

## THIRD DIVISION

[ A.M. NO. P-05-2043, December 07, 2005 ]

**SPO2 JONATHAN M. ALCOVER SR., COMPLAINANT, VS. EDGARDO Y. BACATAN, COURT STENOGRAPHER III, BRANCH 24, REGIONAL TRIAL COURT, CEBU CITY, RESPONDENT.**

### DECISION

#### **PANGANIBAN, J.:**

Yet again, the Court exhorts judicial officials and employees to render efficient and effective service and to avoid delay in the performance of their duties, in order to uphold public trust at all times. Court stenographers, in particular, must strictly comply with Administrative Circular No. 24-90, which requires them to transcribe stenographic notes within twenty (20) days from the date the notes were taken.

#### **The Case and the Facts**

After being convicted of murder in Criminal Case No. CBU-55699 before Branch 24 of the Regional Trial Court (RTC) of Cebu City, SPO2 Jonathan M. Alcover Sr. -- in a Letter-Complaint<sup>[1]</sup> dated June 27, 2004 -- charged Court Stenographer III Edgardo Y. Bacatan with failure to make the transcripts of stenographic notes (TSN) in the case available to complainant.

The Office of the Court Administrator (OCA) summarized the allegations in the present Complaint in this wise:

"Complainant narrates that he is one of the accused in the said criminal case. According to him, the respondent cleverly and maliciously delayed the release of the transcript of the stenographic notes particularly the transcript of the testimony of witness Christian Paras taken on 18 September 2001. The delay was purposely done to prevent complainant from strengthening his defense in court. It was only on 15 June 2004 or several months after the decision was rendered that complainant was furnished a copy of the first half of the transcript of the testimony of Paras.

"In a subsequent **LETTER** dated 1 August 2004, the complainant clarifies that the first part of the transcript of the testimony of witness Paras was only made available to him in the last week of June 2004; whereas the last part thereof was furnished the complainant only in the first week of July 2004.

"Despite due payment of the required fees for the preparation of the transcript after every scheduled trial, the transcripts were not readily

made available to the accused for their immediate study and reference.

The delay indicates that the transcripts were altered."<sup>[2]</sup>

In its 1<sup>st</sup> Indorsement<sup>[3]</sup> dated July 20, 2004, the OCA required respondent to submit a comment, which he subsequently did on August 12, 2004. In his Comment,<sup>[4]</sup> he strongly denied that he had tampered with the TSN and deliberately delayed its release.

The OCA summed up his points as follows:

"In his **COMMENT** dated 9 August 2004, the respondent vehemently denies that he delayed the release of the transcript of the stenographic notes. He states that during the trial, the complainant was furnished with some of the transcripts of the proceedings. However, after some time, the complainant did not anymore bother to get copies of the other transcripts. Respondent even reminded the complainant through telephone to get the copies of the transcript of every hearing which the respondent prepared. However, until now, some transcripts of the stenographic notes remain unclaimed by the complainant.

"After the promulgation of the decision, complainant requested for copies of the transcripts of the stenographic notes for the purpose of appeal. Respondent was able to release to the complainant up to page 32 only of the testimony of witness Paras because the remaining parts are still in draft form. Eventually, the second part (pages 33 to 49) of the transcript of the testimony of Paras was given sometime last week of June or first week of July.

"Respondent denies that he tampered [with] the transcript of stenographic notes."<sup>[5]</sup>

### **Evaluation and Recommendation of the OCA**

The OCA noted that respondent had admitted transcribing the testimony of Witness Christian Paras, only after the lapse of almost three years from the time the notes were taken. Accordingly, it recommended that respondent be held administratively liable for simple neglect of duty, and that he be "suspended from office for two (2) months without pay with a stern warning that a repetition of the same act will be dealt with more severely."<sup>[6]</sup>

As for the allegation that respondent had altered transcripts of the witness' testimony, the OCA found no supporting proof in the records.<sup>[7]</sup>

### **The Court's Ruling**

We agree with the OCA and adopt its recommendation.

### **Administrative Liability of Respondent**

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