Supreme Court E-Library

SECOND DIVISION

[A.M. No. P-00-1368. February 28, 2000]

JUDGE ABELARDO H. SANTOS, Municipal Trial Court in Cities, Branch 1, Angeles City, *complainant,*[1] *vs.* **AURORA T. LARANANG, Court Stenographer II, Municipal Trial Court in Cities, Branch 1, Angeles City,** *respondent.*

SYNOPSIS

Judge Abelardo H. Santos, presiding judge of the Municipal Trial Court in Cities, Branch 1, Angeles City, Pampanga, charged herein respondent Aurora T. Laranang, Court Stenographer II, of the same branch with gross neglect of duty and habitual tardiness for her failure to transcribe her stenographic notes in more than sixty (60) cases. With respect to the habitual tardiness, her Daily Time Records (DTR) showed that she was tardy 6 times in September, 10 times in October, and 19 times in November 1997. In her comment, respondent alleged that she was not able to transcribe her notes because of illness which forced her to go on leave. On the charge of habitual tardiness, respondent claimed that the DTRs for the months in question were incorrect because said entries were merely copied from the records kept by complainant, there being no logbook or bundy clock in the trial court and that complainant forced her to sign the DTRs. The investigating judge recommended that the complaint for gross neglect of duty be dismissed and that she be found guilty only of habitual tardiness.

The Supreme Court found respondent guilty of both charges. The Court pointed out that liability for violation of Administrative Circular No. 24-90 is incurred if notes are not transcribed within 20 days after these are taken. The fact that the notes were later transcribed can only mitigate such liability. The Court did not also give credence to respondent's

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[1] Complainant has since been dismissed from the service for conduct unbecoming a member of the bench in *Galang v. Santos,* Adm. Matter No. MTJ-99-1197, May 26, 1999.

Supreme Court E-Library

unsubstantiated allegation that the entries in the DTR's for the months in question were not true and that she signed the same only because she was forced to do so by complainant. Her bare assertion cannot prevail over the presumption that the entries in the DTRs are correct and that she signed the same voluntarily. Respondent was suspended for six (6) months.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; GROSS NEGLECT OF DUTY; ASSUMING THAT RESPONDENT WAS NOT ABLE TO TRANSCRIBE HER NOTES BECAUSE OF ILLNESS, SHE COULD HAVE ASKED FOR EXTENSION OF TIME FOR SUBMITTING THE TRANSCRIPT OF STENOGRAPHIC NOTES; HER FAILURE TO DO SO CONSTITUTES GROSS NEGLECT OF DUTY.** — By way of summary, out of the 66 stenographic notes mentioned in the complaint, respondent failed to transcribe on time 54 notes (including the 22 notes complainant allegedly refused to receive). She failed to submit the transcripts of 11 stenographic notes. Her excuse was that because of illness, she had to go on leave. However, there is nothing in the records to show whether respondent went on sick leave in 1996. What the records show is that she went on vacation leave for 13 days in 1996, when most of the stenographic notes in question were taken. Furthermore, even assuming that she was not able to transcribe her notes because of illness, respondent could have asked for extension of time for submitting the transcripts of stenographic notes. This, however, she failed to do. The only conclusion is that she was grossly neglectful of her duty under Administrative Circular No. 24-90 regarding the transcription of stenographic notes.

2. **ID.; ID.; ID.; HABITUAL TARDINESS; DULY ESTABLISHED; RESPONDENT'S BARE ASSERTION THAT SHE WAS FORCED BY COMPLAINANT TO SIGN DAILY TIME RECORDS CANNOT PREVAIL OVER THE LEGAL PRESUMPTION THAT THE ENTRIES THEREIN ARE CORRECT AND THAT SHE SIGNED THE SAME VOLUNTARILY.** — In the instant case, the DTRs submitted by respondent show that she was tardy six times in September, 10 times in October, and 19 times in November 1997. Her

Supreme Court E-Library

allegation that the entries in her DTRs for the months in question are not true and that she signed the same only because she was forced to do so by complainant has not been substantiated and, therefore, cannot be given credence. Her bare assertion cannot prevail over the presumption that the entries in the DTRs are correct and that she signed the same voluntarily. Indeed, the list presented by respondent, which she claims shows the correct times of her arrival in and departure from the office in November 1997, indicates that she was tardy 19 times.

D E C I S I O N

MENDOZA, *J.*:

These are complaints filed against Aurora T. Laranang, Court Stenographer II of the Municipal Trial Court in Cities, Branch 1, Angeles City, Pampanga charging her with gross neglect of duty and habitual tardiness.

