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[A. M. No. P-99-1309. September 11, 2000]

JUDGE FRANCISCO B. IBAY, *complainant, vs.* **VIRGINIA G. LIM**, *respondent.*

SYNOPSIS

Complainant judge charges respondent stenographic reporter with serious neglect of duty and grave misconduct. Allegedly, respondent has failed to transcribe the stenographic notes of several proceedings to the extent that she was fined for contempt of court. She still has pending untranscribed TSNs which were more than one year. Further, she has been previously convicted of the crime of libel against a judge.

Respondent's performance as court employee is clearly wanting. Not only does her neglect delay the administration of justice, it also erodes public faith in the judiciary. There is no room in the court or government for that matter for respondent's kind of an employee. Hence, the penalty of dismissal of respondent from the service.

SYLLABUS

1. **ADMINISTRATIVE LAW; COURT EMPLOYEES; STENOGRAPHERS; REQUIRED DECORUM; RESPONSIBILITY.** — No less than the Constitution mandates that all public officers and employees should serve with responsibility, integrity and efficiency. Indeed, public office is a public trust. Thus, this Court has often stated that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, is circumscribed with the heavy burden of responsibility. The judiciary expects the best from all its employees who must be paradigms in the administration of justice.

2. **ID.; ID.; ID.; GRAVE MISCONDUCT; DISREGARDING SUPERIOR'S ORDER TO TRANSCRIBE LONG-PENDING STENOGRAPHIC NOTES AND GOING AWOL CONSTITUTE**

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GRAVE MISCONDUCT. — In the case at bar, respondent Lim's performance as a court employee is clearly wanting. It is evident from the record that she has shown herself to be less than zealous in the performance of the duties of her office which demands utmost dedication and efficiency. Her lackadaisical attitude betrays her inefficiency and incompetence and amounts to gross misconduct. Respondent's unfitness for public service is further bolstered by her failure to manifest to his superior, herein complainant Judge Ibay, utmost respect and obedience to the latter's orders and instructions issued pursuant to the duties of the office the Judge holds by disregarding the latter's orders to transcribe the long-pending stenographic notes and choosing instead to go on leave, even when her application for leave has not been approved. This improper behavior of respondent betrays her abominable disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee. Respondent Lim failed to realize that the performance of her duties are essential to the prompt and proper administration of justice.

3. **ID.; ID.; ID.; NEGLECT OF DUTY; RESPONDENT'S NEGLECT DELAYS THE ADMINISTRATION OF JUSTICE AND ERODES PUBLIC FAITH IN THE JUDICIARY.** — Not only does her neglect delay the administration of justice; it also erodes public faith in the judiciary. The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the lowest of its personnel; hence, it becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice. Thus, there is no room in the court or government for that matter for respondent Lim's kind of an employee.

4. **ID.; ID.; ID.; ID.; PROPER PENALTY IS DISMISSAL.** — [R]espondent must be meted the maximum penalty because all involved in the dispensation of justice must live up to the strictest standard of integrity, probity, uprightness, honesty and diligence in the public service. x x x. Respondent Virginia G. Lim is found GUILTY of gross neglect of duty, grave misconduct, violation of administrative circulars of the Supreme Court and conduct grossly prejudicial to the best interest of the service, and she is hereby DISMISSED from the service, with forfeiture of all benefits and with prejudice to re-employment

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in any branch or agency of the government, including government-owned and controlled corporations.

RESOLUTION

***PER CURIAM*:**

In a letter-complaint[1] dated July 8, 1998 complainant Francisco B. Ibay, Presiding Judge of the Regional Trial Court of Makati City, Branch 135, charges respondent Virginia G. Lim, Stenographic Reporter of the same court, with serious neglect of duty and grave misconduct. Judge Ibay recommends that respondent be dismissed from service by reason of the following, to wit:

1. For conviction of the crime of libel, a crime involving moral turpitude — In *People vs. Virginia Lim,* Criminal Case No. 90-87158 in RTC Manila, Branch 42, respondent Lim was found guilty beyond reasonable doubt of the crime of libel committed against Judge Ramon P. Makasiar, then Presiding Judge of the Regional Trial Court of Manila, Branch 36.[2] She was placed on Probation and thereafter discharged.[3]

2. For gross neglect of duty — An inventory of the records[4] conducted on January 1998 showed that respondent Lim failed to transcribe the stenographic notes of thirty-one (31) proceedings in eighteen (18) inherited cases and despite her relief from court duty on March 19, 1998, she still had fourteen (14) untranscribed notes as of June 1998.[5]

3. For grave misconduct — In Civil Case No. 89-4649 respondent Lim was ordered by the Court to transcribe her notes within five (5) days from receipt of the Order dated January 16, 1998.[6] In

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[1] *Rollo,* pp. 1-4.

