is indeed a public trust, and a court stenographer, without doubt, violates this trust by failure to fulfill her duty as such stenographer.[7] Neglect of duty coupled with insubordination resulting in deliberate failure to comply with court orders cannot be countenanced.

As to Atty. Go, the Manual for Clerks of Court provides that the Clerk of Court is the administrative officer of the court who controls and supervises the safekeeping of court records, exhibits, documents, properties and supplies; acts on applications for leave of absence and signs daily time records; prepares and signs summons, subpoena and notices, writs of execution, remittance of prisoners, release of prisoners, certified true copies of decisions, orders, and other processes, letters of administration and guardianship, transmittals of appealed cases, indorsements and communications, and monthly reports of cases; determines the docket fees to be paid by parties-litigants; issues clearances in appropriate cases; and, in general, performs and discharges such duties as may be assigned to him by the Executive Judge or the Presiding Judge.[8]

We have held that the failure of the Clerk of Court to transmit the records of the case constitutes negligence and warrants disciplinary action.[9] The reason for the rule requiring prompt transmittal of the records of appealed cases to the appellate court is to ensure the speedy disposition of the case, especially in criminal cases. Otherwise, the speedy administration of justice would be hampered.[10]

The Clerk of Court is an essential officer of our judicial system. As an officer of the court, he performs delicate administrative functions vital to the prompt and proper administration of justice.[11] The Clerk of Court, respondent should keep in mind, is a ranking officer in our judicial system and performs delicate administrative functions vital to the prompt and proper dispensation of justice.[12]

Thus, for neglecting to diligently perform their assigned tasks, respondents should be penalized.

IN VIEW WHEREOF, the Court resolves:

a)

To admonish Atty. Marie Yvette Go, Branch Clerk of Court, Regional Trial Court (Branch 25), Iloilo City, for neglect of duty in failing to follow-up with Court Stenographer Phoebe Pelobello the submission of the required stenographic notes, with warning that a repetition of the same offense shall be dealt with more severely.

b)

To impose a fine of P10,000.00 on Court Stenographer Phoebe Pelobello, payable in fifteen (15) days from notice and to admonish her that a repetition of the same shall be more severely dealt with.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Rollo of A. M. No. P-O1-1485, pp. 11-12.

[2] Rollo of A. M. No. P-00-1402, p. 3.

[3] Rollo of A. M. No. P-00-1402, TSN, October 5, 2000, pp. 3-4.

[4] Rollo of A. M. No. P-00-1402, TSN, October 12, 2000, p. 5.

[5] Rollo of A. M. No. P-00-1402, TSN, October 12, 2000, p. 6.

[6] Rollo of A. M. No. P-00-1402, pp. 93-95.

[7] *Ceniza-Guevarra v. Magbanua*, 363 Phil. 454 [1999].

[8] Chapter II, Section B (1).

[9] Report on the Judicial Audit Conducted in RTC Branches 29 and 59, Toledo City, 354 Phil. 8 [1998], citing *Ramos v. Gregorio*, 224 SCRA 652 [1993].

[10] *Ibid.*, citing *Juntilla v. Calleja*, 330 Phil. 850 [1996].

[11] *Juntilla v. Calleja*, *supra*.

[12] *Office of the Court Administrator v. Albaytar*, A.M. No. P-01-1479, July 11, 2001, citing *Juntilla v. Calleja*, 330 Phil. 850 [1996].

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