

EN BANC

A.M. No. RTJ-21-2604 – OFFICE OF THE COURT ADMINISTRATOR, *complainant*, versus HON. JESUS B. MUPAS, FORMER PRESIDING JUDGE, ATTY. MELBEN REY M. MADRID, BRANCH CLERK OF COURT, LIZA L. DOCTOLERO, COURT STENOGRAPHER, AND HERMITO DELA CRUZ III, CRIMINAL CLERK-IN-CHARGE, ALL OF THE REGIONAL TRIAL COURT OF PASAY CITY, BRANCH 112, *respondents*.

Promulgated:

August 22, 2023

X----------X

CONCURRING AND DISSENTING OPINION

SINGH, J.:

I concur with the majority opinion but dissent only in so far as the admonition imposed by the *ponencia* on Liza I. Doctolero (**Doctolero**), Court Stenographer, Branch 112, Regional Trial Court, Pasay City.

In admonishing Doctolero, the *ponencia* agrees with the observation of the Judicial Integrity Board that Doctolero should have exerted efforts to ensure that the money would not stay in her locked cabinet for a long time, by informing Presiding Judge Jesus B. Mupas (**Judge Mupas**), Branch Clerk of Court Atty. Melben Rey M. Madrid (**Atty. Madrid**), and/or Legal Researcher Dana Lyne A. Areola (**Areola**), so that any of them could take proper action.¹

It should be noted that Doctolero only allowed the money to be placed inside her cabinet after Criminal Clerk-in-Charge Hermito dela Cruz III (**dela Cruz**) told her that Judge Mupas ordered the same to be done. In fact, dela Cruz had come from inside the Judge's chambers when he directly told Doctolero that Judge Mupas authorized the safekeeping. Hence, Doctolero was merely following the orders of her superiors.

In my measured view, as a Court Stenographer, it is not Doctolero's responsibility to oversee the safekeeping of the money placed inside her cabinet, nor is she duty-bound to ensure that the money would not stay in her cabinet for a long time.

¹ *Ponencia*, p. 10.



Again, in allowing the money to be placed inside her locked cabinet, Doctolero was merely following an order given by her superiors.

Doctolero should not be faulted for believing that Judge Mupas ordered that the money be placed in her locked cabinet as dela Cruz told her this, purportedly as instructed by Judge Mupas, within the hearing distance of other court personnel. It cannot also be said that Doctolero acted without caution as she voiced her concern about keeping the money in her locked cabinet.

Hence, the responsibility imposed by the *ponencia* on Doctolero that she “should have exerted efforts to ensure that the money would not stay in her locked cabinet for a long time, by informing Judge Mupas, Atty. Madrid, and/or Areola, so that any of them could take proper action,” may be considered as impractical considering that: (1) it was Judge Mupas who gave the instructions that the money be placed in Doctolero’s cabinet; (2) Areola was present when the instructions was twice communicated to Doctolero by dela Cruz; and (3) Atty. Madrid was working from home when the instructions was given, and it does not appear in the record when Atty. Madrid physically reported back to work.

I thus maintain that there is no factual basis to admonish Stenographer Doctolero.

While admonishment is not a penalty, it is nevertheless a tool used as a warning or reminder, counseling on a fault, error or oversight, an expression of authoritative advice or warning.² Thus, the Court must use it judiciously and stay its hand when unwarranted, such as when there is no specifically alleged improper act that merits such admonition, warning or counsel.³

In this, a survey of cases involving court stenographers that merited admonishment from this Court is instructive. In jurisprudence, court stenographers have been admonished for failure to reflect an accurate transcription;⁴ releasing information without following the internal procedures of the court;⁵ inaccurate or careless handling of their daily time records;⁶ tardiness;⁷ and wasting the time of the courts in petty quarrels.⁸

In other more serious cases, the Court also imposed admonition on court stenographers for delayed compliance with orders and directives of the

² *De Guzman v. De Guzman*, OCA IPI No. 16-4626-P, March 18, 2019, citing *Re: Letter of Presiding Justice Vasquez, Jr., et al.*, 590 Phil. 8, 38 (2008).

³ *Id.*

⁴ *Umali-Paco v. Quilala*, 459 Phil. 766, 780 (2003).

⁵ *Mah-Arevalo v. Mape*, 602 Phil. 451, 458 (2009).

⁶ *Duque v. Aspiras*, 502 Phil. 15, 25 (2005).

