

THIRD DIVISION

[A.M. No. RTJ-00-1525, January 25, 2000]

**ATTY. MARTIN D. PANTALEON, COMPLAINANT, VS. JUDGE
TEOFILO L. GUADIZ, JR., RESPONDENT.**

R E S O L U T I O N

MELO, J.:

The sworn letter-complaint dated April 1, 1997 of Atty. Martin D. Pantaleon charged respondent Teofilo L. Guadiz, Jr., Presiding Judge of Branch 147, Regional Trial Court of the National Capital Region stationed in Makati City with "Gross Inefficiency, Neglect and Unreasonable Delay in Elevating the Records of Civil Case No. 88-2187 entitled, Que Kua a.k.a. Felix Qua and Muy Ching a.k.a. Matilda Qua vs. Sarkies Tours Philippines, Inc. and Juan B. Bertillo, to the Court of Appeals."

Complainant, plaintiff's counsel in the aforecited case, alleged that after receipt of the copy of the decision on November 26, 1993 and within the reglementary period, a Notice of Appeal was filed on December 2, 1993. Respondent judge then issued an order dated January 26, 1994, pertinently stating:

Plaintiffs, thru counsel, having filed a "Notice of Appeal" manifesting their appeal from the "Decision" dated September 30, 1993 to the Court of Appeals, let the records of this case be forwarded to the Clerk of Court, Court of Appeals, Manila.

The stenographers who took down the notes during the proceedings are hereby ordered to transcribe their notes and submit transcript thereof to the Branch Clerk of Court who shall include the same with the records to be transmitted to the Court of Appeals.

SO ORDERED.

Complainant, by himself or through representatives, followed up the matter of transmittal of the record to the Court of Appeals several times, the last time being on March 12, 1997. However, after more than three years from the date of the order to transmit was given by respondent, the record of the case have not been transmitted. This long delay prompted complainant to file the instant complaint.

In his comment, respondent alleged that he learned of the delay in the transmittal of the record only upon being appraised of the complaint against him. Respondent reasoned out that Ms. Julita Lopez, the court stenographer, had misplaced the transcript of the testimony of the doctor who attended to the plaintiff in the hospital, hence the record could not be transmitted to the Court of Appeals.

Respondent further averred that complainant should have invited his attention by filing the proper motion or by writing a personal letter informing him of the non-

transmission of the record to the Court of Appeals. This should have been done within three months from the date the order was given.

In its memorandum dated March 15, 1999, the Office of the Court Administrator recommended that respondent judge be fined P2,000.00 for inefficiency, neglect and unreasonable delay in elevating the records of Civil Case No. 88-2187 to the Court of Appeals.

In support thereof, the Office of the Court Administrator stated the following reasons:

EVALUATION: The transcription of stenographic notes and their transmission to the Appellate Courts are governed by Administrative Circular No.24-90, to wit:

"3.(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 Court of the Trial Court, who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of 30 days from perfection of the appeal.

The foregoing provision is an explicit mandate which enjoins the Clerk or Judge of the Court with whom the Notice of Appeal has been filed to transmit the complete records of the case to the Clerk of Court within thirty (30) days from perfection thereof. The non-transmission thereof by reason of inefficiency of the staff would not exonerate respondent judge from administrative liability. As administrative officer of the court, a judge is expected to keep a watchful eye on the level of performance and conduct of the court personnel under his immediate supervision who are primarily employed to aid in the administration of justice as required by Canon 3, Rule 3.09 of the Code of Judicial Conduct.

In a resolution dated June 23, 1999, both complainant and respondent were then required to manifest within ten days from notice if they are submitting the case for decision on the basis of the pleadings filed therein.

Both filed their respective manifestations, but respondent further filed a supplemental comment, the pertinent portions of which read as follows:

x x x
x x x
x x x

3) That it is not the duty of the presiding judge of the RTC to transmit the records of an appealed case to the appellate court, but it is the duty of the branch clerk of court to do so as provided in Section 10, Rule 41 of the Rules of Court, to wit:

"Section 10. Duty of clerk of court of the lower court upon perfection of appeal-Within thirty (30) days after perfection of