[2] In the certification of RTC Manila, Branch 42, it states therein Branch 35 not 36, *Rollo*, p. 5.

[3] Per Order dated June 22, 1995 issued by Judge Felipe S. Tongco of the Regional Trial Court of Manila, Branch 35, *Rollo*, p. 6.

[4] *Rollo*, Pp. 7-14.

[5] *Rollo*, pp. 15-16.

[6] *Rollo,* p. 19.

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defiance of said Order, respondent Lim filed an application for leave. More than a month after, at the instance[7] of the plaintiffs in Civil Case No. 89-4649, administrative and contempt proceedings were filed against her for her failure/neglect/refusal to transcribe the stenographic notes. In an Order dated March 19, 1998,[8] respondent Lim was fined ₱1,000.00[9] for contempt of court. Meanwhile, the motion of plaintiffs in Civil Case No. 89-4649 was treated as an administrative complaint and was forwarded to the Court Administrator for action.[10]

4. For flagrant violation of paragraph 7 of Administrative Circular No. 24-90[11] — Despite her heavy backlog, respondent Lim traveled abroad,[12] with pending untranscribed TSNs which were more than one (1) year old.

Despite receipt of a copy of the letter-complaint and being directed to file her answer thereto,[13] respondent Lim failed to file any answer. This prompted complainant Judge Ibay to request, through a letter dated November 26, 1998, that respondent Lim be considered to have waived her right to file her answer. In a Resolution[14] dated March 24, 1999 the Court granted the same and further resolved to re-docket the complaint as an administrative matter and directed the Court Administrator to refer the case to a consultant of the Office of the Court Administrator (OCA) for investigation, report and recommendation.

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[7] Urgent Motion for Early Resolution, *Rollo*, pp. 27-29.

[8] Records, p. 20.

[9] Fine was paid on July 7, 1998, *Rollo*, p. 23.

[10] *Rollo*, p. 21.

[11] The Circular provides that "A stenographer should not be allowed to travel abroad if he has pending untranscribed notes, unless otherwise ordered by the court upon urgent grounds."

[12] From December 20 to 25, 1995 and from August 11 to 17, 1997, she travelled to Hongkong and Singapore, respectively, per Certification dated April 15, 1998 of Jose Lopez, Associate Commissioner of Bureau of Immigration, *Rollo*, pp. 24-25.

[13] *Rollo*, p. 41.

[14] *Rollo*, p. 49.

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Retired Justice Conrado M. Molina, a consultant of the OCA, after conducting the necessary investigation, submitted his Report and Recommendation dated April 20, 1999 with the pertinent findings quoted hereunder:

A. Conviction of a Crime Involving Moral Turpitude

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Ms. Lim's conviction for libel, even granting that libel involves moral turpitude, cannot *per se* be a ground for her dismissal from the service. Discharge from probation which restores to the probationer all civil rights lost or suspended as a result of the conviction, to the mind of the undersigned, has the same effect as an absolute pardon which releases the punishment and blots out the existence of guilt, so that in the eyes of the law the offender is as innocent as if he had never committed the offense (*Ex-Parte* Garland 4 Wall, 344). Probation, after all, is granted in order to give the probationer a chance to return to the mainstream, to give him hope — hope for self-respect and a better life (*Bala vs. Martinez*, 181 SCRA 459, 466). Removing a person from office because of his conviction for a crime, after he had undergone and discharged from probation, is simply inconsistent to the purpose and intent of probation.

B. Serious of Neglect of Duty

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For all her shortcomings in the transcription of her stenographic notes as demonstrated herein above, the respondent has shown her utter lack of dedication to the functions of her office. As a trial court stenographer she knows, or ought to know, that she performs an important role in running the machinery of our trial court system and that transcripts of stenographic notes are vital for the speedy disposition of cases. In the several cases that are the subject of Judge Ibay's complaint it took the respondent years to submit her TSNs. Even Judge Ibay's predecessor in Branch 135, now retired Justice Omar Amin, had complained to the Court Administrator about respondent's delinquency in the transcription of stenographic notes (Exh. F, letter dated January 30, 1996, of then Judge Amin to the Court Administrator). Clearly, the respondent not only failed to comply with the rigorous standards required of all public officers and employees but worse, her act eroded the faith of the affected litigants in the judiciary.

