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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

EN BANC

[A.M. No. 99-8-286-RTC. March 17, 2000]

REPORT ON THE JUDICIAL AUDIT CONDUCTED IN THE MUNICIPAL TRIAL COURT IN CITIES, BRANCH 5, DAVAO CITY, AND IN THE REGIONAL TRIAL COURT, BRANCHES 12 AND 15, DAVAO CITY.

SYNOPSIS

From the judicial audit conducted it was found that Civil Case No.20394, pending before the RTC Br.15, was submitted for decision on Dec. 17, 1998 but the same could not be decided as the transcripts of stenographic notes thereof have not been submitted. Stenographer Sarah Dujali of RTC Br. 14 explained that she failed to transcribe the notes taken by her as the case was transferred to Br. 15.

Administrative Circular No.24-90 mandates all court stenographers to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than 20 days from the time the notes are taken. The transfer of the case did not excuse Dujali from performing her duty within the prescribed period. She was imposed a fine of ₱1,000.00.

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SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE CIRCULAR No. 24-90; COURT STENOGRAPHERS; PERIOD FOR TRANSCRIBING NOTES. — Administrative Circular No. 24-90 which took effect on August 1, 1990 mandates all court stenographers to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than twenty (20) days from the time the notes are taken.

RESOLUTION

PUNO, *J.*:

In April 1999, the Office of the Court Administrator conducted a judicial audit and physical inventory of pending cases at the Municipal Trial Court in Cities, Branch 5, Regional Trial Court, Branch 12, and Regional Trial Court, Branch 15, all in Davao City. The audit team found, among others, that Civil Case No. 20394 (*Sergio Amper v. Conchita Lim Ong, et al.*), pending before RTC Branch 15, was submitted for decision on December 17, 1998. The case, however, could not be decided as transcripts of stenographic notes have not been submitted. Stenographer Olanda Apilado failed to transcribe her notes taken on December 3, 1990 and March 18, 1991. Stenographer Sarah Dujali failed to transcribe her notes taken on March 8, 1991. Stenographer Marianita Bandalan failed to transcribe her notes taken on July 27, 1998.

On August 24, 1999, the Court directed said stenographers to explain why no disciplinary action should be taken against them for failure to transcribe the stenographic notes.

Stenographer Sarah Dujali of RTC, Branch 14 submitted her Explanation and Compliance dated September 24, 1999. She explained that Civil Case No. 20394 was originally raffled to RTC, Branch 14. She took the stenographic notes for the proceedings on March 8, 1991. On July 13, 1994, in accordance with Administrative Order No. 121-94, Judge Wenceslao E. Ibabao, Presiding Judge, RTC, Branch 33, Davao City, was designated Assisting Judge of Judge William M. Layague, Presiding Judge, RTC, Branch 14. On March 23, 1995, Judge Ibabao issued an

Supreme Court E-Library

order transferring the case to Branch 15 presided by Judge Jesus V. Quitain, considering that the latter was the pairing judge of the regular judge assigned to Branch 14 and Judge Ibabao was a former member of Dominguez, Paderna and Tan Law Office, counsel for the defendants in Civil Case No. 20394. On June 15, 1995, Judge Quitain issued an order stating that he would try Civil Case No. 20394 pursuant to the Order dated March 23, 1995 of Judge Ibabao. Dujali had no knowledge of the proceedings taken in Civil Case No. 20394 after it was transferred to Branch 15. She however stated that Judge Quitain later directed her to transcribe the stenographic notes and she complied with the order on September 13, 1999.

Dujali's explanation fails to impress. Administrative Circular No. 24-90 which took effect on August 1, 1990 mandates all court stenographers to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than twenty (20) days from the time the notes are taken. Dujali took the notes on March 8, 1991. She should have transcribed and submitted them to the Clerk of Court within twenty days from this date. Dujali offered no explanation for her failure to comply with this deadline. The transfer of the case to Branch 15 and the subsequent order of Judge Quitain that he would try the case did not excuse Dujali from her duty to transcribe the notes within the twenty-day period as these events happened four years after she took the stenographic notes.

IN VIEW WHEREOF, the Court finds the Court Stenographer Sarah Dujali, Regional Trial Court, Branch 14, Davao City, liable for violation of Administrative Circular No. 24-90. Ms. Dujali is ordered to pay a *FINE* of *ONE THOUSAND PESOS* (₱1,000.00), with *WARNING* that a repetition of the same offense will be dealt with more severely.

SO ORDERED.

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

Pardo, J., on leave.