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THIRD DIVISION

[A.M. No. RTJ-00-1525. January 25, 2000]

ATTY. MARTIN D. PANTALEON, *complainant, vs.* **JUDGE TEOFILO L. GUADIZ, JR.,** *respondent.*

SYNOPSIS

Herein complainant charged respondent judge with Gross Inefficiency, Neglect and Unreasonable Delay in Elevating the Records of Civil Case No. 88-2187. Complainant alleged that three years had already lapsed from the time respondent judge issued an order to transmit the record of the case to the Court of Appeals and still, the same have not been transmitted.

Respondent commented that the duty to transmit the record of an appealed case to the appellate court is that of the branch clerk of court and not that of the presiding judge. However, Circular 24-90 provides that the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of the Trial Court who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of 30 days from the perfection of the appeal. Respondent cannot hide behind the incompetence of his subordinates. He should be the master of his own domain and take responsibility for the mistakes of his subjects. A delay of three years in the transmission of court records to the appellate court, where a period of 30 days is required was inexcusable.

SYLLABUS

1. **REMEDIAL LAW; APPEAL TO THE COURT OF APPEALS; TRANSMITTAL OF RECORDS; OFFICERS RESPONSIBLE THEREFOR.**— The issue raised by respondent in his supplemental comment that the duty to transmit the record of an appealed case to the appellate court is that of the branch clerk of court and not that of the presiding judge, citing Section 10, Rule 41 of the Revised Rules of Court, should be viewed in the light of Administrative Circular 24-90. Said circular provides that the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the

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Judge/Clerk of the Trial Court who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of 30 days from perfection of the appeal. Respondent is presumably aware that administrative circulars supplement the Revised Rules of Court with regard to the officers responsible for the transmission of records to appellate courts. By and large, we agree with the conclusions of the Office of the Court Administrator that respondent is guilty of inefficiency, neglect, and unreasonable delay in elevating the records of Civil Case No. 88-2187 to the Court of Appeals. Respondent cannot hide behind the incompetence of his subordinates. He should be the master of his own domain and take responsibility for the mistakes of his subjects.

2. **JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; DUTY OF JUDGE IN THE DISPATCH OF COURT BUSINESS.**— The Court deems if fit to remind respondent of Canon 3, Rule 3.09 of the Code of Judicial Conduct. As an administrative officer of the court, a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity. A delay of three years in the transmission of court records to the appellate court, where a period of 30 days is required, is inexcusable.

RESOLUTION

MELO, *J.*:

The sworn letter-complaint dated April 1, 1997 of Atty. Martin D. Pantaleon charged respondent Teofilo L. Guadiz, Jr., Presiding Judge of Branch 147, Regional Trial Court of the National Capital Region stationed in Makati City with "Gross Inefficiency, Neglect and Unreasonable Delay in Elevating the Records of Civil Case No. 88-2187 entitled, Que Kua *a.k.a.* Felix Qua and Muy Ching *a.k.a.* Matilda Qua *vs.* Sarkies Tours Philippines, Inc. and Juan B. Bertillo, to the Court of Appeals."

Complainant, plaintiff's counsel in the aforecited case, alleged that after receipt of the copy of the decision on November 26, 1993 and within the reglementary period, a Notice of Appeal

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was filed on December 2, 1993. Respondent judge then issued an order dated January 26, 1994, pertinently stating:

> Plaintiffs, thru counsel, having filed a "Notice of Appeal" manifesting their appeal from the "Decision" dated September 30, 1993 to the Court of Appeals, let the records of this case be forwarded to the Clerk of Court, Court of Appeals, Manila.
>
> The stenographers who took down the notes during the proceedings are hereby ordered to transcribe their notes and submit transcript thereof to the Branch Clerk of Court who shall include the same with the records to be transmitted to the Court of Appeals.
>
> SO ORDERED.

Complainant, by himself or through representatives, followed up the matter of transmittal of the record to the Court of Appeals several times, the last time being on March 12, 1997. However, after more than three years from the date of the order to transmit was given by respondent, the record of the case have not been transmitted. This long delay prompted complainant to file the instant complaint.

In his comment, respondent alleged that he learned of the delay in the transmittal of the record only upon being appraised of the complaint against him. Respondent reasoned out that Ms. Julita Lopez, the court stenographer, had misplaced the transcript of the testimony of the doctor who attended to the plaintiff in the hospital, hence the record could not be transmitted to the Court of Appeals.

Respondent further averred that complainant should have invited his attention by filing the proper motion or by writing a personal letter informing him of the non-transmission of the record to the Court of Appeals. This should have been done within three months from the date the order was given.

