



Republic of the Philippines  
Supreme Court  
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated April 26, 2022 which reads as follows:*

**“A.M. No. P-22-040 [formerly OCA IPI No. 20-5010-P] — (Attys. Teddy Esteban F. Rigoroso, Filibon F. Tacardon, Raymond Marvic C. Baguilat, Dino S. De Leon and Rolly Francis Peoro v. Stenographer III Eden B. Bulaso, Regional Trial Court, Branch 256, Muntinlupa City).**

At the vortex of the present controversy is the *Complaint*<sup>1</sup> filed by complainants Attys. Teddy Esteban F. Rigoroso, Filibon F. Tacardon, Raymond Marvic C. Baguilat, Dino S. De Leon, and Rolly Francis Peoro (hereafter, complainants) against respondent Eden Bulaso (respondent), Court Stenographer III of the Regional Trial Court (RTC) of Muntinlupa City, Branch 256, for gross neglect of duties, willful disobedience, and conduct unbecoming of a court personnel.

ANTECEDENTS

In the instant *Complaint*, complainants, counsels of Senator Leila M. De Lima in Criminal Case No. 17-167 entitled, “*People v. De Lima et al.*,” pending before the RTC of Muntinlupa City, Branch 256, avowed that on numerous occasions, respondent failed to furnish them copies of the Transcript of Stenographic Notes (TSNs) taken on the hearings held on 27 March 2019 and 24 April 2019 despite repeated requests.<sup>2</sup> Accordingly, Atty. Sheila May M. Martinez-Torzar (Atty. Torzar), the Branch Clerk of Court, issued the

- over – eight (8) pages ...

91-A

---

<sup>1</sup> *Rollo*, pp. 2-6.

<sup>2</sup> *Id.* at 7; 9-10.

Memorandum<sup>3</sup> dated 7 November 2019, directing respondent to submit a written explanation regarding the delay in the submission of the TSNs. Respondent was then required to produce the requested TSNs on or before 15 November 2019 without any further extension.

Respondent replied – stating that prior to the issuance of the 7 November 2019 Memorandum, she had “already completed the transcription of the required TSNs and the only thing left was the final review and finalization of the same.”<sup>4</sup> In compliance with the directive of Atty. Torzar, she handed the requested TSNs to the concerned parties on 14 November 2019.

On 31 January 2020, complainants wrote the RTC, requesting anew copies of the TSNs of four hearings held on 18 September 2019, 25 September 2019, 11 October 2019, and 25 October 2019.<sup>5</sup> This was followed by another letter wherein they reiterated their request.<sup>6</sup> Thereupon, Atty. Torzar issued another memorandum<sup>7</sup> to respondent, requiring her to explain the reason for the delay in the submission of the said TSNs. In response thereto, respondent reasoned<sup>8</sup> that: *one*, the hearing on 18 September 2019 was postponed; *two*, she was still in the process of completing the TSNs dated 25 September 2019 and 11 October 2019; and *three*, she had already completed and submitted the TSN dated 25 October 2019.

In light of respondent's delinquencies, complainants filed the instant administrative case, averring that respondent violated Section 17 2(a) of Administrative Circular No. 24-90, otherwise known as the *Revised Rules on Transcription of Stenographic Notes and their Transmission to Appellate Court*, which requires stenographers to transcribe all stenographic notes and attach the transcripts to the case records within twenty (20) days from the time they were taken. Moreover, respondent's repeated failure to heed their request and comply with her superior's directive constituted willful disobedience. Furthermore, there was a deliberate intent on the part of respondent in producing the required transcripts in order to delay the case, thereby making her liable for conduct unbecoming of a court personnel.

- over -

91-A

---

<sup>3</sup> Id. at 12.

<sup>4</sup> Id. p.13.

<sup>5</sup> Id. at 15.

<sup>6</sup> Id. at 16-17.

<sup>7</sup> Id. at 19.

<sup>8</sup> Id. at 20.

Contrariwise, respondent denied the allegations against her, maintaining that prior to complainants' letter request dated 28 July 2019, she had already completed the transcription of the requested TSNs, albeit the same were pending review and finalization. Unfortunately, she failed to submit them as she had to go home to Roxas City to take care of her ailing father who was in critical condition and eventually died on 12 July 2019.<sup>9</sup> So, too, respondent attributed her failure to timely submit the TSNs to the fact that there were only two stenographers in their branch and that she was immersed with heavy volume of work. As such, she contended that the delay in the submission of the required TSNs was not intentional, but due to justifiable reasons.

