

## THIRD DIVISION

**[ A.M. No. P-13-3154 (Formerly OCA IPI No. 10-3470-P), March 07, 2018 ]**

**RUBE K. GAMOLO, JR., CLERK OF COURT IV, MUNICIPAL TRIAL COURT IN CITIES, MALAYBALAY CITY, BUKIDNON,  
COMPLAINANT, VS. REBA A. BELIGOLO, COURT STENOGRAPHER II, MUNICIPAL TRIAL COURT IN CITIES, MALAYBALAY CITY, BUKIDNON, RESPONDENT.**

### D E C I S I O N

**BERSAMIN, J.:**

This relates to the sworn complaint dated August 16, 2010 filed by complainant Rube K. Gamolo, Jr., Clerk of Court IV of the Municipal Trial Court in Cities (MTCC) in Malaybalay City, Bukidnon charging respondent Reba A. Beligolo, Court Stenographer II of the same court, with gross neglect of duty and inefficiency in relation to her duty to transcribe stenographic notes, and absenteeism and tardiness based on her failure to observe regular working hours.<sup>[1]</sup> The complainant accused the respondent of having repeatedly violated Administrative Circular No. 24-90 (*Revised Rules on Transcription of Stenographic Notes and their Transmission to Appellate Courts* dated 12 July 1990) and Administrative Circular No. 02-2007 (*Reiteration of Administrative Circular No. 2-99 dated January 15, 1999 on Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness*).

According to the complainant, the respondent did not transcribe and submit on time pursuant to Administrative Circular No. 24-90 the transcript of stenographic notes (TSNs) and orders of the MTCC in the following cases, namely:<sup>[2]</sup>

<b>CASE</b>	<b>TITLE</b>	<b>VIOLATIONS</b>
Criminal Case No. 392-02	People v. Rito Rocamora (Robbery)	Failed to submit TSN on or before 19 July 2007
Criminal Case No. 08-04	People v. Joeffrey Sayson (Acts of Lasciviousness)	Failed to submit TSN on or before 10 April 2006
Criminal Case No. 191-00	People v. Antiquin, et al. (Estafa)	Failed to submit TSN on or before 10 April 2006
Criminal Case No. 99-200	People v. Geldore (Reckless Imprudence resulting to Homicide)	Failed to submit TSN on or before 26 November 2004
Criminal Cases Nos. 089-05 and 090-05	People v. Pulotan (Less Serious Physical Injuries/Unintentional Abortion)	Failure to submit TSN
Criminal	People v. Diaz (B.P.	Failed to submit TSN on or

Cases Nos. 765-08, 793-08	22)	before 18 June 2010
Criminal Cases Nos. 569-07, 570-07	People v. Pao (Illegal Possession of Deadly Weapon)	Failed to transcribe Orders for Provisional Dismissal of the Case as of 22 November 2007
Criminal Case No. 770-08	People v. Petallar (Illegal Possession of Firearm)	Failed to transcribe the Order dated 29 March 2010
Criminal Case No. 1204-09	People v. del Castillo (Illegal Possession of Ammunition)	Failed to transcribe the Order dated 22 June 2010
Criminal Case No. 1273-10	People v. Salatan, et al. (Theft)	Failed to transcribe the Decision/Sentence of the court dated 19 July 2010
Civil Case No. 1829	Belican v. Spouses Ebon (Forcible Entry)	Failed to submit TSN <sup>[3]</sup>

Anent Administrative Circular No. 02-2007, the complainant claimed that the respondent incurred tardiness on the following dates:

<b>DATES</b>	<b>ALLEGED INFRACTIONS</b>
1, 2 March 2005	Reported late for work in the afternoon despite having logged in her bundy card at 1:00 p.m.
November 2008	Arrived late for work 14 times
January 2009	Arrived late for work 12 times
May, June 2010	Failed to submit her Daily Time Record for the said period.
4, 5, 17, 19, 20, 21, 24, 26, and 27, May 2010; 7 and 8 June 2010	Absent without Leave
March 2010 up to the date of filing of complaint	Failed to submit her Daily Time Record <sup>[4]</sup>

It appears that the respondent submitted a medical certificate dated July 28, 2010 to explain her incurred absences prior to July 28, 2010 and for August 2010. However, on August 1, 2010, her co-employees spotted the supposedly sick respondent just roaming around Malaybalay City, Bukidnon.

In her comment dated January 3, 2011,<sup>[5]</sup> the respondent denied being an incorrigible employee, claiming that she had been elected president of the Bukidnon Chapter of the Court Stenographic Reporters Association of the Philippines (COSTRAPHIL), and had received performance ratings ranging from "Satisfactory" to "Very Satisfactory" from December 1997 up to the filing of the complaint; and that she had submitted the TSNs and prepared the orders in the following cases:

<b>CASE</b>	<b>ALLEGED COMPLIANCE</b>
Criminal Case No. 392-02	TSN submitted; case decided 21 August 2007
Criminal Case No. 08-04	TSN submitted; case decided 17 April 2006

Criminal Case No. 191-00 to 196-00	TSN submitted; case decided 30 May 2006
Criminal Case No. 99-200	TSN submitted; case decided 2 November 2004
Criminal Cases Nos. 089-05 and 090-05	TSN submitted; cases decided 12 March 2009
Criminal Cases Nos. 765-08 to 793-08	TSN dated 19 June 2010 is attached along with the consolidated decision of the court dated 5 July 2010
Criminal Cases Nos. 569-07, 570-07	Order dated 12 November 2007 duly transcribed
Criminal Case No. 770-08	Order dated 29 March 2010 duly transcribed
Criminal Case No. 1204-09	Order dated 22 June 2010 duly transcribed
Criminal Case No. 1273-10	Order dated 19 July 2010 duly transcribed
Civil Case No. 1829	TSN submitted; case decided 27 October 2008 <sup>[6]</sup>

On her tardiness/absenteeism, the respondent implored the compassion of the Court, claiming that she had been raising their three children by herself ever since her husband had left them; and that it was only recently that she was able to hire a helper.<sup>[7]</sup>

The respondent admitted showing up late in court on March 1-2, 2005, and being habitually tardy on 12 occasions in January 2009 and 14 times in November 2008. She clarified that she submitted her daily time records (DTRs) for the period from May to June 2010, along with her leave applications, but the complainant refused to accept them; that the documents were later signed by the complainant as reflected in his transmittal letter dated October 8, 2010 addressed to Deputy Court Administrator Raul Bautista Villanueva; and that the claim that she was seen by her co employees roaming around Malaybalay City, Bukidnon on August 1, 2010 was baseless.<sup>[8]</sup>

### **Ruling of the Court**

The respondent is liable for simple neglect of duty.

Administrative Circular No. 24-90 requires all stenographers "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 respondent showed that she was able to submit the TSNs and orders in question but she did not establish that her submission of the TSNs and orders was made within the prescribed period. Indeed, as noted by the Office of the Court Administrator (OCA), the issuance by the Acting Presiding Judge of the MTCC and by the complainant of their memoranda directing her to submit the TSNs and orders was proof that she did not comply with the circular. For instance, in Criminal Case No. 1204-09 entitled *People v. del Castillo*, the Acting Presiding Judge issued to her the memorandum dated July 27, 2010 directing her to explain why she should not be subjected to administrative sanctions for failing to transcribe the order dated