In its memorandum dated March 15, 1999, the Office of the Court Administrator recommended that respondent judge be fined ₱2,000.00 for inefficiency, neglect and unreasonable delay in elevating the records of Civil Case No. 88-2187 to the Court of Appeals.

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In support thereof, the Office of the Court Administrator stated the following reasons:

EVALUATION: The transcription of stenographic notes and their transmission to the Appellate Courts are governed by Administrative Circular No. 24-90, to wit:

> *"3.(b) In appeals to the Court of Appeals from the Regional Trial Court, whether by record on appeal or by the original record, the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/ Clerk of Court of the Trial Court, who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of 30 days from perfection of the appeal."*

The foregoing provision is an explicit mandate which enjoins the Clerk or Judge of the Court with whom the Notice of Appeal has been filed to transmit the complete records of the case to the Clerk of Court within thirty (30) days from perfection thereof. The non-transmission thereof by reason of inefficiency of the staff would not exonerate respondent judge from administrative liability. As administrative officer of the court, a judge is expected to keep a watchful eye on the level of performance and conduct of the court personnel under his immediate supervision who are primarily employed to aid in the administration of justice as required by Canon 3, Rule 3.09 of the Code of Judicial Conduct.

In a resolution dated June 23, 1999, both complainant and respondent were then required to manifest within ten days from notice if they are submitting the case for decision on the basis of the pleadings filed therein.

Both filed their respective manifestations, but respondent further filed a supplemental comment, the pertinent portions of which read as follows:

x x x	x x x	x x x
x x x	x x x	x x x
x x x	x x x	x x x

3) That it is not the duty of the presiding judge of the RTC to transmit the records of an appealed case to the appellate court, but

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it is the duty of the branch clerk of court to do so as provided in Section 10, Rule 41 of the Rules of Court, to wit:

> "Section 10. Duty of clerk of court of the lower court upon perfection of appeal — Within thirty (30) days after perfection of all the appeals in accordance with the preceding section, it shall be the duty of the clerk of court of the lower court:
>
> a) To verify the correctness of the original record or the record on appeal, as the case may be, and to make a certification of its correctness;
>
> b) To verify the completeness of the records that will be transmitted to the appellate court;
>
> c) If found to be incomplete, to take such measures as may be required to complete the records, availing of the authority that he or the court may exercise for this purpose; and
>
> d) *To transmit the records to the appellate court.*

The issue raised by respondent in his supplemental comment that the duty to transmit the record of an appealed case to the appellate court is that of the branch clerk of court and not that of the presiding judge, citing Section 10, Rule 41 of the Revised Rules of Court, should be viewed in the light of Administrative Circular 24-90. Said circular provides that the stenographers concerned shall transcribe their notes of the proceedings and submit the transcripts to the Judge/Clerk of the Trial Court who must submit the transcript of stenographic notes to the Clerk of the Court of Appeals within a period of 30 days from perfection of the appeal. Respondent is presumably aware that administrative circulars supplement the Revised Rules of Court with regard to the officers responsible for the transmission of records to appellate courts.

By and large, we agree with the conclusions of the Office of the Court Administrator that respondent is guilty of inefficiency, neglect, and unreasonable delay in elevating the records of Civil Case No. 88-2187 to the Court of Appeals.

Respondent cannot hide behind the incompetence of his subordinates. He should be the master of his own domain and take responsibility for the mistakes of his subjects.

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In the case of *Re: Judge Fernando P. Agdamag* (254 SCRA 644 [1996]), the Court stated:

> In his desire to exculpate himself and place the blame on his staff, Judge Agdamag forgot that "he sits not only to judge litigated cases with the least possible delay but that his responsibilities include being an effective manager of the court and its personnel." Judge Agdamag is presumed to be cognizant of his responsibilities as a worthy minister of the law. At the very least, he is expected to keep abreast with his docket.
>
> (at pp. 649-650)

In *Tan vs. Madayag* (231 SCRA 62 [1994]), we had this to say:

> Respondents' neglect of duty is a matter of record. A judge cannot simply take refuge behind the inefficiency or mismanagement of his court personnel. Proper and efficient court management is definitely his responsibility. He is directly responsible for the proper discharge of their official functions. "Court personnel are not the guardians of a Judge's responsibilities." The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another.
>
> (at pp. 66-67)

As a final note, the Court deems it fit to remind respondent of Canon 3, Rule 3.09 of the Code of Judicial Conduct. As an administrative officer of the court, a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity. A delay of three years in the transmission of court records to the appellate court, where a period of 30 days is required, is inexcusable.

WHEREFORE, respondent Judge Teofilo L. Guadiz, Jr. is ordered to pay a fine in the amount of One Thousand Pesos (₱1,000.00), with the stern warning that further similar misconduct on his part will be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, Purisima, and *Gonzaga-Reyes, JJ.,* concur.