It appears that on August 4, 1997, complainant issued an order requiring respondent to explain in writing within five days why no administrative complaint should be filed against her for her failure to transcribe within 20 days of their taking her stenographic notes in the following cases:[2]

Case No.	Witness	Date of Trial
1. 91-508,509	Tomas Solmerano	12-8-92
2. 91-508,509	Tomas Solmerano	2-15-93
3. 91-508,509	Luciano Roman	9-6-93
4. 91-508,509	Carlos Santos, Sr.	3-27-95
5. 91-508,509	Carlos Santos, Sr.	12-18-95
6. 95-41, 42, 43	Cezar Pangilinan	12-5-95
7. 95-1435	Nerilla Francia	12-18-95
8. 95-11, 28, 29, 30	SPO2 RicardoTolentino	12-19-95
9. 95-11, 28, 29, 30	SPO1 Arthur Petil	12-19-95
10. 95-41, 42, 43	Ester Tiamzon	2-6-96
11. 94-769, 770	Roger Tiglao	3-4-96

[2] Complaint in OCA-IPI No. 97-362-P; *Rollo*, pp. 2-3.

Supreme Court E-Library

12. 95-1435	Dr. Roland Maniulit	3-19-96
13. 95-159	Dr. Sesnando Sandalo	3-31-96
14. 95-238	Rodolfo Basilio	5-28-97
15. 95-140	Juana Guinto	5-29-97
16. 95-11, 28, 29, 30	SPO1 Arthur Petil	6-10-96
17. 95-11, 28, 29, 30	SPO1 Arthur Petil	6-11-96
18. 95-34	Lucia Maglaqui	6-10-96
19. 95-1081, 1082	Petra Cuadro	6-10-96
20. 95-1142	Ariel Yanga	6-24-96
21. 95-1435	Nerilla Francia	1-2-96
22. 94-606	Elena Siongco	6-24-96
23. 95-646 647	Francisca Pena	7-22-96
24. 95-1150	Abraham Tayag	7-29-96
25. 95-1144, 1145	Aezel Mangabat	8-5-96
26. 95-917, 918, 919	Ruben Sabado	8-6-96
27. 96-602	Esmeralda Velasquez	8-19-96
28. 95-34	SPO1 Arthur Petil	8-19-96
29. 94-769,770	Roger Tiglao	8-19-96
30. 95-1150	Abraham Tayag	8-19-96
31. 91-508, 509	Angelito Santos	8-20-96
32. 95-1645, 1646, 1647	Manuel Cunanan	8-23-96
33. 95-1150	Dr. Hernand Tulud	9-2-96
34. 96-15	Romer Rubio	9-2-96
35. 95-1435	Alice Aquino	9-3-96
36. 95-1645, 1646, 1647	PO2 Luis Taruc	9-3-96
37. 95-1142	SPO2 Francisco Fernandez	9-16-96
38. 96-303	Noel Fernandez	9-23-96
39. 96-576	Rolando Madlambayan	10-14-96
40. 95-159	Rommel Salunga	10-14-96
41. 94-769, 770	Roger Tiglao	10-14-96
42. 95-932	Bienvenido Bautista	10-15-96
43. 95-140	Isabela Cunanan	10-18-46
44. 95-195, 196	Atty. Ricardo Diaz	10-28-96
45. 96-303	Noel Fernandez	11-4-96
46. 95-1144, 1145	Aezel Mangabat	11-5-96
47. 91-508, 509	SPO3 Danilo Cabigon	11-11-96
48. 96-303	Andres Fernandez	11-11-96
49. 95-195, 196	Atty. Ricardo Diaz	11-11-96

Supreme Court E-Library

50. 95-932	Gregorio Chua	11-12-96
51. 96-255, 256, 257, 258	Mario Marmolejo	11-25-96
52. 96-1005	Dominador Cutamora	11-25-96
53. 96-456	Edilberto Villanueva	11-25-96
54. 96-602	Esperanza Bartolome	12-10-96
55. 95-1435	Rowena Miguel	12-10-96
56. 96-14	Abraham Tayag	12-10-96
57. 96-303	Elizardo Mandap, Jr.	1-6-97
58. 96-576	Dr. Edwin Manzon	1-6-97
59. 95-1142	Dr. Nicanor dela Cruz	1-6-97
60. 96-201	Luz Uson	1-7-97
61. 95-1149	PO2 Benjamin Quimsay	3-17-97
62. 95-195, 196	Ramon Yap	3-17-97
63. 96-1525	SPO2 Felimon Oyan	3-17-97
64. 96-303	Nardito Licup	4-14-97
65. 95-44	Perfecto Digman	5-26-97
66. 95-618	Marissa Santos	5-26-97

In compliance with said order, respondent submitted an undated letter explaining that as a result of the expansion of the jurisdiction of the Municipal Trial Courts by R.A. No. 7691 and the consequent increase of cases filed therein, and also because of a major surgery which she had undergone, she was not able to transcribe the stenographic notes taken by her within 20 days as required by Administrative Circular No. 24-90 of this Court. Nevertheless, she stated that she was subsequently able to transcribe 34 of the stenographic notes in question.

