

FIRST DIVISION

[A.M. No. P-96-1180, February 16, 1996]

**ATTY. BENJAMIN B. BERNARDINO, COMPLAINANT, VS.
ARMANDO B. IGNACIO, COURT STENOGRAPHER, RTC, PASIG
CITY, BRANCH 161, RESPONDENT.**

D E C I S I O N

KAPUNAN, J.:

In a letter-complaint dated November 15, 1994, Atty. Benjamin B. Bernardino, counsel for Remigio Medina, accused in Criminal Case No. 86553 and plaintiff in Civil Case No. 60097 jointly tried before the Regional Trial Court, Pasig City, Branch 161, charges court stenographer Armando B. Ignacio with certain anomalies in the transcription of stenographic notes in said cases.

In an earlier letter dated October 27, 1994 addressed to Pasig Regional Trial Court Executive Judge Martin S. Villarama, Jr., complainant alleged that:

Firstly, there appears to be two (2) sets of transcripts of stenographic notes taken in one proceeding on August 16, 1993. One set consisting of 22 pages and the other set in 15 pages.

In the first set, particularly page 6 thereof, lines 12 and 13, appearing are:

Q. And who was charged in that case?

A. I was the one charged.

and in page 11, lines 29 to 33 thereof, appearing in the lower portion are the following:

COURT: You stop making those signs, otherwise I will hold you in contempt. (The Court admonishing Mr. Menes Alfonso who is also in Court.)

This Menes Alfonso incidentally is a defendant in the Civil Case before this Court.

In the second set of transcript of stenographic notes particularly page 6 thereof, lines 5 to 9, appearing are the following, to wit:

WITNESS: I remember that case now, the secretary of Mr. Pablo Floro, Nenita Aquino loaned money to Fely Santos, and Fely Santos paid that loan through me. I was not the one charged. (Please note the word NOT

was added.)

What appears in page 11 of the first set no longer appears in page 11 nor on page 12 of the second set, hence lines 29 to 33 of page 11 was (sic) totally deleted.^[1]

In a First Indorsement dated November 4, 1994, Judge Villarama referred the matter to the Office of the Court Administrator (OCA).

In a Second Indorsement dated February 2, 1995, the OCA required respondent to comment on the complaint.

On February 24, 1995, respondent filed his comment, stating that the second set of transcripts of stenographic notes contained corrections he had made in good faith and that the omissions in the first set were not done deliberately or with malice. He further stated that he made corrections other than those found by complainant, e.g., he added the name "Ricardo" before the surname "Miguel" as appearing on page 7 of the first set of transcripts.

Respondent asserted that he took the initiative of correcting the transcripts rather than wait for a party to file a motion to correct them, and before the records of the case together with the transcripts were forwarded to the Judiciary Planning Development and Implementation Office.

In a Third Indorsement dated June 26, 1995, the OCA referred the matter to Executive Judge Villarama for investigation, report and recommendation.

Following the initial conference, the parties agreed to submit the case for report and recommendation on the basis of the pleadings on record.

In his Report dated August 29, 1995, the investigating judge concluded that respondent was liable for grave or serious misconduct, thus:

In the mind of the undersigned Investigating Judge such omissions could not be considered as mere inadvertence but a deliberate attempt to mislead the reader particularly so that the non-inclusion of the word "not" created a reasonable doubt in the mind of the Court (Branch 161 or the JPDIO) as to the credibility of witness Maria Alfonso.

The investigating judge recommended that respondent be suspended from office for a period of one year with forfeiture of salary and other benefits.

In its Memorandum, the Court Administrator stated that the recommended penalty is too harsh. We agree.

The Court cannot readily ascribe bad faith on the part of respondent. Good faith is presumed, and complainant has the burden of proving malice. He did not even