

FIRST DIVISION

[A. M. No. P-01-1485, November 29, 2001]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
ATTY. MARIE YVETTE GO, BRANCH CLERK OF COURT AND
PHOEBE PELOBELLO, COURT STENOGRAPHER III, BOTH OF THE
REGIONAL TRIAL COURT, BRANCH 25, ILOILO CITY,
RESPONDENTS.**

R E S O L U T I O N

PARDO, J.:

On August 24, 2001, the Court Administrator filed the instant complaint against respondents Atty. Marie Yvette Go, Branch Clerk of Court and Phoebe Pelobello, Court Stenographer III, both of the Regional Trial Court, Branch 25, Iloilo City, charging them with gross neglect of duty and insubordination. The complaint reads:

"1. On 04 July 1995, Judge Bartolome M. Fañunal rendered a decision in Civil Case No. 14254 entitled People of the Philippines vs. Perla A. Enalao, et al., Defendants; Gredia G. Alajar, Intervenor;

"2. On 31 July 1995, Intervenor Gradia G. Alajar, through counsel Atty. Cornelio Salinas, filed a Notice of Appeal;

"3. In an Order dated 03 August 1995, the trial court gave due course to the Notice of Appeal and directed that the record of the case together with the transcript of stenographic notes be forwarded to the Court of Appeals;

"4. On 05 February 1997, Atty. Marie Yvette D. Go forwarded the records of Civil Case No. 14254 to the Clerk of Court, Regional Trial Court, Iloilo City, one (1) year, six (6) months and two (2) days from the time Judge Fañunal ordered the transmittal of the said records to the Court of Appeals;

"5. The Office of the Clerk of Court, Regional Trial Court, Iloilo City mailed the records of the Court of Appeals on 17 February 1997 via registered mail. The transcripts, however, were not included in the transmittal;

"6. Prior to the transmittal of the said records, Judge Fañunal in an Order dated 17 January 1997 directed Court Stenographer Phoebe Pelobello to submit her stenographic notes within one (1) week from receipt thereof. She failed to comply with the order.

"7. Meanwhile, the Court of Appeals in a Resolution dated 13 March 2001 required Ms. Pelobello to comply with the Resolutions dated 27 September 1999 and 03 March 1999 and to show cause within ten (10)

days from notice why payment of her salary shall not be suspended. Court Stenographer Pelobello failed to comply with the order of the trial court as well as with the order of the Court of Appeals;

"8. On 01 September 2001, Court Stenographer Pelobello submitted the transcripts of stenographic notes taken on 09 January 1990, after a period of five (5) years and twenty-eight (28) days from the time the Notice of Appeal was given due course.

"WHEREFORE, it is respectfully prayed of this Honorable Court that respondents be found liable for gross neglect of duty and insubordination and be meted the appropriate penalty."^[1]

On April 7, 1997, Gredia G. Alajar filed a letter-complaint^[2] with the Department of Justice charging respondents Clerk of Court Magdalena Lometillo and Assistant Clerk of Court Gerry Sumaculub with gross neglect of duty relative to Civil Case No. 14254, entitled People of the Philippines versus Perla A. Enalao, et. al.

In her complaint, Gredia Alajar alleged that there has been a delay of more than eighteen (18) months in the transmittal of the record of Case No. 14254 from the Regional Trial Court, Branch 25, Iloilo City to the Court of Appeals, Manila.

During the investigation of the case, on October 5, 2000, the Executive Judge discovered that Atty. Magdalena Lometillo, the Clerk of Court, and Atty. Gerry Sumaculub, Assistant Clerk, had no hand in the delay incurred in Branch 25,^[3] where Atty. Marie Yvette Go was the Branch Clerk of Court and Phoebe Pelobello was the Court Stenographer.

On October 12, 2000, Stenographer Pelobello admitted that there was a delay in the transmittal of the record because she could not find her transcripts after they transferred to another office. She found her notes attached to other records. When required by the Court of Appeals to show cause and explain why her salary should not be ordered suspended for failure to comply with the resolution dated September 27, 1999 requiring her to submit the transcript of stenographic notes taken on January 9, 1990, Pelobello admitted that she did not submit any explanation.^[4]

When asked if she knew that she was the cause of the delay in the resolution of the case, she said that she was not aware of that. She further explained that there was no reminder for her to submit the transcripts.^[5]

Thus, Court Stenographer Pelobello transmitted the transcript only on September 1, 2000.

On October 16, 2000, Executive Judge Tito G. Gustillo submitted the following report and recommendation:

"The delay of One (1) year, Six (6) months and Two (2) days was incurred by RTC, Branch 25, Iloilo City because Court Stenographer Phoebe Pelobello misplaced her transcript of stenographic notes taken on January 9, 1990 in Civil Case No. 14254 entitled "People of the Philippines versus Perla Enalao, et al."