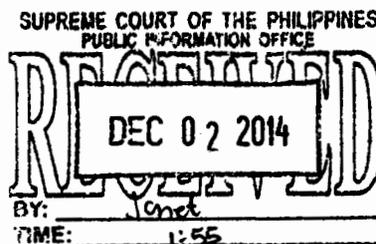




REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 November 2014** which reads as follows:*

A.M. No. P-14-3277 [Formerly A.M. OCA IPI No. 12-3942-P] – Villa M. Caballero, Clerk of Court II, v. Leonora M. Abela, Court Stenographer II, both at Municipal Trial Court, San Pascual, Masbate.

This administrative case arose from the Letter-Complaint,¹ dated October 17, 2011, filed by Villa M. Caballero (*complainant*), Clerk of Court II, Municipal Trial Court, San Pascual, Masbate (*MTC*), charging Leonora M. Abela (*respondent*), Court Stenographer II of the same court, with disrespect to immediate superior, insubordination and dishonesty.

Complainant alleged that on July 8, 2011, she notified respondent in writing that she got the “Unsatisfactory” performance rating for two (2) consecutive semesters from July 2010 to December 2010 and the January 2011 to June 2011, due to the following reasons:

1. For being inefficient in the performance of her job as her stenographic notes contained erroneous or inappropriate phrases/words;
2. For being a habitual absentee;
3. For being uncooperative with her fellow employees;
4. For failure to comply with office policies specifically her failure to wear the prescribed office uniforms; and
5. For being quarrelsome.²

Complainant alleged that respondent’s reply³ to her July 8, 2011 letter was disrespectful and unreasonable.

Complainant further accused respondent of insubordination when the latter refused to affix her signature on the Performance Rating form. She contended that their co-employees were all aware of respondent’s notorious conduct and dismal work ethics as reflected in their Joint Affidavit.

¹ *Rollo*, pp. 1-2; pp. 15-16.

² *Id.* at 21.

³ *Id.* at 5-7.

Complainant also accused respondent of dishonesty when she stated in her Letter,⁴ dated April 15, 2011, addressed to then Assistant Court Administrator Thelma C. Bahia that the cloth needed for the office uniform was not available in Masbate and Naga City, when in truth, she told an officemate that she would just buy one set of uniform. According to petitioner, respondent was likewise dishonest when she stated that all the administrative charges against her were dismissed because she was meted out several warnings in those administrative complaints.

In her Comment,⁵ respondent stated that since her assumption as court stenographer in November 1979, she had been diligent in the performance of her duties, had maintained courteous dealings with her colleagues, and conducted herself as a court employee in an irreproachable manner. She claimed that the administrative complaints against her started only when complainant became their branch clerk of court. Respondent alleged that she was puzzled why complainant gave her a rating of unsatisfactory with a score of eleven (11) when her previous ratings were Very Satisfactory.

Respondent averred that complainant had obvious hatred for her as shown by the numerous administrative charges she previously filed against her for insubordination, gross misconduct and absence without leave which were all dismissed by the Court in its Resolution,⁶ dated February 22, 2010. She, however, admitted that though her case was dismissed, she received a warning from the Court to strictly adhere to her duties and responsibilities. She added that complainant's ill-feeling towards her did not stop, even as complainant's desire to have her dismissed from the service did not prosper.

Respondent also denied that her reply to the July 8, 2011 letter of complainant was disrespectful as she merely answered the imputations against her and pointed out that she was not given a chance by complainant to explain her side regarding the issues raised.

As to the charge of insubordination, respondent denied the same and asserted that no particular instance or situation was cited to substantiate the charge that she did not heed the lawful instructions of complainant and that she had been arrogant and discourteous.

On August 7, 2014, the Office of the Court Administrator (OCA), in its Report⁷ found respondent guilty of Simple Neglect of Duty for her failure "to fulfil her duty as a court stenographer" and strictly adhere to her duties

⁴ Id. at 11-12.

⁵ Id. at 31-34.

⁶ Id. at 58 and 65.

⁷ Id. at 160-166.

and responsibilities as she had been previously warned by the Court.⁸ The OCA recommended that she be fined in the amount of Five Thousand Pesos (₱5,000.00).