Finding the explanation of respondent to be unsatisfactory, complainant filed against her an administrative complaint, dated September 30, 1997, with the Office of the Court Administrator (OCA) for gross neglect of duty. In her comment, respondent alleged: (1) that she was not able to transcribe her notes because of illness which forced her to go on leave several times; (2) that on October 31, 1997, she completed transcribing 22 more stenographic notes, but complainant refused to receive the same; (3) that she was not the stenographer on duty during three of the hearings included in the list; and (4) that she was being singled out by complainant who wanted to oust her from his staff.

Supreme Court E-Library

On February 11, 1998, complainant issued another order requiring respondent to explain in writing within five days why no administrative complaint should be filed against her for being tardy six times in September, 13 times in October, and 19 times in November 1997. In compliance with the order, respondent submitted a letter, dated February 20, 1998, alleging that the entries in her Daily Time Records (DTRs) for the months in question were incorrect because said entries were merely copied from the records kept by complainant, there being no bundy clock or logbook in the trial court. Respondent claimed that she was forced to sign the DTRs by complainant. Respondent presented a list which she claims indicated the correct time of her arrival in, and departure from, the court in November 1997.

Finding the explanation of respondent also to be unsatisfactory, complainant filed with the OCA the instant administrative complaint for habitual tardiness against her. In her comment, dated October 21, 1998, respondent reiterates substantially the allegations in her letter to complainant.

The administrative complaints were referred to Judge Aida E. Layug, Municipal Trial Court in Cities, Angeles City, for investigation, report, and recommendation. In her report, dated January 28, 2000, Judge Layug recommends that the complaint for gross neglect of duty against respondent be dismissed and that the latter be found guilty of habitual tardiness only and reprimanded.

First. On the transcription of stenographic notes, Administrative Circular No. 24-90 provides in pertinent part:

> 2. (a) All stenographers are required to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than twenty days from the time the notes are taken. The attaching may be done by putting all said transcripts in a separate folder or envelope, which will then be joined to the record of the case.
>
> (b) The stenographer concerned shall accomplish a verified monthly certification as to compliance with this duty. In the absence of such certification or for failure and/or refusal to submit it, his salary shall be withheld.

Supreme Court E-Library

In the instant case, respondent submitted the transcripts of stenographic notes in the following cases more than 20 days from the time the notes were taken:[3]

Case No.	Witness	Date of Trial	Date of Submission
1. 91-508, 509	Tomas Solmerano	Dec. 8, 1992	Sept. 11, 1997
2. 91-508, 509	Tomas Solmerano	Feb. 15, 199	Sept. 11, 1997
3. 95-41, 42, 43	Cezar Pangilinan	Dec. 5, 1995	Sept. 11, 1997
4. 95-1435	Nerilla Francia	Dec. 18, 1995	Sept. 11, 1997
5. 95-41, 42, 43	Ester Tiamzon	Feb. 6, 1996	Sept. 11, 1997
6. 94-769, 770	Roger Tiglao	March 4, 1996	Sept. 5, 1997
7. 95-1435	Dr. Roland Maniulit	March 13, 1996	Sept. 11, 1997
8. 95-140	Juana Guinto	May 29, 1997	Sept. 11, 1997
9. 95-11, 28, 29, 30	SPO1 Arthur Petil	June 11, 1996	Sept. 11, 1997
10. 95-1081, 1082	Petra Cuadro	June 10, 1996	March 13, 1998
11. 95-1435	Nerilla Francia	Jan. 2, 1996	Sept. 11, 1997
12. 94-606	Elena Siongco	June 24, 1996	March 6, 1998
13. 95, 646, 647	Francisca Pena	July 22, 1996	Sept. 5, 1997
14. 95-1144, 1143	Aezel Mangabat	Aug. 5, 1996	Sept. 5, 1997
15. 95-917, 918, 919	Ruben Sabado	Aug. 6, 1996	Sept. 5, 1997
16. 96-602	Esmeralda Velasquez	Aug. 19, 1996	Sept. 5, 1997
17. 94-769, 770	Roger Tiglao	Aug. 19, 1996	Sept. 5, 1997
18. 95-1645, 1646, 1647	Manuel Cunanan	Aug. 23, 1996	Sept. 11, 1997
19. 95-1150	Dr. Hernad Tulud	Sept. 2, 1996	Sept. 5, 1997
20. 96-15	Romer Rubio	Sept. 2, 1996	Sept. 5, 1997
21. 95-1435	Alice Aquino	Sept. 3, 1996	Sept. 11, 1997
22. 95-932	Bienvenido Bautista	Oct. 15, 1996	Sept. 5, 1997
23. 95-140	Isabela Cunanan	Oct. 18, 1996	Sept. 11, 1997
24. 95-195, 196	Atty. Ricardo Diaz	Oct. 28, 1996	Sept. 11, 1997
25. 96-303	Andres Fernandez	Nov. 11, 1996	Sept. 5, 1997
26. 95-195, 196	Atty. Ricardo Diaz	Nov. 11, 1996	Sept. 11, 1997
27. 95-932	Gregorio Chua	Nov. 12, 1996	Sept. 5, 1997
28. 96-456	Edilberto Villanueva	Nov. 25, 1996	Sept. 5, 1997
29. 96-602	Esperanza Bartolome	Dec. 10, 1996	Sept. 5, 1997