All the same, respondent accentuated that she was still able to submit the required TSNs in compliance with Atty. Torzar's directives, claiming that on 14 November 2019, she submitted the TSN for the hearing conducted on 27 March 2019 (79 pages), as well as the TSN dated 24 April 2019 (95 pages). Thereafter, on 17 February 2020, 21 February 2020 and 28 February 2022, she submitted the TSNs for the hearings held on 25 October 2019 (70 pages), 11 October 2019 (33 pages), and 25 September 2019 (110 pages), respectively. On the other hand, no hearing was held on 18 September 2019 as it was postponed by the court.<sup>10</sup>

In its Report and Recommendation<sup>11</sup> dated 16 November 2021, the Judicial Integrity Board (JIB) recommended, *inter alia*, that respondent be found administratively liable for violating Administrative Circular No. 24-90. The JIB found no merit in respondent's excuse that the delay in the submission of TSNs was due to heavy workload and the fact that there were only two stenographers in the court, for otherwise, every government employee charged with negligence and dereliction of duty would resort to such convenient excuse to evade punishment. However, there being no clear showing that her failure to timely transcribe the stenographic notes was coupled with any improper motive, the JIB concluded that respondent's delay in the submission of the TSNs would only constitute simple neglect of duty. The JIB recommended a fine of Two Thousand Pesos (₱2,000.00), taking into account the death of respondent's father, which contributed to the delay in the submission of the TSNs. It likewise considered the fact that this was respondent's

- over -

91-A

---

<sup>9</sup> Id. at 36.

<sup>10</sup> Id. p. 31.

<sup>11</sup> Id. at 41-48.

first offense and that the delay was not attended by bad faith or any improper motive. The charges for willful disobedience or insubordination and conduct unbecoming of a court personnel were recommended to be dismissed, there being insufficient basis to hold her liable therefor.

### OUR RULING

The Court adopts the Report and Recommendation of the JIB with modification in that a fine of Twenty Thousand Pesos (₱20,000.00) is imposed, in accordance with A.M. 21-08-09-SC.<sup>12</sup>

The duties of a Court Stenographer are clearly stated under Section 17, Rule 136 of the Rules of Court:

Section 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 records of the case; and it shall likewise be the duty of the Clerk to demand that the stenographer comply with said duty. xxx

Indeed, court stenographers are enjoined to immediately deliver to the clerk of court all the notes taken during the session of the court, which are to be attached to the record of the case. Corollary thereto, Supreme Court Administrative Circular No. 24-90 requires stenographers to transcribe all TSNs and to attach them to the record of the case within a period of twenty (20) days from the time they were taken, thus:

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 (20) days from the time the notes are taken.

Indubitably, respondent failed to comply with the 20-day period to submit the TSNs for the hearings held on 27 March 2019, 24 April 2019, 25 September 2019, 11 October 2019 and 25 October 2019. While she explained that she had already prepared the TSNs for the hearings of 27 March 2019 and 15 April 2019 even before the complainants requested a copy of the same on 28 July 2019, it bears emphasis that she was only able to submit the said TSNs on 14

- over -

91-A

---

<sup>12</sup> Entitled, "Further Amendments to Rule 140 of the Rules of Court." Issued by this Court on 22 February 2022.

November 2019, or about seven (7) months from the date such notes were taken. In the same vein, she submitted the TSN for the hearing on 25 September 2019 only on 28 February 2020 or 156 days from the date of note-taking. For the hearing on 11 October 2019, she submitted the transcript on 21 February 2020 or 133 days from the pertinent hearing date. Finally, for the hearing on 25 October 2019, respondent submitted its TSN on 17 February 2020 or 115 days after which transcription took place.<sup>13</sup>

The foregoing circumstances clearly evince that respondent was remiss in performing her duties as a Court Stenographer. The Court cannot overemphasize the importance of the timely submission of the TSNs by respondent. In *Absin v. Montalla*,<sup>14</sup> a case where the respondent was a Court Stenographer of RTC branch in San Miguel, Zamboanga, this Court stressed that every court stenographer should realize that “the performance of his duty is essential to the prompt and proper administration of justice, and her (respondent's) inaction hampers the administration of justice and erodes public faith in the judiciary.”

In her forlorn attempt to exculpate herself from liability, respondent raises as defenses her father's death, which purportedly contributed to the delay in the submission of the TSNs, her heavy workload, and the fact that there were only two stenographers in their court. While this Court is mindful of the plight of court stenographers, in the absence of compelling reasons to justify respondent's failure to strictly comply with her duty within the prescribed period, she cannot be relieved of administrative liability. Otherwise, every government employee charged with negligence and dereliction of duty will always proffer a similar excuse to escape punishment, to the great prejudice of public service.<sup>15</sup>

Nevertheless, complainants were not able to demonstrate that respondent's failure to submit the TSNs within the prescribed period was attended by improper motive. *Ergo*, she is liable only for simple neglect of duty.

