

## FIRST DIVISION

**[ A.M. NO. P-06-2269 (Formerly OCA I.P.I. No. 05-2336-P), December 20, 2006 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
EDGARDO MONTALLA, AUSTRIA-MARTINEZ, COURT  
STENOGRAPHER II, REGIONAL TRIAL COURT BRANCH 29,  
ZAMBOANGA CITY, RESPONDENT**

### D E C I S I O N

#### **AUSTRIA-MARTINEZ, J.**

Before us is an administrative matter which stemmed from the delay of Edgardo Montalla (respondent), Court Stenographer II to submit the transcript of stenographic notes (TSNs) of the proceedings conducted on May 25, 2000 and March 1, 2001.

In a letter dated January 9, 2004,<sup>[1]</sup> addressed to the Court Administrator, Judge Edilberto G. Absin requested for an extension of three months within which to decide Civil Case No. 3724, entitled "*Spouses Lucio and Elena Carsido Miro v. Spouses Elias and Moreta Carsido Miro*". Judge Absin stated that the case was filed on January 29, 1996 and has been pending and heard by previous judges of the court. He presided over its hearing for the presentation of rebuttal evidence on May 8, 2003 before the same was submitted for decision. However, the TSNs of the hearings on May 25, 2000 and March 1, 2001 are not yet available for complete evaluation of the facts and that steps were already taken to have the said TSNs ready as soon as possible. In the Resolution of March 29, 2004,<sup>[2]</sup> upon recommendation of the Office of the Court Administrator (OCA), the Court granted the request of Judge Absin.

At the same time, separate Resolution likewise dated March 29, 2004, the Court directed the OCA to investigate the delay in the submission of the TSNs of the hearings of May 25, 2000 and March 1, 2001.<sup>[3]</sup>

In a letter dated April 30, 2004,<sup>[4]</sup> the OCA directed Judge Absin to conduct an administrative investigation on the matter and to submit the required report.

On May 18, 2004, in compliance with the Resolution of March 29, 2004, Judge Absin submitted a copy of the decision in Civil Case No. 3724. Thus, the Court considered the case closed and terminated.

In compliance with the OCA directive dated April 30, 2004, Judge Absin submitted his Report dated May 27, 2004,<sup>[5]</sup> finding respondent as the person responsible for the delay in the transcription of stenographic notes because he was assigned to take notes of the proceedings conducted on May 25, 2000 and March 1, 2001. That

despite several memoranda given by the Clerk of Court reminding respondent to submit the TSNs on time, as mandated under the Supreme Court Administrative Circular No. 24-90, the latter failed to do so. It was only on February 27, 2004 that respondent was able to finally submit the required TSNs.

Thus, in the Resolution of November 23, 2005,<sup>[6]</sup> the administrative matter was re-docketed as a regular administrative case against respondent for Gross Neglect of Duty and Violation of SC Administrative Circular No. 24-90 and the latter was required to submit his comment thereon.

In his Letter-Comment dated December 29, 2005,<sup>[7]</sup> respondent admitted that he committed lapses in the performance of his function which caused the delay in the speedy disposition of cases. Respondent implore the benevolence of the Court because his serious marital problems greatly affected his work, albeit the same is not a good ground for his failure to do what was required of him.

In the Resolution of July 26, 2006,<sup>[8]</sup> the matter was referred to OCA for evaluation, report and recommendation.

In its Memorandum dated October 3, 2006,<sup>[9]</sup> the OCA found respondent guilty of simple neglect of duty and recommended a fine of P3,000.00 with a stern warning that a repetition of the same or similar act in the future will be dealt with more severely.

We agree and adopt the findings of the OCA but differ as to the recommended penalty.

A court stenographer performs a function essential to the prompt and fair administration of justice.<sup>[10]</sup> The conduct of every person connected with the administration of justice, from the presiding judge to the lowliest clerk, is circumscribed with a heavy burden of responsibility.<sup>[11]</sup> All public officers are accountable to the people at all times. Their duties and responsibilities must be strictly performed. As administration of justice is a sacred task, this Court condemns any omission or act which would tend to diminish the faith of the people in the Judiciary.<sup>[12]</sup> Every employee or officer involved in the dispensation of justice should be circumscribed with the heavy burden of responsibility and their conduct must, at all times, be above suspicion.<sup>[13]</sup> A public office is indeed a public trust, and a court stenographer, without doubt, violates this trust by failing to fulfill his duties.<sup>[14]</sup>

As observed by the OCA, respondent was clearly remiss in the exercise of his duties as a court stenographer. While we empathize with respondent, his domestic problems cannot shield him from exercising due diligence in the performance of his duty in transcribing the stenographic notes within the required period as mandated in SC Administrative Circular No. 24-90, which became effective on August 1, 1990, after its promulgation by this Court on July 12, 1990. It provides:

2. (a) All stenographers, are required 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 attaching may