

SECOND DIVISION

[**A.M. No. P-02-1557 (Formerly OCA IPI No. 01-1084-P), December 08, 2004**]

**CENON R. ALFONSO, COMPLAINANT, VS. ARMANDO B. IGNACIO,
COURT STENOGRAPHER III, REGIONAL TRIAL COURT, PASIG
CITY, BRANCH 161, RESPONDENT.**

D E C I S I O N

CALLEJO, SR., J.:

The instant administrative case arose when Cenon R. Alfonso filed an Affidavit-Complaint^[1] dated January 4, 2001 charging Armando B. Ignacio, Court Stenographer III, Regional Trial Court (RTC), Pasig City, Branch 161, with gross negligence relative to Civil Case No. 67654 entitled "*Doctors of the New Millenium Holdings, Inc. v. People's Trans-East Asia Insurance Corp., et al.,*" for breach of contract and damages.

The complainant, who was the President, Chief Executive Officer and Chairman of the Board of Directors of the plaintiff corporation in the said case, made the following allegations:

2. That on 9 August 2000, I testified as a first witness for the plaintiff in the above-entitled case on direct examination with Court Stenographer **ARMANDO B. IGNACIO**, the respondent in this complaint, taking the stenographic notes of the proceedings;
3. That the transcript of stenographic notes (TSN) afore-mentioned was followed-up for several times by my office personnel but for one reason or another, the said respondent failed to furnish us a copy of the same until about two (2) days before the next scheduled hearing on 26 October 2000;
4. That upon receipt of the said TSN, I noticed grave discrepancies in my testimony, the facts were distorted and pages of omissions on my testimony was (*sic*) not transcribed by respondent Armando B. Ignacio, copy of the said TSN is hereto attached and marked as Annex "A" and made as (*sic*) integral part of this complaint;
5. That immediately upon noticing the grievous manner my testimony was taken by the said respondent, I caused the original copy to be brought to my lawyer, Atty. Norberto Ortiz Perez, who, upon examining the subject TSN, agreed that there was a deliberate intent to distort the facts in my testimony as the mistakes did not only pertain to isolated mistakes in typing of words but distortion of facts which did not happen, sentences of omissions and pages of omitted testimonies;
6. That on 26 October 2000, before the start of the morning hearing, my lawyer confronted the respondent and then and there, the latter said that he was supposed to take a leave but he felt that the TSN that he prepared might be

- the subject of a query, thus, he was constrained to report and is willing to explain if asked by his presiding judge about any mistakes in his transcription;
7. That when my counsel started to manifest about the grave mistakes in the TSN, the presiding judge, the Hon. Alicia P. Marino-Co, immediately summoned the respondent and right then and there rendered a resolution for the re-taking of my testimony with further order for the respondent to use a tape recorder, this time, the transcript of the manifestations and ruling of Judge Co is hereto attached and marked as Annex "B;"
 8. That on the same hearing, I commented to my lawyer that it is better to move for the inhibition of the court since that was not the first time that our case encountered problems from the court personnel who later on became our personal adversaries;^[2]

In his Comment dated June 5, 2001, the respondent admitted that he was the court stenographer on duty when Civil Case No. 67654 was heard and tried on August 9, 2002. He alleged that he was able to finish the transcription of the stenographic notes of the proceedings in the said case five (5) days before the next scheduled hearing of the case, and that a representative of the plaintiff therein secured a copy of the transcript on August 9, 2000. The respondent, likewise, admitted that he had been previously charged administratively and was fined therefor.^[3] He averred, however, that since then, he had been more attentive and careful with his work. He further claimed that the subject civil case had long been re-raffled to another branch of the court. The respondent also averred as follows:

4. That insofar as the stenographic notes of the hearing of Civil Case No. 67654 are concerned, undersigned is willing and ready to read the same in the presence of complainant and the Honorable Deputy Court Administrative (*sic*) should he be required to do so. In this regard, undersigned is attaching as part of this Comment a duplicate original copy of the transcript of the hearing of Civil Case No. 67654 held on August 9, 2000, as Annex "1" hereof;...^[4]

In its Report dated January 7, 2002, the Office of the Court Administrator (OCA) found the complaint against the respondent meritorious. The OCA opined that since this was the respondent's second offense, a stiffer penalty should be imposed upon him. Thus, it was recommended that the respondent be suspended for three (3) months without pay effective upon notice, with a warning that a similar offense shall be dealt with more severely^[5] on the following finding:

It becomes apparent, however, that this matter could have been avoided had the respondent only taken the very elementary precaution of using a tape recorder during the taking of the testimony. With this precaution, respondent could have easily confronted complainant with the tape recording of his testimony to rebut any accusations of negligence. Respondent was not able to give a plausible explanation regarding his failure to take such precaution as using a tape recorder. When asked if he used a tape recorder, respondent replied "I did not use a tape recorder during that hearing. But at the (*sic*) next time, I will be using one" (*Rollo*, p. 30).^[6]

We do not agree with the Court Administrator.

A public office is indeed a public trust, and a court stenographer, without doubt,