The Court's Disposition

The OCA report is noted.

The Court finds Itself unable to agree with the recommendation of the OCA that respondent be found guilty of simple neglect of duty. The OCA reported that on different occasions, respondent "either failed to submit on time the TSNs due from her or her attention was called as the notes she transcribed were full of inaccuracies."⁹ A perusal of the July 8, 2011 Letter-Complaint, however, would show that there was no specific allegation of late submission of the TSN. The specific case, the date when the purported TSN was taken and the date it was submitted, were not particularly stated. Moreover, the charge of neglect of duty in connection with the late submission of TSN, if any, had already been discussed and resolved in the previous case docketed as A.M. OCA IPI No. 04-2007-P.¹⁰

In administrative proceedings, the quantum of evidence required for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.¹¹ The complainant has the burden of proving the averments in the complaint and if he or she fails to discharge this burden, the respondent could not be held liable for the charges¹² because charges based on speculation cannot be given credence. The basic rule is that mere allegation is not evidence and is not equivalent to proof.¹³

In the present case, the OCA correctly found that complainant failed to substantiate her charges. The Court is not convinced either that complainant was able to prove, by substantial evidence, these charges as disrespect to immediate superior, insubordination and dishonesty against respondent, so that it was constrained to set them aside. Complainant avers that respondent committed disrespect to immediate superior as her reply to the former's July 8, 2011 letter, informing respondent that she got the Unsatisfactory ratings for two consecutive semesters, was disrespectful. A

⁸ Id. at 164.

⁹ Id. at 163.

¹⁰ Report of the Investigating Judge, id. at 52-57; Resolution, dated February 22, 2010, id. at 58.

¹¹ *Concerned Citizens v. Divina*, A.M. No. P-07-2369 [Formerly OCA IPI No. 06-2444-P], November 16, 2011, 660 SCRA 167, 175.

¹² *Macias v. Macias*, A.M. No. RTJ—01-1650, September 29, 2009, 601 SCRA 203, 215.

¹³ *Navarro v. Cerezo*, 492 Phil. 19, 22 (2005).

reading of respondent's reply, dated July 20, 2011, however, showed that the letter was neither disrespectful nor unreasonable. Respondent did not use any abusive or abrasive words that might hurt or discredit complainant. In the her letter-reply, respondent was merely narrating facts based on her personal account of the incident and voicing out her frustration on complainant's perceived hostility against her.

As to the charge of dishonesty, complainant offered no substantial evidence that respondent was lying when she stated that the cloth for the uniform was not available in Masbate or Naga City and that she told an officemate that she would just buy one set of it.

Other than complainant's bare allegations, there is nothing in the records that would show that respondent indeed committed dishonesty or even insubordination.

WHEREFORE, the complaint against respondent Leonora M. Abela, Court Stenographer II, Municipal Trial Court, San Pascual, Masbate, is **DISMISSED** for lack of merit.

SO ORDERED.

Very truly yours,


MA. LOURDES Q. PERFECTO
Division Clerk of Court

HON. COURT ADMINISTRATOR

Jose Midas P. Marquez (x)

HON. DEPUTY COURT ADMINISTRATOR

Raul B. Villanueva (x)

Jenny Lind Aldecoa-Delorino (x)

Thelma C. Bahia (x)

Legal Office (x)

Court Management Office (x)

Financial Management Office (x)

Docket & Clearance Division (x)

Office of Administrative Services (x)

Office of the Court Administrator

Supreme Court, Manila

VILLA M. CABALLERO (reg)

Clerk of Court II

Municipal Trial Court

San Pascual, Masbate

LEONORA M. ABELA (reg)

Court Stenographer II

Municipal Trial Court

San Pascual, Masbate

HON. PRESIDING JUDGE (reg)

Municipal Trial Court

San Pascual, Masbate

OFFICE OF THE CHIEF ATTORNEY (x)

OFFICE OF THE REPORTER (x)

Supreme Court, Manila

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Please notify the Court of any change in your address.

A.M. No. P-14-3277. 11/12/14 (198)SR 