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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JUDGE CELSO O. BAGUIO,
Complainant,

A.M. No. P-17-3709
(Formerly OCA IPI No. 13-4058-P)

Present:

- versus -

SERENO, *C.J.*, Chairperson,
LEONARDO-DE CASTRO,
DEL CASTILLO,
PERLAS-BERNABE, and
CAGUIOA, *JJ.*

JOCELYN P. LACUNA,
COURT STENOGRAPHER
III, REGIONAL TRIAL
COURT, BRANCH 34,
GAPAN CITY, NUEVA
ECIJA,

Promulgated:

Respondent.

JUN 19 2017

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DECISION

PERLAS-BERNABE, J.:

This administrative matter stemmed from a letter-complaint¹ filed by Judge Celso O. Baguio (Judge Baguio), Presiding Judge of the Regional Trial Court, Branch 34, Gapan City, Nueva Ecija (RTC), charging respondent Jocelyn P. Lacuna (respondent), Stenographer III of the same court, with gross incompetence.

In his letter-complaint, Judge Baguio alleged that on January 25, 2013, the RTC had to reset the scheduled initial trial of Criminal Case No. 14405-10, entitled *People of the Philippines v. Jason Ondrade*, for failure of respondent to transcribe and submit the stenographic notes of the pre-trial proceedings held on November 16, 2012. As a result, she was directed to immediately transcribe the same in an Order² dated January 25, 2013, and ordered to submit a written explanation why she should not be held administratively liable for her failure to perform her job in accordance with

¹ *Rollo*, pp. 1-2.

² *Id.* at 3.

the rules.³ While respondent apologized for her incompetence in a letter⁴ dated January 28, 2013, she nonetheless claimed that the resetting of the case was not solely due to her failure to perform her task but also in view of the absence of the witness for the prosecution. Judge Baguio further claimed that despite having been previously suspended for a similar offense in A.M. No. P-11-2933 (formerly OCA IPI No. 07-2674-P),⁵ respondent did not improve, and that her proficiency as stenographer was doubtful given that she relied solely on tape recordings for the past fifteen (15) years. He pointed out that the incident complained of was just one of the many similar incidents involving respondent's dismal failure to perform her tasks, which resulted in the cancellation of hearings and caused embarrassment to the court. Nevertheless, Judge Baguio remarked that respondent has an almost perfect attendance and that she behaved well in court although she mostly tended to keep to herself and was always very quiet.⁶

In the 1st Indorsement⁷ dated March 4, 2013 issued by the Office of the Court Administrator (OCA), respondent was directed to comment on the letter-complaint dated January 28, 2013.

In her Comment⁸ dated April 15, 2013, respondent admitted having failed to transcribe the stenographic notes of the pre-trial held on November 16, 2012. However, she contended that her omission was not due to her gross inefficiency but rather, due to simple oversight or inadvertence on her part. She explicated that the court regularly scheduled hearings three (3) times a week, with the bulk of the criminal cases heard every Tuesday and Friday, and that the date complained of was a Friday, during which there were many criminal cases scheduled for hearing at that time. She added that there were only three (3) stenographers in Branch 34 and each of them took turns in their duty at least once a week, transcribing not only stenographic notes of pre-trial and trials, but also encoded orders of the court. She clarified that her apology should not be viewed as an admission of her incompetence, and further denied that she solely relied on tape recordings. Likewise, she contended that her regular attendance was a manifestation of her enthusiasm to not only cope with her work load but also her willingness to improve in the performance of her official functions. Accordingly, she prayed that the complaint be dismissed or if found guilty, that her penalty be mitigated.⁹

On September 11, 2015, the OCA recommended that the administrative complaint be referred to the Executive Judge of the RTC of Cabanatuan City, Nueva Ecija for investigation, report and

³ Id. at 1.

⁴ Id. at 4.

⁵ "A.M. No. P-22-2933" in OCA's Report and Recommendation dated September 11, 2015. See id. at 8.

⁶ Id. at 2.

⁷ Id. at 5.

⁸ Id. at 6-6-A.

⁹ Id.

recommendation.¹⁰

In a Report and Recommendation¹¹ dated March 2, 2017, Executive Judge Ana Marie C. Josen-Viterbo recommended that respondent be meted the penalty of six (6) months suspension without pay, having been found guilty only of simple neglect of duty.¹² The Executive Judge noted that respondent admittedly failed to timely transcribe half of her stenographic notes within the period prescribed prior to January 25, 2013 (the date of the incident complained of) but nonetheless completed the same before the next scheduled hearing of the cases, and that the primary cause for the delay was her slow performance despite her noticeable hard work. Since the investigation showed that respondent has significantly improved, and in fact, exerted efforts to fulfill her duties within the prescribed time, the Executive Judge found respondent not to have acted in bad faith and therefore guilty of simple neglect of duty only. Accordingly, the Executive Judge recommended the penalty of six (6) months suspension without pay after considering her previous infraction for a similar offense,¹³ the twenty-one (21) years of public service, and complainant's admission that her working habits had greatly improved.¹⁴

The Issue Before the Court

The sole issue in this case is whether or not respondent should be held administratively liable for simple neglect of duty.

The Court's Ruling

The Court finds the Executive Judge's recommendation to be in accord with the law and the facts of the case and thus, adopts and approves the same except as to the imposable penalty.

The duties of a Stenographer are clearly embodied under Section 17, Rule 136 of the Rules of Court, to wit:

SEC. 17. Stenographer. – It shall be the **duty of the stenographer who has attended a session of a 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 such notes are received by him. When such notes are transcribed the transcript shall be delivered to the clerk, duly initialed on

¹⁰ Id. at 7-9. See also Resolution dated November 10, 2015; id. at 10.

