

## SECOND DIVISION

**[ A.M. No. P-94-1107, March 03, 1999 ]**

**ATTY. CARMELINA CENIZA-GUEVARRA, BRANCH CLERK OF COURT, BRANCH-48, REGIONAL TRIAL COURT, PUERTO PRINCESA CITY, COMPLAINANT, VS. CELERINA R. MAGBANUA, COURT STENOGRAPHER, BRANCH-48, REGIONAL TRIAL COURT, PUERTO PRINCESA CITY, RESPONDENT.**

### DECISION

**QUISUMBING, J.:**

Before us is a complaint for gross insubordination, falsification of public records, and immorality filed by Atty. Carmelina Ceniza-Guevarra, Branch Clerk of Court of Branch-48, Regional Trial Court, Puerto Princesa City against Celerina R. Mabanua, Court Stenographer of the same branch.

Complainant charged respondent with (1) gross insubordination, for unjustifiably refusing to report for duty, to sign a receipt for office equipment in her care, and to transcribe her stenographic notes despite several directives to do so; (2) falsification of public records, for falsifying her Daily Time Record with respect to her time of arrival and attendance in the office; and (3) immorality, for her doubtful civil status.

[1]

Respondent denied complainant's allegations. She claimed that the complaint was meant as a retaliation to the complaint for abuse of authority which she filed against complainant only a few days earlier.

Meanwhile, in A.M. NO. 95-10-322-RTC, the Court, in a resolution dated Oct. 24, 1995, ordered that respondent be dropped from the service effective December 1, 1994, for having gone on absence without leave from December 1, 1994 to October 24, 1995.[2]

On February 14, 1996, the Court referred the case at bar to the Office of the Court Administrator for evaluation, report and recommendation.

Following a request made by the Office of the Court Administrator, complainant furnished OCA a list of 18 cases wherein the stenographic notes taken by respondent remain untranscribed. Respondent had failed to transcribe and submit these transcripts despite being ordered to do so by different judges.[3]

In a resolution dated August 19, 1996, this Court ordered the arrest and detention of respondent until she shall have transcribed all the stenographic notes she had yet to submit. We also ordered the withholding of any salary or benefit due her until she shall have complied with our directive.

Respondent moved for a reconsideration of this order. She explained that, even before her arrest, she was already reconstructing her notes for transcription. However, a flash flood occurred at the office of Branch 48, after one of the faucets inside was left open throughout the night. Respondent said her notes were stored in a box placed on the floor of the office, and this box was found soaked next morning. Thus, she could no longer retrieve her notes.

Respondent also asked to be released so she could find work and care for her two children.

This Court then ordered respondent's temporary release and referred the matter to Executive Judge Panfilo Salva for investigation.

In his report dated December 8, 1997, Judge Salva recommended that respondent be dismissed from the service, as she admitted in a hearing held on August 28, 1997, all the allegations in the complaint except those concerning falsification of public records.<sup>[4]</sup> Judge Salva noted that respondent had earlier been dropped from the service, which in his opinion is tantamount to her dismissal.

Judge Salva likewise observed that as of the date of his report, respondent had not submitted any transcript notwithstanding this Court's order for her to do so. Judge Salva recommended that respondent be declared in contempt of court and punished accordingly.

Respondent's claim that her notes were destroyed during a flash flood was belied by Judge Amor A. Reyes, former presiding judge of Branch 48, RTC, Puerto Princesa City. Judge Reyes said that respondent's stenographic notes were stored inside a cabinet and were not at all damaged by the flood.

In a report dated July 3, 1998, the Office of the Court Administrator recommended that we set aside our resolution dropping respondent from the service and instead dismiss respondent with forfeiture of all leave credits and retirement benefits, with prejudice to her reinstatement in the government service.

We agree with the findings which show with certainty respondent's administrative liability.

We note that respondent had untranscribed stenographic notes for 18 cases, with hearing dates as far back as November 7, 1972. Yet, she blames her failure to transcribe her notes on a flood that occurred more than two decades later, in November 1995, which allegedly destroyed her notes. Prior to this, she failed to transcribe her notes notwithstanding repeated orders for her to do so, without any justifiable reason.

This, indeed, is the height of negligence.

No less than the Constitution<sup>[5]</sup> mandates that public officers, such as respondent, serve the people with utmost responsibility and efficiency. Public office is, indeed, a public trust, and respondent has without a doubt violated this trust by her failure to fulfill her duty as a court stenographer.