

## FIRST DIVISION

[ A.M. No. P-14-3259 [Formerly OCA IPI No. 14-4302-P], November 28, 2019 ]

### COMPLAINT AGAINST EMILIANA A. LUMILANG, COURT INTERPRETER III, REGIONAL TRIAL COURT, BRANCH 10, MALAYBALAY CITY, BUKIDNON.

## D E C I S I O N

**LAZARO-JAVIER, J.:**

#### **The Case and the Proceedings Below**

On October 7, 2008, the Office of the Court Administrator (OCA) received an anonymous complaint<sup>[1]</sup> charging respondent Emiliana A. Lumilang with incompetence and misconduct relative to the performance of her duties and functions as Court Interpreter III of the Regional Trial Court (RTC)-Branch 10, Malaybalay City, Bukidnon.

**The complaint essentially alleged:** Respondent cannot be relied upon to properly translate into English the testimonies of litigants and witnesses using the Visayan dialect as she has a very poor command of the English language. As a result, the transcripts of stenographic notes (TSNs) bore the erroneously translated testimonies of the witnesses. On several occasions, the lawyers themselves had to interpret the testimonies of their respective witnesses from Visayan to English to get the record to reflect the correct testimonies. Respondent's grossly erroneous translations can put an innocent man in jail.

Respondent is also arrogant in the workplace. One time, a lawyer asked for a copy of the TSN to which respondent angrily responded, "I have a lot of work to do, I am fed up, I cannot do it anymore." Because of her incompetence and arrogant conduct, respondent should be immediately replaced by one who is qualified, kind, and competent on the job.<sup>[2]</sup>

**In her Comment,**<sup>[3]</sup> **respondent countered, in the main:** As Court Interpreter III, her task is to translate what she actually heard during hearings and not to transcribe stenographic notes. She has been faithfully, kindly and humbly performing her duties and responsibilities like preparing and attaching the minutes and certificates of arraignment to the corresponding case record.

On October 21, 2008, the OCA initially referred the case to Executive Judge Josefina G. Bacal for discreet investigation, report, and recommendation.<sup>[4]</sup> But it took Judge Bacal over two (2) years before she finally submitted her Report<sup>[5]</sup> on June 24, 2011. She recommended that the complaint be dismissed, giving credence to respondent's assertion that she could speak and write in English and preparing

stenographic notes was not part of her job.

Finding the report insufficient, the OCA referred<sup>[6]</sup> the case to then Acting Executive Judge Dennis Z. Alcantar, RTC, Malaybalay City, Bukidnon, for a more thorough investigation.

### **Findings and Recommendation of Acting Executive Judge Alcantar**

In his Report<sup>[7]</sup> dated September 25, 2012, Acting Executive Judge Alcantar recommended that respondent be held administratively liable for incompetence. Several interviews and conferences with court personnel and lawyers who appeared before RTC-Branch 10 invariably revealed respondent's incompetence in performing her job as court interpreter. Respondent has not been able to correctly, nay, accurately translate into English the statements and testimonies given in the Visayan dialect. To this, respondent failed to give a satisfactory explanation. As for her alleged arrogant reply to a lawyer's request for stenographic notes, this could no longer be ascertained as it happened way back in 2008.

### **Report and Recommendation of the OCA**

The OCA, through Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino, recommended<sup>[8]</sup> that the case be re-docketed as a regular administrative matter; that respondent be held liable for inefficiency and incompetence in the performance of official duties; and, thus, suspended for three (3) months without pay, effective immediately, with stern warning that a repetition of the same or similar offense shall be dealt with more severely.

The OCA found sufficient evidence of respondent's incompetence as court interpreter. Atty. Isidro Caracol (then President of the Integrated Bar of the Philippines-Bukidnon Chapter) and Atty. Iris Tumamos-Panganiban (Clerk of Court V, Branch 10, RTC-Malaybalay City, Bukidnon) attested to respondent's recklessness and repeated mistakes whenever she interprets the testimonies of litigants and witnesses. She has a poor command of the English language. In fact, respondent was given an "Unsatisfactory" rating for the semester January to June 2009 by the Clerk of Court<sup>[9]</sup> and had been informed of her deficiency by the lawyers who have pending cases before Branch 10, RTC-Malaybalay City. Despite this, respondent failed to show any improvement in the performance of her duties.<sup>[10]</sup>

As for respondent's purportedly arrogant and impolite response to a request for TSN by a local lawyer, the OCA echoed the observation of Acting Executive Judge Alcantar that the same can no longer be determined due to the long lapse of time since the incident happened in 2008.

### **Ruling**

The Court adopts the factual findings, legal conclusions, and recommendation of the OCA.

The Constitution mandates all public officers and employees to serve with responsibility, integrity, and efficiency. For public office is a public trust. Those who