Neglect of duty is the failure to give one's attention to a task expected of the public employee. Simple neglect of duty is defined as “the failure of an employee to give proper attention to a required task

- over -

91-A

---

<sup>13</sup> *Rollo*, pp. 38-39.

<sup>14</sup> 667 Phil. 560 (2011).

<sup>15</sup> See *Seangio v. Parce*, 553 Phil. 697, 708 (2007).

or to discharge a duty due to carelessness or indifference."<sup>16</sup> Simple neglect of duty is contrasted from gross neglect, the latter being such neglect that, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.<sup>17</sup> Gross neglect does not necessarily include willful neglect or intentional official wrongdoing.<sup>18</sup> Those responsible for such act or omission cannot escape the disciplinary power of this Court. The impossible penalty for gross neglect of duty is dismissal from the service.<sup>19</sup>

Section 15(b) of A.M. 21-08-09-SC<sup>20</sup> classifies simple neglect of duty as a less serious charge, which is punishable by either suspension from office without salary and other benefits for not less than one month nor more than six months, or a fine of more than ₱35,000.00 but not exceeding ₱100,000.00. This notwithstanding, the Court is granted the discretion to consider mitigating circumstances in the imposition of the final penalty.<sup>21</sup> In *Seangio v. Parce*,<sup>22</sup> We imposed a fine of ₱2,000.00 upon finding the respondent guilty of simple neglect of duty, observing that although delay attended the transcription of the stenographic notes, no apparent ill or malicious motive on the part of respondent was established. Moreover, the Court imposed a lighter penalty on account of therein respondent's first offense and length of service.

In the case at bench, the record is devoid of any showing that respondent committed the delay with bad faith or fraud. Evidently, she was a first-time offender and that the untimely death of her father contributed to the delay in her submission of TSNs. The provisions of Sections 19(1)(a) and 19(1)(d), in relation to Section 20 of A.M. 21-08-09-SC are apropos:

SECTION 19. *Modifying Circumstances.* — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

- over -

91-A

<sup>16</sup> See *Re: Report of Atty. Caridad A. Pabello, Chief of Office, Office of Administrative Services-Office of the Court Administrator (OAS-OCA) on Neglect of Duty of Ferdinand Andres*, 763 Phil.196, 202 (2015).

<sup>17</sup> *Gamolo, Jr. v. Beligolo*, A.M. No. P-13-3154 (Formerly OCA IPI No. 10-3470-P), 7 March 2018.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Entitled, "Further Amendments to Rule 140 of the Rules of Court." Issued by this Court on 22 February 2022.

<sup>21</sup> *Supra* note 16, at 203.

<sup>22</sup> *Supra* note 15, at 711.

(1) Mitigating circumstances:

(a) First offense;

(b) x x x            x x x            x x x

(c) Humanitarian considerations; and

SECTION 20. *Manner of Imposition.* — x x x    x x x  
x x x


If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

In obeisance to the foregoing, We find it judicious to mitigate respondent's liability and impose the penalty of fine amounting to ₱20,000.00. Finally, as the complainants proffered no evidence to support their allegations of willful disobedience and conduct unbecoming of a court employee against respondent, the said charges must be dismissed.

**WHEREFORE**, the Court hereby **FINDS** respondent **EDEN B. BULASO**, Court Stenographer III of the Regional Trial Court of Muntinlupa City, Branch 256, **GUILTY of SIMPLE NEGLECT OF DUTY**. She is **ORDERED** to pay a **FINE** of **TWENTY THOUSAND PESOS (₱20,000.00)** with a **WARNING** that her commission of the same or similar acts shall be dealt with more severely.

**SO ORDERED.**” *Gaerlan, J., on official leave.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *LCB*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**91-A**

Attys. Teddy Esteban F. Rigoroso, et al.  
Complainants  
901 Fil Garcia Tower  
140 Kalayaan Avenue, Diliman  
1101 Quezon City

Ms. Eden B. Bulaso  
Respondent – Court Stenographer III  
Regional Trial Court, Branch 256  
1770 Muntinlupa City

The Branch Clerk of Court  
Regional Trial Court, Branch 256  
1770 Muntinlupa City

Hon. Raul B. Villanueva (x)  
Court Administrator  
Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
OCA, Supreme Court

Office of Administrative Services (x)  
Legal Office (x)  
Court Management Office (x)  
Financial Management Office (x)  
Docket & Clearance Division (x)  
OCA, Supreme Court

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Judicial Integrity Board (x)  
Supreme Court

Philippine Judicial Academy (x)  
Supreme Court



**91-A**

UR

NAF