⁷ *Gamolo, Jr. v. Beligolo*, 827 Phil. 244 (2018); *Re: Habitual Tardiness of Gloria F. Basada, Court Stenographer III, Branch 200, Regional Trial Court, Las Piñas City*, A.M. No. P-15-3337, July 22, 2015.

⁸ *Muñasque v. Cape*, 158 Phil. 231, 236 (1974).



Court;⁹ receiving food as tips in assisting couples in fraudulent marriages;¹⁰ exceeding authority to personally serve an order of the court;¹¹ and assisting private individuals in a way that compromises the public's trust in the justice system.¹²

Consistent in all these cases is that when it admonishes, the Court recognizes a duty that the stenographers should have performed better, or warns them of their acts outside of official function that may threaten to compromise the integrity of the judiciary.

However, none of these find application in the circumstances of Doctolero, who in allowing the use of her locked cabinet to safekeep the money on instructions by her superiors, did not abandon her duty nor acted in a way that is unbecoming of a court employee.

It is important to emphasize that as a court stenographer, Doctolero's position is essentially limited to the transcription of the records of the proceedings during a court session.¹³

Meanwhile, it is the duty of the Clerk of Court to safely keep all records, papers, files, exhibits and public property committed to their charge. The Office of the Clerk of Court, after all, performs a very delicate function, having control and management of all court records, exhibits, documents, properties and supplies.¹⁴

For the presiding judge of the court where a robbery took place, while the primary responsibility of safekeeping of evidence is not lodged with the judge, they are also expected to exercise prudence and fair judgment in maintaining awareness of the condition of their facilities, and anticipating the dismal future in defective court facilities especially if a resultant prejudice to litigants is not a remote possibility.¹⁵

Finally, while it is true that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility,¹⁶ the prudence required of rank and file employees

⁹ *Naawan Community Rural Bank v. Martinez*, 432 Phil. 543, 547 (2002).

¹⁰ *Office of the Court Administrator v. Necessario*, 707 Phil. 328 (2013).

¹¹ *Alvarez v. Perez*, A.M. No. MTJ-18-1913, March 24, 2021.

¹² *Luminate-Prak v. Anacan*, 478 Phil. 153, 160 (2004).

¹³ *Office of the Court Administrator v. Bucoy*, 305 Phil. 640, 645 (1994).

¹⁴ *Office of the Court Administrator v. Ramirez*, 489 Phil. 262, 271 (2005).

¹⁵ *Id.* at 272.

¹⁶ *Id.* at 270.




may be fulfilled when they confirm with their superiors the tasks they are asked to fulfill,¹⁷ which the facts of the case show that Doctolero did.

Evidently, in all these, the Court must admonish Atty. Madrid to be more exacting in the observance of his duties, given his lapses as Clerk of Court. On the other hand, considering the factual milieu of the case, stenographer Doctolero must not only be exonerated, but also be free from admonishment.

All things considered, I vote to –

1. **DISMISS** the administrative case against Judge Jesus B. Mupas, then Presiding Judge, Branch 112, Regional Trial Court, Pasay City, on account of his supervening death;
2. **DISMISS** the administrative case against Atty. Melben Rey M. Madrid, Branch Clerk of Court, Branch 112, Regional Trial Court, Pasay City, for insufficiency of evidence. However, Atty. Madrid should be **ADMONISHED** to be more circumspect in the performance of his duties;
3. **DISMISS** the administrative case against Liza I. Doctolero, Court Stenographer, Branch 112, Regional Trial Court, Pasay City for insufficiency of evidence;
4. **FIND** Hermito dela Cruz III, Criminal Clerk-in-Charge, Branch 112, Regional Trial Court, Pasay City, **GUILTY** of Gross Neglect of Duty, and mete the penalty of **DISMISSAL** from the service, forfeiture of all benefits due him except accrued leave credits, and disqualification from reinstatement or reappointment to any public office, including government-owned or controlled corporations; and
5. **ORDER** that an administrative disciplinary proceeding be instituted *motu proprio* against Dana Lyne A. Areola, Legal Researcher, Branch 112, Regional Trial Court, Pasay City, who was the OIC at the time of the incident complained of.


MARIA PILOMENA D. SINGH
Associate Justice

¹⁷ *Re: Alleged Spurious Bailbonds and Release Orders Issued by the RTC, Br. 27, Sta. Cruz, Laguna, 521 Phil. 1, 22 (2006).*