

FIRST DIVISION

[A.M. No. P-13-3155 [Formerly O.C.A. IPI No. 10-3530-P], October 21, 2013]

**JOEFIL BAGUIO, COMPLAINANT, VS. MARIA FE V. ARNEJO,
RESPONDENT.**

R E S O L U T I O N

SERENO, C.J.:

A letter-complaint^[1] dated 27 October 2010 was filed by complainant charging respondent stenographer with willful gross neglect of duties based on the following: 1) noncompliance with Supreme Court (SC) Administrative Circular No. 24-90, which requires stenographers to transcribe notes within 20 days from the date of hearing; 2) non-issuance of an official receipt (OR) for the payment of the transcript of stenographic notes (TSN); and 3) antedating of the date the TSN was prepared when the ORs submitted by respondent for the 27 May 2010 and 8 September 2010 hearing dates were dated 23 and 18 December 2010, respectively, with the corresponding amounts of P79.20 and P92.40, which were not consistent with the amount indicated in the temporary acknowledgement receipt she had issued.^[2]

Upon the recommendation of the Office of the Court Administrator,^[3] the Complaint was referred to the executive judge of the Regional Trial Court (RTC) of Cebu City for investigation, report and recommendation.

Executive Judge Silvestre Maamo, Jr. conducted an investigation, but after three consecutive failures of complainant to appear for the presentation of his evidence, the case was submitted for resolution based on the available evidence on record.

Based on the Investigation Report^[4] submitted by Judge Maamo, the following were established:

1. The judge found no basis for the allegation of noncompliance with SC Administrative Circular No. 24-90, as the TSN for 27 May 2010 and 8 September 2010 had been transcribed within the 20-day period.

Also, there was no hearing conducted on 30 September 2010, as there was a "Motion to Postpone Sept. 30, 2010 Hearing;" and a different stenographer, Beatriz Espartero, was on duty.

2. As regards the non-issuance of a receipt for the payment of the TSN, records show the following:

- a) On 27 May 2010, respondent asked from complainant P500 with which to buy ink for the printer, which was allegedly treated as advance payment.

b) Respondent admitted issuing an acknowledgment receipt on 22 July 2011 for the amount of P240 which she received on 27 May 2010 as advance payment for the TSN.

c) The actual remittance for the payment for the TSN for the 27 May 2010 and the 8 September 2010 hearing dates was made only on 23 December 2010 and 19 December 2010, respectively, or after the instant Complaint was filed against her.

d) Respondent failed to prove that she had been regularly remitting payments for the TSN to the Office of the Clerk of Court (OCC) of the RTC-Cebu City in accordance with the Office of the Court Administrator (OCA) Circular No. 83-2010.

3. Respondent likewise admitted in her Comment filed on 21 January 2011 that the date of the Certification in the TSN must coincide with the date of hearing so as not to create confusion; thus, she actually antedated the Certification date as a matter of practice.

The investigating judge recommends that respondent be reprimanded for “violating A.M. No. 03-06-13 SC^[5] and RA 6793^[6] [sic]” by asking for advances from litigants; issuing acknowledgment receipts for collecting payments for the TSN; and failing to immediately remit her TSN collection accruing to the Judiciary Development Fund (JDF) on the day the payments were received; and failing to prove her alleged practice of regularly remitting to the OCC, RTC-Cebu City the JDF she collected for the TSNs paid for by the litigant.

The Investigation Report was forwarded to the OCA for evaluation, report, and recommendation who likewise found that the conclusions of Judge Maamo were supported by the evidence on record. The OCA found that respondent complied with the SC Administrative Circular No. 24-90 on the completion of TSNs within twenty (20) days from hearing. However, as to the issuance of official receipts, respondent Arnejo violated Section 11, Rule 141 of the Revised Rules of Court.^[7]

THE COURT’S RULING

This Court likewise finds respondent had complied with the SC Administrative Circular No. 24-90 on the completion of TSNs within twenty (20) days from hearing. However, after a careful review of the records, we agree with the findings of the investigating judge and OCA that respondent stenographer violated the Code of Conduct of Court Personnel and Code of Ethics for Government Officials and Employees.

At the outset, the Court cannot turn blind to the admitted fact that respondent received from complainant the supposed payment for the TSN on 22 July 2010^[8] and remitted the money to the cashier of the Clerk of Court only on 19 and 23 December 2010.^[9]

This Court will not tolerate the practice of asking for advance payment from