

EN BANC

[A.M. No. P-04-1765 (Formerly OCA IPI No. 01-1174-P), April 08, 2008]

JUDGE FELIPE G. BANZON, COMPLAINANT, VS. RUBY B. HECHANOVA, *** AND COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 69, SILAY CITY, NEGROS OCCIDENTAL, RESPONDENT.**

RESOLUTION

PER CURIAM

Judge Felipe G. Banzon (complainant) of the Regional Trial Court (RTC) Branch 69, Silay City, Negros Occidental, charges Ruby B. Hechanova, Court Stenographer III (respondent) with continued refusal to transcribe stenographic notes.^[1]

In a letter dated February 1, 2001, complainant alleged: His efforts to expedite the promulgation of decisions in his sala are hampered by the indifference and refusal of respondent to perform her duty. Despite the memoranda^[2] and orders^[3] issued by him directing respondent to transcribe the stenographic notes taken by her with a warning that she shall be held in contempt and ordered arrested should she fail to comply therewith, respondent still refused to render due compliance. Complainant therefore filed the said letter recommending respondent's dismissal from the service.^[4]

On February 6, 2001, respondent wrote a letter of resignation addressed to the Court Administrator stating that she could no longer bear the unreasonable pressure and discriminatory acts of complainant against her and that despite her efforts to transcribe the notes she had taken, she cannot cope with her task because of the pressure from complainant.^[5]

In a 1st Indorsement dated August 30, 2001, the Court directed respondent to comment on complainant's letter dated February 1, 2001.^[6]

On November 20, 2002, the Court received a letter from respondent stating that she had already submitted all the transcripts of stenographic notes (TSNs) requested by complainant and that she had voluntarily resigned from work on February 6, 2001.^[7]

Respondent failed to submit proof, however, showing that she had indeed submitted the concerned TSNs.^[8] Complainant also informed the Court, through a letter dated June 24, 2003, that while respondent transcribed and submitted transcripts of court proceedings, the same were done subsequent to the court's issuance of warrants of arrest on her person and that to date, she still ignored several orders directing her

to complete the TSNs of 18 other cases.^[9]

In the Report dated November 6, 2003, the Office of the Court Administrator (OCA) held that respondent's acts violate paragraph 2 of Administrative Circular No. 24-90 which requires stenographers to transcribe all stenographic notes not later than 20 days from the time the notes were taken; and following paragraph 5 thereof which disallows the resignation of stenographers without having transcribed all TSNs taken by them, respondent's resignation should not be accepted.^[10]

On January 26, 2004, the Court issued a Resolution directing the National Bureau of Investigation (NBI) to locate, arrest, and detain respondent until she has finished transcribing all the stenographic notes required of her.^[11]

Through a letter dated March 16, 2004, respondent asked for reconsideration of the Court's Resolution stating: that she already submitted the TSNs covered by the administrative case; that complainant told her that some of the cases were already decided or dismissed, and in civil cases, the testimonies were retaken because some of the stenographic notes she took cannot be located anymore; that she had just suffered the recent death of her husband and she did not want her parents, who are old and sickly, to worry about her being detained.^[12]

Complainant denied respondent's assertions, in his letter dated August 6, 2004, and stated that respondent had not yet submitted all the TSNs required of her and there are new cases, which respondent handled, which she has also not yet transcribed despite orders for her to do so.^[13]

In the Resolution dated November 17, 2004,^[14] the Court, for humanitarian reasons, resolved to hold in abeyance for a period of 90 days, the enforcement of the directive to the NBI to arrest and detain respondent. She was given 90 days to finish and submit to the Branch Clerk of Court of RTC Branch 69 all the TSNs of 74 hearings enumerated in the Resolution. The Court also directed the immediate suspension of respondent without pay pending resolution of the administrative complaint.

After the lapse of 90 days from respondent's receipt of the Court's Resolution and per letter dated June 7, 2005^[15] of the Clerk of Court of RTC, Branch 69 that respondent has not complied therewith, the Court through its Resolution^[16] dated July 27, 2005, directed the NBI to implement the arrest order against her and detain her at the Silay City Jail until she finishes the transcription of the required stenographic notes. On December 6, 2007, the Court received NBI Agent Cortez's 1st Indorsement stating that they could not locate respondent at her given address and they have exerted efforts to locate her, to no avail.^[17]

Hence, the instant resolution finding respondent guilty of gross neglect of duty.

Stenographers are enjoined to faithfully comply with Section 17, paragraph 1, Rule 136 of the Rules of Court which states:

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