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C. Grave Misconduct

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Ms. Lim's reaction of going on leave and not reporting for work even without her application for leave being approved instead of explaining to the judge the cause of her delay in submitting the TSNs and asking his forbearance, was an act of sheer insolence and open defiance to a lawful order of her superior. And after being ordered to pay a fine for her contemptuous conduct, she refused to pay the fine and finally paid it only after the certification of the Clerk of Court that she has not yet paid as of July 6, 1998, apparently realizing that the judge was poised to take a more drastic action for her continuing show of defiance.

Such acts of the respondent constitute grave misconduct.

D. Flagrant Violation of Paragraph 7 of Administrative Circular No. 24-90.

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It is thus clear that her two travels abroad were both in violation of Administrative Circular No. 24-90 as she had pending untranscribed notes, not especially authorized by the court, and without securing permission from the Court Administrator (Resolution of the Supreme Court *En Banc* dated February 26, 1991, circularized per Circular No. 30-91 dated September 30, 1991).

Justice Molina recommended that respondent Lim be dismissed from the service for gross neglect of duty, grave misconduct and violation of administrative circulars of the Supreme Court. The OCA agreed and adopted the said Report and Recommendation.

This recommendation of the Office of the Court Administrator is well-taken.

No less than the Constitution mandates that all public officers and employees should serve with responsibility, integrity and efficiency.[15] Indeed, public office is a public trust. Thus, this Court has often stated that the conduct and behavior of every–

[15] Article XI, Section 1; *Ceniza-Guevarra v. Magbanua*, 304 SCRA 113, 117 [1999].

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one connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, is circumscribed with the heavy burden of responsibility.[16] The judiciary expects the best from all its employees who must be paradigms in the administration of justice.

In the case at bar, respondent Lim's performance as a court employee is clearly wanting. It is evident from the record that she has shown herself to be less than zealous in the performance of the duties of her office which demands utmost dedication and efficiency. Her lackadaisical attitude betrays her inefficiency and incompetence and amounts to gross misconduct.

Respondent's unfitness for public service is further bolstered by her failure to manifest to his superior, herein complainant Judge Ibay, utmost respect and obedience to the latter's orders and instructions issued pursuant to the duties of the office the Judge holds[17] by disregarding the latter's orders to transcribe the long-pending stenographic notes and choosing instead to go on leave, even when her application for leave has not been approved. This improper behavior of respondent betrays her abominable disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee.[18]

Respondent Lim failed to realize that the performance of her duties are essential to the prompt and proper administration of justice. Not only does her neglect delay the administration of justice; it also erodes public faith in the judiciary. The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the lowest of its personnel; hence, it becomes

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[16] *Neeland v. Villanueva*, A.M. No. P-99-1316, October 29, 1999, p. 7; *Musni v. Morales*, A.M. No. P-99-1340, September 23, 1999, p. 8.

[17] *Balisi-Umali v. Penalosa*, A.M. No. P-99-1326, November 18, 1999, p. 5, citing *Quimsing v. Bugho*, 79 SCRA 151, 154 [1977].

[18] *Balisi-Umali v. Peñalosa*, *supra*, at p. 4, citing *Gratela v. Yonzon, Jr.*, 256 SCRA 587, 592 [1996].

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the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[19] Thus, there is no room in the court or government for that matter for respondent Lim's kind of an employee.

All the foregoing considered, respondent must be meted the maximum penalty because all involved in the dispensation of justice must live up to the strictest standard of integrity, probity, uprightness, honesty and diligence in the public service.[20]

WHEREFORE, respondent Virginia G. Lim is found *GUILTY* of gross neglect of duty, grave misconduct, violation of administrative circulars of the Supreme Court conduct grossly prejudicial to the best interest of the service, and she is hereby *DISMISSED* from the service, with foretiture of all benefits and with prejudice to re-employment in any branch or agency of the government, including government-owned and controlled corporations.

SO ORDERED.

Davide., Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, and *De Leon, Jr., JJ.,* concur.

Pardo, no part. Was Executive Judge, RTC Manila at the time involved.

Ynares-Santiago, J., on leave.

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[19] *Dionisio v. Gilera*, 312 SCRA 287, 296 [1999]; *Sy v. Cruz*, 250 SCRA 639, 646 [1995].

[20] *Nicol v. Blanca*, 307 SCRA 241, 251 [1999]; *Basco v. Gregorio*, 245 SCRA 614 [1995].