Supreme Court E-Library

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Kapunan, Quisumbing, Purisima, Pardo, Buena, and *Gonzaga-Reyes.*, JJ., concur.

Vitug, J., abroad on official leave.

Panganiban, J., on leave.

SECOND DIVISION

[A.M. No. P-94-1107. March 3, 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.*

SYNOPSIS

Respondent, Court Stenographer of Branch 48, RTC-Puerto Princesa City, was charged, among others, with failure to transcribe her stenographic notes despite several directives to do so. Aside from this case, respondent, in AM No. 95-10-322-RTC, was dropped from the service for having gone on absence without leave from December 1, 1994 to October 24, 1995. She was also ordered arrested by this Court for continued failure to transcribe her stenographic notes in 18 cases despite being ordered by different judges. Respondent moved for the reconsideration of the order of arrest claiming that although she had started reconstructing her notes, the same could no longer be retrieved because they were destroyed by water caused by a faucet left open overnight in the sala. However, in a hearing conducted by the investigating Judge, complainant admitted her offense. Her allegation that her notes were destroyed by water was belied by Judge Amor Reyes who

Supreme Court E-Library

declared that the notes which were stored in a cabinet were still intact.

Every public officer such as respondent, must serve the people with utmost responsibility and efficiency. Public office is a public trust and respondent by her continued failure to transcribe the subject stenographic notes, has violated this trust.

The Court would have ordered the dismissal of respondent had she not been dropped from the service. Hence the Court ordered that, for her gross neglect of duty, all her leave credits and retirement benefits be forfeited and she is barred from future employment in any branch or instrumentality of the government, including government-owned and controlled corporations.

SYLLABUS

1. **CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; STENOGRAPHER; FAILURE TO TRANSCRIBE STENOGRAPHIC NOTES FOR 18 CASES WITH HEARING DATED AS FAR BACK AS 1972 CONSTITUTES GROSS NEGLECT OF DUTY; CASE AT BAR.**— 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. We would have ordered respondent's dismissal, but she had already been dropped from the service in December 1994, for having gone on absence without leave. WHEREFORE, for gross neglect of duty, we hereby order the forfeiture of all leave credits and retirement benefits due respondent, CELERINA R. MAGBANUA, who is hereby barred from future employment in any branch or instrumentality of the government, including government-owned and controlled corporations.

2. **POLITICAL LAW; PUBLIC OFFICE; PUBLIC OFFICERS MANDATED TO SERVE THE PEOPLE WITH UTMOST RESPONSIBILITY AND EFFICIENCY.**— No less than the Constitution mandates that public officers, such as respondent, serve

Supreme Court E-Library

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. The Rules of Court provide: SEC. 17. *Stenographer.* – It shall be the duty of the stenographer who has attended a session of a court either in the morning or in the afternoon, to deliver to the clerk of court, immediately at the close of such morning or afternoon session, all the notes he has taken, to be attached to the record of the case; x x x Respondent has miserably failed to abide by the above directive.

3. **ID.; ID.; PUBLIC OFFICIALS AND EMPLOYEES INVOLVED IN ADMINISTRATION OF JUSTICE; SHALL PERFORM AND DISCHARGE THEIR DUTIES WITH HIGHEST DEGREE OF EXCELLENCE, PROFESSIONALISM, INTELLIGENCE AND SKILL.** — Time and again, this Court has expressed its dismay over the negligence and indifference of persons involved in the administration of justice. Never will this Court approve of such conduct. As we have ruled in *Contreras v. Mirando:* x x x. Administration of justice is a sacred task. It demands the highest degree of efficiency, dedication and professionalism. Respondent must be reminded of the State policy in promoting the highest standard of ethics in public service which is embedded in specific legal obligations...[public officials and employees] shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. x x x

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

Supreme Court E-Library

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.

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[1] *Rollo*, pp. 3-7.

[2] *Id.*, p. 72.

[3] *Id.*, pp. 14-24.

Supreme Court E-Library

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.[4] 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

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[4] TSN, August 28, 1997, p. 3.

Supreme Court E-Library

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[5] 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.

The Rules of Court provide:

> SEC. 17. *Stenographer.* — It shall be the duty of the stenographer who has attended the session of a court either in the morning or in the afternoon, to deliver to the clerk of court, immediately at the close of such morning or afternoon session, all the notes he has taken, to be attached to the record of the case; x x x[6]

Respondent has miserably failed to abide by the above directive. Time and again, this Court has expressed its dismay over the negligence and indifference of persons involved in the administration of justice. Never will this Court approve of such conduct.

As we have ruled in *Contreras v. Mirando*:[7]

> x x x. Administration of justice is a sacred task. It demands the highest degree of efficiency, dedication and professionalism. Respondent must be reminded of the State policy in promoting the highest standard of ethics in public service which is embedded in specific legal obligations . . . [public officials and employees] shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. x x x

We would have ordered respondent's dismissal, but she had already been dropped from the service in December, 1994, for having gone on absence without leave.

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[5] Article XI, Section 1.

[6] RULES OF COURT, Rule 136, Sec. 17.

[7] A.M. No. P-96-1189, October 16, 1997.

Supreme Court E-Library

WHEREFORE, for gross neglect of duty, we hereby order the forfeiture of all leave credits and retirement benefits due respondent, CELERINA R. MAGBANUA, who is hereby barred from future employment in any branch or instrumentality of the government, including government-owned and controlled corporations.

SO ORDERED.

Bellosillo (Chairman), Puno, Mendoza, and *Buena, JJ.,* concur.

SECOND DIVISION

[G.R. No. 93090. March 3, 1999]

ROMEO CABELLAN, *petitioner, vs.* **COURT OF APPEALS, HON. AMIR PD PUNDOGAR, Branch III of Regional Trial Court, Iligan City; CITY SHERIFF OR DEPUTY SHERIFF REYNALDO NERI, Iligan City and NATHANIEL DINORO,** *respondents.*

SYNOPSIS

This is a petition for review of the decision of the Court of Appeals dated October 31, 1989 dismissing for lack of merit a special civil action of *certiorari* filed by petitioner to set aside a decision of the Regional Trial Court of Iligan City. Both courts affirmed the decision of the Municipal Trial Court of the same city ordering the ejectment of petitioner from a piece of land in Suarez, Iligan City. In this petition for review, petitioner contended that the land in question is owned by the government and, hence, the RTC and MTC have no jurisdiction to order his ejectment.

The Supreme Court found the petition not meritorious. In particular, the Court has ruled that the public character of the land in dispute does not exclude courts from their jurisdiction over possessory actions because the only issue in ejectment cases is possession regardless of the claim of ownership of a party. Thus,