

## THIRD DIVISION

**[ A.M. No. RTJ-04-1851, October 13, 2004 ]**

**ATTY. ERNESTO L. PINEDA, COMPLAINANT, VS. JUDGE OFELIA  
TUAZON PINTO, RESPONDENT.**

### R E S O L U T I O N

**CORONA, J.:**

The subject matter of this administrative case is a letter-complaint filed by Atty. Ernesto Pineda (counsel of record of the Roman Catholic Church of Pampanga), which was received by the Office of the Court Administrator on December 3, 2002.

[1] Complainants charged Judge Ofelia Tuazon Pinto of the Regional Trial Court of Angeles City, Branch 60, with gross inefficiency, neglect and unreasonable delay in elevating to the Court of Appeals the records of Civil Case No. 8759, entitled *Agueda B. Tinio and Simeon D. Tinio vs. Benjamin Labung and Roman Catholic Archbishop of Pampanga (RCA)*. That case was heard and decided by respondent judge unfavorably against the complainant.

Complainant alleged that respondent judge rendered her assailed decision on December 19, 2000. Dissatisfied, the RCA decided to appeal to the CA within the reglementary period. On February 1, 2001, the RCA represented by counsel (the complainant) filed a notice of appeal and paid the requisite docket and appeal fees. Notwithstanding the follow-ups made and despite the lapse of a considerable period, respondent judge failed to transmit the records of Civil Case No. 8759 to the CA. Complainant charged that the omission of respondent judge was a serious violation of Administrative Circular 24-90[2] and Canon 3, Rule 3.09 of the Code of Judicial Conduct.[3] He complained that, under the circular, stenographers are required to transcribe their notes of the proceedings and submit the transcripts to the judge or clerk of the trial court, who must in turn submit the transcripts of the stenographic notes to the clerk of court of the CA within 30 days from perfection of the appeal. According to complainant, respondent judge should have been mindful of her duties under Circular 24-90. He claimed that the delay for almost two years was too much to forgive because, as an administrative officer of the court, she should have organized and supervised her court personnel to ensure the prompt and efficient dispatch of business, requiring at all times the observance of high standards of public service and fidelity.

Complainant stated that respondent judge could not hide behind the inefficiency of her personnel as she was considered as the manager of her court.

In sum, complainant prayed for the dismissal from the service of respondent judge allegedly for her gross inefficiency, neglect and unreasonable delay in elevating the records of Civil Case No. 8759 to the CA.

The Office of the Court Administrator (OCA) required respondent judge to file her

comment.<sup>[4]</sup>

Respondent judge averred that, upon being informed of the said complaint, she immediately directed her officer-in-charge (OIC) branch clerk of court to explain<sup>[5]</sup> the imputed delay in the transmission of the records of the aforementioned civil case.

In her explanation,<sup>[6]</sup> OIC branch clerk of court Raquel Clarin stated that, sometime in the second week of February 2001, she received respondent's signed order giving due course to the notice of appeal in Civil Case No. 8759. Thereafter, she informed the clerk, Ms. Divina Narciso to prepare the records for transmission, after which she signed the transmittal letter addressed to the appellate court on March 14, 2001.

However, unknown to the OIC branch clerk of court, the records of the case were not immediately transmitted to the appellate court within the prescribed period because of incomplete transcripts. It appears that after she signed the transmittal letter, Ms. Narciso, upon wrapping the records of the case (including exhibits) noticed that the transcripts were still incomplete. Ms. Narciso asked the stenographer concerned to complete it, but the latter asked for more time. In the meantime, while waiting for the completion of the stenographic notes, Ms. Narciso became pre-occupied with other pending matters and thus forgot about the transmittal of the records to the CA.

The OIC branch clerk of court maintained that their omission was neither intentional nor malicious since it was the first time it happened to in her 24 years of government service. She also claimed that all the while she was of the honest belief that the records were already transmitted to the appellate court since she already signed the transmittal letter. It was only after respondent judge asked her to explain the incident and after verifying it with the civil clerk staff that she found out about the delay in the transmittal of the records which, as the record shows, were transmitted only on December 27, 2002. She begged for leniency since she was not only acting as an OIC but also as a researcher and court interpreter, among others, due to manpower shortage vis-a-vis tremendous volume of work.

For her part, respondent judge admits that there was indeed a delay in the transmittal of the records to the appellate court but seeks the indulgence of the complainant and this Court since it was not done maliciously or intentionally to cause damage to the parties. She maintains that her civil clerk staff inadvertently forgot to transmit the records (which was an isolated incident) due to the tremendous increase in the volume of their work (from its load of 200 cases a month to 832, beginning December 2002) brought about by the designation of Branch 60 as a Family Court in March 2000. With such designation, Branch 60 was vested with jurisdiction over one city and three municipalities of Pampanga.

She further states that, because of this increased workload, she conducts hearings from morning to afternoon with an average of 20 cases heard daily.

Respondent maintains that, despite the tremendous increase in the volume of their work and given the few employees assigned to her, she was able to lessen her caseload as shown by the inventory of her cases. She likewise explains that the

delay was an isolated incident and that the subject records were finally transmitted to the Court of Appeals on December 27, 2002.<sup>[7]</sup> Nevertheless, despite her mounting work, she never failed to remind her staff of their duties during their regular monthly meeting.

Judge Pinto also pleads for indulgence and consideration for her OIC branch clerk of court and the two staff clerks who are just as overworked. While she acknowledges the oversight they committed, she nevertheless prays that the lapse be viewed in the light of the explanation she made because she has really tried her best to be a good administrator or manager of her court but, due to the abnormal and unusual number of their pending cases, she and her staff committed the lapse. She promises to be more careful in the future.

The Office of the Court Administrator in its report and recommendation dated July 3, 2003 stated:

Administrative Circular No. 24-90 pertinently states that:

3. xxx xxx xxx

- (b) In appeals to the Court of Appeals from the Regional Trial Court, whether by record on appeal or by the original record, the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of Trial Court, who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of thirty (30) days from perfection of the appeal.

xxx xxx xxx"

The abovequoted provision governs the transmission of the records of appealed cases from the trial court to the Court of Appeals. It explicitly enjoins the Judge/Clerk of Court to transmit the complete records of the case to the Court of Appeals within thirty (30) days from perfection of appeal. The inefficiency of the staff resulting in failure to comply with injunction does not free respondent judge from administrative liability. As administrative officer of the court, a judge is expected to keep a watchful eye on the performance and conduct of court personnel under his immediate supervision.

Respondent should be reminded that together with her responsibility of deciding cases with the least possible delay, she has the obligation to effectively manage her court and its personnel. Proper and efficient court management is definitely her responsibility. And, as pointed out in *Tan vs. Madayag* (231 SCRA 62), the court personnel are not the guardians of a judge's responsibilities. Thus, the repeated pronouncement that the Judge such as the respondent cannot hide behind the incompetence of his subordinates. He should be the master of his own domain and take responsibility for the mistakes of his subjects (*Pantaleon vs. Guadiz*, 323 SCRA 147, *In Re: Judge Fernando F. Agmadag*, 254 SCRA 544).