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for the protection of the prevailing party and non-compliance therewith within the time prescribed causes no substantial prejudice to anyone.[13]

Accordingly, petitioners should have been given ample opportunity to pay the appeal fee.

WHEREFORE, the petition is GRANTED. The assailed Decision of the Court of Appeals is hereby REVERSED and SET ASIDE and the respondent Regional Trial Court is DIRECTED to reinstate petitioners' appeal in Civil Case No. SC-3129, upon proof of payment of the appeal fee, which shall be paid within ten (10) days from finality of this Decision.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Melo, and *Francisco, JJ.,* concur.

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.*

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[13] *Lopez vs. Court of Appeals, supra,* cited in *Fontanar vs. Bansubre, supra.*

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SYLLABUS

ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; MUST BE BEYOND REPROACH AND MUST ALWAYS BE FREE FROM SUSPICION THAT MAY TAINT THE JUDICIARY. — A court stenographer performs a function essential to the prompt and fair administration of justice. He is tasked with "making an accurate and faithful record of the court proceedings as well as its honest and authentic reproduction in the transcript." Only if he performs such task with due care and diligence will litigants' faith in the judicial system be reinforced. Otherwise, like complainant in the instant case, litigants would form from irregular transcripts an impression or suspicion of impartiality on the part of the stenographer. We have oft repeated that court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary.

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:

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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).

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[1] *Rollo*, pp. 7-8.

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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

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(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 attempt to discharge such burden. As noted by the Court Administrator, complainant failed to attend the scheduled hearings despite due notice, apparently lost interest in presenting additional evidence, and merely asked that the case be submitted for resolution on the basis of the pleadings filed.

As pointed out by the Court Administrator, while the discrepancy in the two sets of transcripts is undisputed, complainant failed to show what prejudice was caused his client. Nor was it clearly demonstrated that the credibility of the witness Maria Alfonso was in any way affected by the correction in the second set of transcripts.

We cannot, however, ignore the fact that respondent failed to exercise diligence in performing his duty of transcribing his stenographic notes. Had he exercised due care in the performance of his work, he would not have had to make a corrected second set of transcripts, and would not have exposed himself to respondent's suspicion.

Mitigating respondent's liability is his service in the judiciary for thirty-three years and the fact that

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his record has been unblemished, except for the infraction committed in this case.

A court stenographer performs a function essential to the prompt and fair administration of justice. He is tasked with "making an accurate and faithful record of the court proceedings as well as its honest and authentic reproduction in the transcript."[2] Only if he performs such task with due care and diligence will litigants' faith in the judicial system be reinforced. Otherwise, like complainant in the instant case, litigants would form from irregular transcripts an impression or suspicion of impartiality on the part of the stenographer. We have oft repeated that court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary.[3]

CONSIDERING THE FOREGOING, the Court **SUSPENDS** from office respondent Armando B. Ignacio, Court Stenographer III, Regional Trial Court, Pasig City, Branch 161, for a period of **TWO (2) MONTHS** without pay, effective upon notice to him, for lack of diligence in the performance of his official functions, with a stern WARNING that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Padilla (Chairman), Bellosillo, Vitug, and *Hermosisima, Jr., JJ.*, concur.

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[2] Rodas *v.* Aquilizan. 61 SCRA 325 [1974].

[3] Re: Josefina V. Palon, 213 SCRA 219 [1992].