

EN BANC

[A.M. No. P-99-1309, September 11, 2000]

JUDGE FRANCISCO B. IBAY, COMPLAINANT, VS. VIRGINIA G. LIM, RESPONDENT.

R E S O L U T I O N

PER CURIAM:

In a letter-complaint^[1] dated July 8, 1998 complainant Francisco B. Ibay, Presiding Judge of the Regional Trial Court of Makati City, Branch 135, charges respondent Virginia G. Lim, Stenographic Reporter of the same court, with serious neglect of duty and grave misconduct. Judge Ibay recommends that respondent be dismissed from service by reason of the following, to wit:

1. For conviction of the crime of libel, a crime involving moral turpitude - In People vs. Virginia Lim, Criminal Case No. 90-87158 in RTC Manila, Branch 42, respondent Lim was found guilty beyond reasonable doubt of the crime of libel committed against Judge Ramon P. Makasiar, then Presiding Judge of the Regional Trial Court of Manila, Branch 36.^[2] She was placed on Probation and thereafter discharged.^[3]
2. For gross neglect of duty - An inventory of the records^[4] conducted on January 1998 showed that respondent Lim failed to transcribe the stenographic notes of thirty-one (31) proceedings in eighteen (18) inherited cases and despite her relief from court duty on March 19, 1998, she still had fourteen (14) untranscribed notes as of June 1998.^[5]
3. For grave misconduct - In civil Case No. 89-4649 respondent Lim was ordered by the Court to transcribe her notes within five (5) days from receipt of the Order dated January 16, 1998.^[6] In defiance of said Order, respondent Lim filed an application for leave. More than a month after, at the instance^[7] of the plaintiffs in Civil Case No. 89-4649, administrative and contempt proceedings were filed against her for her failure/neglect/refusal to transcribe the stenographic notes. In an Order dated March 19, 1998,^[8] respondent Lim was fined P1,000.00^[9] for contempt of court. Meanwhile, the motion of plaintiffs in Civil Case No. 89-4649 was treated as an administrative complaint and was forwarded to the Court Administrator for action.^[10]

4. For flagrant violation of paragraph 7 of Administrative Circular No. 24-90^[11] - Despite her heavy backlog, respondent Lim traveled abroad,^[12] with pending untranscribed TSNs which were more than one (1) year old.

Despite receipt of a copy of the letter-complaint and being directed to file her answer thereto,^[13] respondent Lim failed to file any answer. This prompted complainant Judge Ibay to request, through a letter dated November 26, 1998, that respondent Lim be considered to have waived her right to file her answer. In a Resolution^[14] dated March 24, 1999 the Court granted the same and further resolved to re-docket the complaint as an administrative matter and directed the Court administrator to refer the case to a consultant of the Office of the Court Administrator (OCA) for investigation, report and recommendation.

Retired Justice Conrado M. Molina, a consultant of the OCA, after conducting the necessary investigation, submitted his Report and Recommendation dated April 20, 1999 with the pertinent findings quoted hereunder:

A. Conviction of a Crime Involving Moral Turpitude

x x x

Ms. Lim's conviction for libel, even granting that libel involves moral turpitude, cannot *per se* be a ground for her dismissal from the service. Discharge from probation which restores to the probationer all civil rights lost or suspended as a result of the conviction, to the mind of the undersigned, has the same effect as an absolute pardon which releases the punishment and blots out the existence of guilt, so that in the eyes of the law the offender is as innocent as if he had never committed the offense (Ex-Parte Garland 4 Wall, 344). Probation, after all, is granted in order to give the probationer a chance to return to the mainstream, to give him hope - hope for self-respect and a better life (Bala vs. Martinez, 181 SCRA 459, 466). Removing a person from office because of his conviction for a crime, after he had undergone and discharged from probation, is simply inconsistent to the purpose and intent of probation.

B. Serious of Neglect of Duty

x x x

For all her shortcomings in the transcription of her stenographic notes as demonstrated herein above, the respondent has shown her utter lack of dedication to the functions of her office. As a trial court stenographer she knows, or ought to know, that she performs an important role in running the machinery of our trial court system and that transcripts of stenographic notes are vital for the speedy disposition of cases. In the several cases that are the subject of Judge Ibay's complaint it took the respondent years to submit her TSNs. Even Judge Ibay's predecessor in Branch 135, now retired Justice Omar Amin, had complained to the Court Administrator about respondent's delinquency in the transcription of stenographic notes (Exh. F, letter dated January 30, 1996, of then Judge Amin to the Court Administrator). Clearly, the respondent not only failed