[3] Comment in OCA-IPI-97-362-P, Annexes D, D-1, D-1-A, D-1-B, and D-1-C; *Id.*, pp. 58-62.

Supreme Court E-Library

30. 95-1434	Rowena Miguel	Dec. 10, 1996	Sept. 11, 1997
31. 96-303	Elizardo Mandap, Jr.	Jan. 1, 1997	Sept. 5, 1997
32. 96-201	Luz Uson	Jan. 7, 1997	Feb. 2, 1997

On October 31, 1997, respondent offered to submit the transcripts of stenographic notes in the following cases, but complainant allegedly refused to receive them:[4]

Case No.	Witness	Date of Trial
1. 91-508, 509	Carlos Santos, Sr.	March 27, 1995
2. 91-508,509	Carlos Santos, Sr.	Dec. 18, 1995
3. 95-11, 28, 29, 30	SPO2 RicardoTolentino	Dec. 19, 1995
4. 95-11, 28, 29, 30	SPO1 Arthur Petil	Dec. 19 1995
5. 95-159	Dr. Sesnando Sandalo	March 31, 1996
6. 95-238	Rodolfo Basilio	May 28, 1997
7. 95-11, 28, 29, 30	SPO1Arthur Petil	June 10, 1996
8. 95-34	Lucia Maglaqui	June 10, 1996
9. 95-1142	Ariel Yanga	June 24, 1996
10. 95-1150	Abraham Tayag	Aug. 19, 1996
11. 91-508, 509	Angelito Santos	Aug. 20, 1996
12. 95-1142	SPO2 Francisco Fernandez	Sept. 16, 1996
13. 95-159	Rommel Salunga	Oct. 14, 1996
14. 91-508, 509	SPO3 Danilo Cabigon	Nov. 11, 1996
15. 96-255, 256, 257, 258	Mario Marmolejo	Nov. 25, 1996
16. 96-1005	Dominador Cutamora	Nov. 25, 1996
17. 96-14	Abraham Tayag	Dec. 10, 1996
18. 95-1142	Dr. Nicanor dela Cruz	Jan. 6, 1997
19. 95-1149	PO2 Benjamin Quimsay	March 17, 1997
20. 96-303	Nardito Licup	April 14, 1997
21. 95-44	Perfecto Digman	May 26, 1997
22. 95-618	Marissa Santos	May 26, 1997

There is nothing in the records to show whether respondent submitted the transcripts of stenographic notes in the following cases:[5]

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[4] *Id.*, Annex D-1-D; *Id.*, p. 63.

[5] Complaint in OCA-IPI No. 97-362-P; *Id.*, pp. 2-3 and Comment, Annexes D, D-1, D-1-A, D-1-B, D-1-C, and D-1-D; *Id.*, pp. 58-63.

