

SECOND DIVISION

[A.M. No P-96-1220, February 27, 1998]

**BEATRIZ E. DE GUZMAN, COMPLAINANT VS. SONIA BAGADIONG,
COURT STENOGRAPHER III, REGIONAL TRIAL COURT, MANILA,
BRANCH 43. RESPONDENT.**

D E C I S I O N

MELO, J.:

Respondent Sonita T. Bagadiong holds the position of Court Stenographer III of the Regional Trial Court of the Nation Capital Judicial Region, Branch 43, stationed in Manila are presided over by Judge Manuela F. Lorenzo. She is the subject of a letter-complaint in Criminal Cases No. 94-133937 and 94-140408, entitled "People of the Philippines vs. Memalie Mangallardo , et al.", of respondent's court.

On July 17, 1996, complaint wrote a letter alleging that she obtained a copy of the transcript of stenographic notes of the hearing in said criminal cases held on May 20, 1996, and that to her surprise, she was charged by respondents P21.00 per page. She inquired whether the amount charged by respondent is proper. She likewise alleged that she was paying P800.00, supposedly for transcripts, for every hearing.

Required to comment, respondent alleged that the charge of P21.00 per page was due to the fact that the transcripts were in single spaced pages, the typing of which was to be done at home because of the immediate need therefor by complainant, and that respondent ordinarily charged P10.00 per double-spaced page and with enough time to given by the parties. Respondent likewise averred that the transcription of the stenographic notes demanded by complaint was to be done in addition to respondent's other court duties such as attending court sessions, transcribing stenographic notes of other pending cases and those which had been appealed and submitted for decision; that there were only three stenographers in their sala; that the payment was supposed to be on "pakyaw" basis but since complainant could not afford to pay, the charge was only P400.00; that the amount she was charging is based on the principle of "equal pay for equal work;" and that she transcribed two sets of notes which complainant no longer paid for .

In the other supplemental comments, respondent presented other arguments stated in a noticeably arrogant fashion, to wit: that complainant should have taken the matter first with the presiding judge of court under the principle of exhaustion of administrative remedies; that whether or not the fees complainant agreed to pay are excessive is a matter not proper for administrative action since the preparation of transcripts of stenographic notes is only incidental to the functions of a stenographer and the payment therefor has no bearing on the proper disposition of a stenographer's duties and functions; that complainant has an obligation to pay the amount since she agreed to it; that complainant has no right to direct the stenographer to do the transcription and that the stenographer may refuse to do the transcription if and when she did not feel like doing it for the moment; that the transcription is her intellectual creation; that she

has not violated any law; and that the amount charged was customary in all courts all over the Philippines.

The first recommendation of the Office of the Court Administrator (OCA) which was issued last August 26, 1996 suggested that respondent be fined in the amount of P1,000.00 with a stern warning that a repetition of the same or similar act shall be dealt with more severely. After respondent filed her additional comments, manifestation, and evidence, the OCA submitted a memorandum dated April 18, 1997, recommending:

... that respondent Sonita T. Bagadiong, Court Stenographer III, RTC, Branch 43, Manila, be SUSPENDED for three (3) months without pay for illegal and exorbitant charging of stenographic notes, with a stern warning that a repetition of the same or similar act in the future will be dealt with more severely.

(pp. 4-5, Memorandum.)

Of great relevance to the case at hand is Section 10, Rule 141 of the Rules of Court, as amended by Administrative Circular No. 31-90, which sets forth the fees to be uniformly collected by stenographers for the transcription of stenographic notes, as follows:

Section 10. Stenographers. -- Stenographers shall give transcript of notes taken by them to every person requesting for the same upon payment of (a) five (P5.00) pesos for each page of not less than two hundred and fifty words before the appeal is taken and (b) three (P3.00) pesos for the same page, after the filing of the total charges shall be paid to the court and the other half to the stenographer concerned.

Plainly, respondent cannot be allowed to seek shelter in what she alleges as actual practice of stenographers charging P10.00 per double-spaced page of transcript. Any violation of the above-cited provision holds the offender administratively liable.

In *Alivia vs. Nieto* (215 SCRA 62 [1995]), the Court emphasized that:

The administration of justice is sacred task; by the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust and all public officers and employees must at all times be accountable to the people and serve them with utmost responsibility, integrity, loyalty, and efficiency. It condemns and would never countenance any conduct, act or omission on the part of the all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the judiciary.

Respondent is in grave error when she argues that the transcription of stenographic notes is a mere "addition" to a stenographer's other court duties, thus intimating that such transcription is a minor and incidental task. Paragraph 1 of administrative Circular no. 24-90, mandates that:

1. Clerks of Court and stenographers are enjoined to faithfully comply with Rule 136, Section 17, par. 1, Rules of Court, which is quoted hereunder:

Section 17. Stenographers- It shall be the duty of the stenographer who has attended a session of Court either in the morning or in the afternoon, to deliver to the Clerk of Court, immediately at the close of such morning or in the afternoon session, all the notes he has taken, to be attached to the record of the case, and it