¹¹ Id. at 49-53.

¹² Id. at 53.

¹³ See id. at 8.

¹⁴ Id. at 52-53.

each page thereof, to be attached to the record of the case. (Emphasis supplied)

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Under the afore-cited provision, stenographers are enjoined to immediately deliver to the clerk of court all the notes taken during the session of the court, which are to be attached to the record of the case. In this regard, Supreme Court Administrative Circular No. 24-90¹⁵ requires stenographers to transcribe their notes and attach the transcripts to the record of the case within a period of twenty (20) days from the time they were taken, thus:

2. (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.

In the case at bar, it is undisputed that respondent failed to comply with the twenty (20) day period in the transcription of the stenographic notes for the Pre-Trial in Criminal Case No. 14405-10, and hence, guilty of violating Supreme Court Administrative Circular No. 24-90. The heavy work load proffered by respondent in her attempt to be exonerated from liability is not an adequate excuse for her to be remiss in the performance of her duties. To allow otherwise would permit every government employee charged with negligence and dereliction of duty to resort to the same convenient excuse to evade punishment.¹⁶

It bears stressing that a court stenographer performs a function essential to the prompt and fair administration of justice. The conduct of every person connected with the administration of justice, from the presiding judge to the lowliest clerk, is circumscribed with a heavy burden of responsibility. All public officers are accountable to the people at all time and must perform their duties and responsibilities with utmost efficiency and competence.¹⁷ As administration of justice is a sacred task, the Court condemns any omission or act which would erode public faith in the judiciary.¹⁸ A public office is a public trust, and a court stenographer, without doubt, violates this trust by failing to fulfill his duties.¹⁹

While respondent admitted to incurring delay in the performance of her duties, records show that she nonetheless completed the same in time for the calendar of cases. Under the circumstances, her failure to timely transcribe the stenographic notes was correctly found by the Executive

¹⁵ Entitled "REVISED RULES ON TRANSCRIPTION OF STENOGRAPHIC NOTES AND THEIR TRANSMISSION TO APPELLATE COURTS," (August 1, 1990).

¹⁶ *Alcover, Sr. v. Bacatan*, 513 Phil. 77, 82 (2005).

¹⁷ *Seangio v. Parce*, 553 Phil. 697, 709-710 (2007).

¹⁸ *Banzon v. Hechanova*, 574 Phil. 13, 18-19 (2008).

¹⁹ *Office of the Court Administrator v. Montalla*, 540 Phil. 343, 348 (2006).


Judge to constitute simple neglect of duty, which is defined as a disregard of, or a failure to give proper attention to a task expected of an employee, simple neglect of duty signifies carelessness or indifference.²⁰

Section 46 (D) of Rule 10 of the Revised Rules on Administrative Cases in the Civil Service²¹ provides that simple neglect of duty is categorized as a less grave offense punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense. While the Court is duty bound to sternly wield a corrective hand to discipline its errant employees and to weed out those who are undesirable, the Court also has the discretion to temper the harshness of its judgment with mercy.²² Thus, in several administrative cases, the Court has restrained from imposing the actual penalties in the presence of mitigating facts, such as, length of service in the judiciary, the acknowledgment of infractions and feelings of remorse, and family circumstances, among others.²³ In this case, apart from respondent's long service in the government, it has been observed during the administrative investigation, and as admitted by complainant, that the latter's working habits had greatly improved and had since complied with her duties.²⁴

Accordingly, the Court finds the imposable penalty of three (3) months suspension without pay, instead of the six (6) months penalty recommended by the Executive Judge, to be more fair and reasonable under the circumstances. It is noteworthy to point out that where a penalty less punitive would suffice, whatever missteps may be committed by the employee ought not to be visited with a consequence so severe.²⁵

WHEREFORE, the Court finds respondent Jocelyn P. Lacuna **GUILTY** of simple neglect of duty. She is hereby **SUSPENDED** for a period of three (3) months without pay and **STERNLY WARNED** to be more circumspect in the performance of her duties, as a repetition of the same or similar offense shall be dealt with more severely. Let a copy of this Decision be entered in the 201 file of respondent Jocelyn P. Lacuna.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

²⁰ Supra note 15, at 710.

²¹ Promulgated on November 8, 2011.

²² *Cabigao v. Nery*, 719 Phil. 475, 484 (2013).

²³ *Marquez v. Pacariem*, 589 Phil. 72, 89 (2008).

²⁴ See Transcript of Stenographic Notes dated January 16, 2017; *rollo*, p. 27.

²⁵ See Minute Resolution in *Nuezca v. Verceles*, A.M. No. P-14-3228, July 9, 2014.

WE CONCUR:



MARIA LOURDES P. A. SERENO

Chief Justice

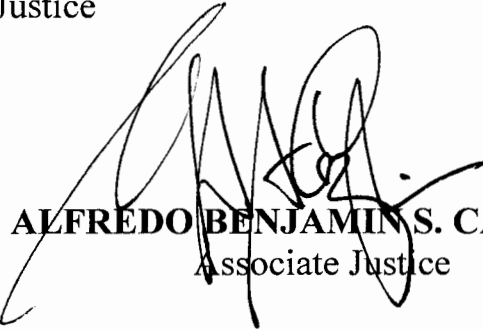
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO

Associate Justice

Mariano C. del Castillo
MARIANO C. DEL CASTILLO

Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice