

EN BANC

[A.M. No. P-19-3919 (formerly OCA IPI No. 11-3630-P), April 02, 2019]

IONE BETHELDA C. RAMOS, COMPLAINANT, V. REBA A. BELIGOLO, COURT STENOGRAPHER III OF THE MUNICIPAL TRIAL COURT IN CITIES, MALAYBALAY CITY, BUKIDNON, RESPONDENT.

R E S O L U T I O N

PERLAS-BERNABE, J.:

For the Court's resolution is a Complaint^[1] dated March 21, 2011 filed by complainant Ione Bethelda C. Ramos (Ramos) charging respondent Reba A. Beligolo (Beligolo), Court Stenographer III, Municipal Trial Court in Cities, Malaybalay City, Bukidnon (MTCC) with Grave Misconduct and Conduct Unbecoming of a Court Employee.

The Facts

Ramos was the attorney-in-fact of Rogelio Tamin, the plaintiff in the unlawful detainer case entitled "*Rogelio E. Tamin, represented by Attorney-in-Fact Ione Bethelda C. Ramos v. Bernadeth Lavina and Mildred Lavina*," docketed as Civil Case No. 2185, pending before the MTCC. On February 25, 2011, then Acting Presiding Judge Mariflo S. Agreda (Judge Agreda) issued an order in open court directing the parties in the said civil case to appear before the Philippine Mediation Center (PMC) on March 17, 2011, and to obtain an order of referral from the court prior to their appearance.^[2] Pursuant to the said directive, Ramos made several follow-ups to the court for the issuance of the same, but to no avail.^[3]

Two (2) days before the scheduled mediation, or on March 15, 2011, Ramos visited the court once more, to secure the said order. Upon her inquiry, the clerk of court looked for the records of the case then inquired about it from Beligolo, who "*sarcastically answered that she was not able to make the [o]rder of [r]eferral.*"^[4] The clerk of court then informed Ramos that the order could not be signed since Judge Agreda was not scheduled to report for work that day. Ramos alleged that while the clerk of court was talking, Beligolo "*suddenly interrupted in an unruly and highly combative tone*" and remarked, "*[w]ell, they 'd better appear before the PMC because if they won't, that is their problem.*" Thereafter, Beligolo got into an argument with the clerk of court. Ramos averred that she kept her cool, but Beligolo kept making unsavory and offensive remarks. Ramos added that due to Beligolo's negligence, the parties were not able to appear before the PMC on the scheduled date.^[5]

In her Answer,^[6] Beligolo admitted that Judge Agreda instructed the parties to follow-up the order of referral from the court.^[7] She contended, however, that there

was an internal agreement in their office that "*the [c]lerk of [c]ourt may issue the order of referral*" or delegate the task to other court employees while the stenographers are still attending the hearings. Hence, Beligolo wondered why the clerk of court did not issue the order of referral to the parties while Judge Agreda was in session so as to solve the problem early on.^[8] Beligolo also averred that Ramos neither asked nor approached her about the subject order. She claimed that she honestly believed that the order of referral had already been given to the parties based on her assumption that the task had been delegated to and accomplished by another court employee to avoid delay.^[9] Nevertheless, she pointed out that an Order of Referral^[10] dated March 24, 2011 was eventually issued to the parties. This notwithstanding, the mediation before the PMC was unsuccessful.^[11]

Beligolo narrated that when she was summoned by the city mayor after Ramos had reported the incident to him, she had already asked for forgiveness, but the latter still filed several complaints against her before the Office of Court Administrator (OCA), the City Prosecutor's Office, and the Civil Service Commission.^[12]

The OCA's Report and Recommendation

In a Report^[13] dated October 23, 2018, the OCA recommended that Beligolo be held administratively liable for Simple Neglect of Duty, and accordingly, be fined in the amount of P10,000.00, with a stern warning that a repetition of the same offense shall be dealt with more severely.^[14]

The OCA found that Beligolo's failure to prepare the Order of Referral constituted Simple Neglect of Duty. It noted that Beligolo did not deny that the preparation of such document was her task, and thus, it was imprudent of her to assume that another court employee had already accomplished it. Due to her inattention, the mediation proceedings was rescheduled to the prejudice of the parties.^[15]

The OCA clarified that Beligolo's act did not constitute Grave Misconduct because her transgression was neither unlawful nor in gross negligence of duty nor tainted with corruption or willful intent to violate the law or to disregard established rules. It likewise found that the imputation of conduct unbecoming of a court employee must fail because no evidence was presented to prove Ramos's assertion that Beligolo exhibited irate, sarcastic, and disrespectful behavior.^[16]

In recommending the penalty to be imposed, the OCA pointed out that Beligolo had previously been found guilty of Simple Neglect of Duty in A.M. No. P-13-3154^[17] and had been ordered to pay a fine of P5,000.00. The penalty for a second offense of simple neglect of duty is dismissal from service. However, the OCA recommended that the penalty be mitigated and a fine be imposed instead, absent any showing that Beligolo committed the infraction in bad faith or with fraud.^[18]

The Issue Before the Court

The issue before the Court is whether or not Beligolo should be held administratively liable for simple neglect of duty.

The Court's Ruling