

FIRST DIVISION

[A.M. No. P-17-3709 (Formerly OCA IPI No.13-4058-P), June 19, 2017]

JUDGE CELSO O. BAGUIO, COMPLAINANT, V. JOCELYN P. LACUNA, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 34, GAPAN CITY, NUEVA ECIJA, RESPONDENT.

D E C I S I O N

PERLAS-BERNABE, J.:

This administrative matter stemmed from a letter-complaint^[1] 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 Order^[2] 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 the rules.^[3] While respondent apologized for her incompetence in a letter^[4] 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 Indorsement^[7] 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 Comment^[8] 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 recommendation.^[10]

In a Report and Recommendation^[11] dated March 2, 2017, Executive Judge Ana Marie C. Joson-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