Supreme Court E-Library

Case No.	Witness	Date of Trial
1. 91-528,509	Luciano Roman	Sept. 6, 1993
2. 95-1150	Abraham Tayag	July 29, 1996
3. 95-34	SPO1Arthur Petil	Aug. 19, 1996
4. 95-1645, 1646, 1647	PO2 Luis Taruc	Sept. 3. 1996
5. 96-576	Rolando Madlambayan	Oct. 14, 1996
6. 94-769, 770	Roger Tiglao	Oct. 14, 1996
7. 96-303	Noel Fernandez	Nov. 4, 1996
8. 95-1144, 1145	Aezel Mangabat	Nov. 5, 1998
9. 96-576	Dr. Edwin Manzon	Jan. 6, 1997
10. 95-195, 196	Ramon Yap	March 17,1997
11. 96-1525	SPO2 Felimon Oyan	March 17, 1997

By way of summary, out of the 66 stenographic notes mentioned in the complaint, respondent failed to transcribe on time 54 notes (including the 22 notes complainant allegedly refused to receive). She failed to submit the transcripts of 11 stenographic notes. Her excuse was that because of illness, she had to go on leave. However, there is nothing in the records to show whether respondent went on sick leave in 1996. What the records show is that she went on vacation leave for 13 days in 1996, when most of the stenographic notes in question were taken.[6] Furthermore, even assuming that she was not able to transcribe her notes because of illness, respondent could have asked for extension of time for submitting the transcripts of stenographic notes. This, however, she failed to do. The only conclusion is that she was grossly neglectful of her duty under Administrative Circular No. 24-90 regarding the transcription of stenographic notes.

Second. With respect to the complaint for habitual tardiness, Civil Service Commission Memorandum Circular No. 4, Series of 1991 provides in pertinent part:

B. HABITUAL TARDINESS

Any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month

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[6] Comment in OCA-IPI No. 97-362-P, Annex 3-A; *Id.*, p. 70.

Supreme Court E-Library

for at least (2) months in a semester or at least two (2) consecutive months during the year.

C. SANCTIONS

1. The following sanctions shall be imposed for violation of the above guidelines:

(a) for the first violation, the employer, after due proceedings, shall be meted the penalty of 6 months and 1 day to 1 year suspension without pay;

(b) for the second violation, and after due proceedings, he shall be dismissed from service.

In the instant case, the DTRs submitted by respondent show that she was tardy six times in September, 10 times in October, and 19 times in November 1997.[7] Her allegation that the entries in her DTRs for the months in question are not true and that she signed the same only because she was forced to do so by complainant has not been substantiated and, therefore, cannot be given credence. Her bare assertion cannot prevail over the presumption that the entries in the DTRs are correct and that she signed the same voluntarily. Indeed, the list presented by respondent, which she claims shows the correct times of her arrival in and departure from the office in November 1997, indicates that she was tardy 19 times.[8]

It would seem that Judge Layug's only reason for recommending the exoneration of respondent of the charge of gross neglect of duty is that respondent after all was able to transcribe most of the stenographic notes taken by her. It should be pointed out, however, that liability for violation of Administrative Circular No. 24-90 is incurred if notes are not transcribed within 20 days after these are taken. The fact that the notes were later transcribed can only mitigate such liability. In previous cases, we imposed the penalty of fine on erring stenographers.[9]

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[7] Complaint in OCA-IPI No. 98-463-P, Annexes B, C, and D; *Id.*, pp. 8-10.

[8] *Id.*, Annex G; *Id.*, pp. 15-27.

[9] *See, e.g., Ongkiko Kalaw Dizon Panga & Velasco Law Offices v. Sangil-Makasiar*, 256 SCRA 29 (1996).

Supreme Court E-Library

Considering the number of stenographic notes which respondent failed to transcribe on time, the fact that she failed to transcribe 11 notes taken by her, and her habitual tardiness, her suspension for six (6) months would be an appropriate penalty to impose on her.

WHEREFORE, respondent Aurora T. Laranang, Court Stenographer II of the Municipal Trial Court in Cities, Branch 1, Angeles City, Pampanga, is found guilty of gross neglect of duty and habitual tardiness and is hereby SUSPENDED for six (6) months and ordered to submit within the same period the transcripts of stenographic notes in the eleven (11) cases mentioned above, with WARNING that her failure to do so will be dealt with more severely.

The Presiding Judge and Branch Clerk of Court of the Municipal Trial Court in Cities, Branch 1, Angeles City are required to report on the compliance by respondent with this decision within ten (10) days after the expiration of the time given to herein respondent for submitting the transcript of stenographic notes.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, and *De Leon, Jr., JJ.*, concur.

Buena, J., on leave.

FIRST DIVISION

[G.R. Nos. 95891-92. February 28, 2000]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **OSMUNDO FUERTES @ *"Dodo"*; AGUSTIN LUYONG @ *"Jack"* and *"Jackie Pangalan"* (at large); EDGAR GIBONE; FRANCISCO SALVA @ *"Bochoy"*; and ROLANDO TANO @ *"Boy Negro"* and *"Brando"***, *accused.* **OSMUNDO FUERTES,** *accused-appellant.*