

REVISED COPY



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JOEFIL BAGUIO,

Complainant,

A.M. No. P-13-3155

[Formerly O.C.A. IPI No. 10-3530-P]

Present:

- versus -

SERENO, *C J*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ*.

MARIA FE V. ARNEJO,

Respondent.

Promulgated:

OCT 21 2013

X ----- X

RESOLUTION

*** SERENO, *CJ*:**

A letter-complaint¹ dated 27 October 2010 was filed by complainant charging respondent stenographer with willful gross neglect of duties based on the following: 1) noncompliance with Supreme Court (SC) Administrative Circular No. 24-90, which requires stenographers to transcribe notes within 20 days from the date of hearing; 2) non-issuance of an official receipt (OR) for the payment of the transcript of stenographic notes (TSN); and 3) antedating of the date the TSN was prepared when the ORs submitted by respondent for the 27 May 2010 and 8 September 2010 hearing dates were dated 23 and 18 December 2010, respectively, with the corresponding amounts of ₱79.20 and ₱92.40, which were not consistent with the amount indicated in the temporary acknowledgement receipt she had issued.²

Upon the recommendation of the Office of the Court Administrator,³ the Complaint was referred to the executive judge of the Regional Trial Court (RTC) of Cebu City for investigation, report and recommendation.

¹ *Rollo*, p.1.

² Resolution dated 11 April 2012, *id* at 83.

³ *Id.* at 79-82.

*Revision: SERENO, J., corrected to SERENO, CJ:.

Executive Judge Silvestre Maamo, Jr. conducted an investigation, but after three consecutive failures of complainant to appear for the presentation of his evidence, the case was submitted for resolution based on the available evidence on record.

Based on the Investigation Report⁴ submitted by Judge Maamo, the following were established:

1. The judge found no basis for the allegation of noncompliance with SC Administrative Circular No. 24-90, as the TSN for 27 May 2010 and 8 September 2010 had been transcribed within the 20-day period.

Also, there was no hearing conducted on 30 September 2010, as there was a “Motion to Postpone Sept. 30, 2010 Hearing;” and a different stenographer, Beatriz Espartero, was on duty.

2. As regards the non-issuance of a receipt for the payment of the TSN, records show the following:
 - a) On 27 May 2010, respondent asked from complainant ₱500 with which to buy ink for the printer, which was allegedly treated as advance payment.
 - b) Respondent admitted issuing an acknowledgment receipt on 22 July 2011 for the amount of ₱240 which she received on 27 May 2010 as advance payment for the TSN.
 - c) The actual remittance for the payment for the TSN for the 27 May 2010 and the 8 September 2010 hearing dates was made only on 23 December 2010 and 19 December 2010, respectively, or after the instant Complaint was filed against her.
 - d) Respondent failed to prove that she had been regularly remitting payments for the TSN to the Office of the Clerk of Court (OCC) of the RTC-Cebu City in accordance with the Office of the Court Administrator (OCA) Circular No. 83-2010.
3. Respondent likewise admitted in her Comment filed on 21 January 2011 that the date of the Certification in the TSN must coincide with the date of hearing so as not to create confusion; thus, she actually antedated the Certification date as a matter of practice.

The investigating judge recommends that respondent be reprimanded for “violating A.M. No. 03-06-13 SC⁵ and RA 6793⁶ [sic]” by asking for advances from litigants; issuing acknowledgment receipts for collecting

⁴ Received by the OCA on 16 October 2012.

⁵ Code of Conduct for Court Personnel.

⁶ R.A. No.6713, otherwise known as “Code of Conduct and Ethical Standards for Public Officials and Employees.”

payments for the TSN; and failing to immediately remit her TSN collection accruing to the Judiciary Development Fund (JDF) on the day the payments were received; and failing to prove her alleged practice of regularly remitting to the OCC, RTC-Cebu City the JDF she collected for the TSNs paid for by the litigant.

The Investigation Report was forwarded to the OCA for evaluation, report, and recommendation who likewise found that the conclusions of Judge Maamo were supported by the evidence on record. The OCA found that respondent complied with the SC Administrative Circular No. 24-90 on the completion of TSNs within twenty (20) days from hearing. However, as to the issuance of official receipts, respondent Arnejo violated Section 11, Rule 141 of the Revised Rules of Court.⁷

THE COURT'S RULING

This Court likewise finds respondent had complied with the SC Administrative Circular No. 24-90 on the completion of TSNs within twenty (20) days from hearing. However, after a careful review of the records, we agree with the findings of the investigating judge and OCA that respondent stenographer violated the Code of Conduct of Court Personnel and Code of Ethics for Government Officials and Employees.

At the outset, the Court cannot turn blind to the admitted fact that respondent received from complainant the supposed payment for the TSN on 22 July 2010⁸ and remitted the money to the cashier of the Clerk of Court only on 19 and 23 December 2010.⁹

This Court will not tolerate the practice of asking for advance payment from litigants, much less the unauthorized acceptance of judicial fees. Section 11, Rule 141 of the Rules of Court, specifically provides that payment for requests of copies of the TSN shall be made to the Clerk of Court. Clearly, therefore, payment cannot be made to respondent, as it is an official transaction, and, as such, must be made to the Clerk of Court.¹⁰ Respondent, being a stenographer, is not authorized to accept payment for judicial fees, even if two-thirds of those fees would be paid to her anyway.

Moreover, the issuance of an acknowledgment receipt cannot be construed as having been done in good faith, considering the fact that respondent only remitted the payment for the TSN five (5) months after her receipt of the supposed judicial fee, or only after the instant Complaint had been filed against her. Her belated remittance was tainted with bad faith.

⁷ OCA Memorandum, rollo, pp. 183-187.

⁸ Acknowledgment Receipt, *rollo*, p. 6.

⁹ Official Receipts, *id.* at 77-78.

¹⁰ *Basilio v. Dinio*, A.M. No. P-09-2700, 15 November 2010, 634 SCRA 516, 522.

Court personnel must at all times act with strict propriety and proper decorum so as to earn and rebuild the public's trust in the judiciary as an institution.¹¹ This Court has consistently ruled that the Code of Conduct and Ethical Standards for Public Officials and Employees enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service.¹² And no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the judiciary.¹³ Every employee of the judiciary should be an example of integrity, uprightness and honesty.¹⁴

We have repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as would free them from any suspicion that may taint the judiciary.¹⁵ The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.¹⁶ As a judicial employee, respondent is held to the highest ethical standards to preserve the integrity of the courts.

We do not agree, however, with the recommended penalty of the investigating judge and the OCA. Pursuant to the Uniform Rules in Administrative Cases in the Civil Service,¹⁷ respondent's infraction is classified as a grave offense, which constitutes conduct grossly prejudicial to the best interest of the service and punishable on the first offense by a suspension for six (6) months and one (1) day to one (1) year. However, for humanitarian reason and considering that this is her first infraction, there being no evidence to prove that respondent has been previously involved with other offenses or violations; we reduce the penalty to three (3) months suspension with a stern warning that a repetition of the same or a similar offense will be dealt with more severely.

WHEREFORE, respondent Maria Fe Arnejo is found **GUILTY** of conduct grossly prejudicial to the best interest of the service. Accordingly, she is hereby **SUSPENDED** for three (3) months, with a **STERN WARNING** that a repetition of the same or a similar offense will be dealt with more severely.

¹¹ *Judge Jaravata v. Orendia*, A. M. No. P-12-3035, 13 June 2012.

¹² *Alawi v. Alauya*, 335 Phil. 1096 (1997).

¹³ *Rabe v. Flores*, 338 Phil. 919 (1997).

¹⁴ *Court Administrator v. Sevillo*, 336 Phil. 931 (1997); *Estreller v. Manatad, Jr.*, 335 Phil. 1077 (1997).

¹⁵ *Concerned Citizens of Laoag City v. Arzaga*, 334 Phil. 830 (1997).

¹⁶ *Office of the Court Administrator v. Sheriff IV Cabe*, 389 Phil. 685 (2000); *Santiago v. Judge Jovellanos*, 391 Phil. 682 (2000).


¹⁷ Resolution No. 991936 of the Civil Service Commission.

SÓ ORDERED.

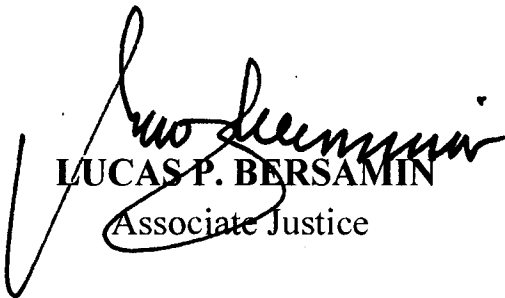


MARIA LOURDES P. A. SERENO
Chief Justice, Chairperson

WE CONCUR:




TERESITA J. LEONARDO-DE CASTRO
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



BIENVENIDO L. REYES
Associate Justice