

## THIRD DIVISION

**[ A.M. No. P-09-2696 [Formerly A.M. OCA IPI No. 08-2956-P], January 12, 2011 ]**

**PROSECUTOR HILARIO RONSON H. TILAN, COMPLAINANT, VS.  
JUDGE ESTER PISCOSO-FLOR, RTC, BRANCH 34, BANAUE,  
IFUGAO, RESPONDENT.**

### D E C I S I O N

**CARPIO MORALES, J.:**

Freddy H. Reyes (complainant), by Affidavit<sup>[1]</sup> of September 16, 2008, charges Vivian L. Pabilane, Court Interpreter of Branch 63 of the Regional Trial Court (RTC) of Calauag, Quezon, now detailed in the Municipal Trial Court (MTC) of Tagkawayan, Quezon, with maliciously, intentionally, deliberately and feloniously failing to make an accurate record of the minutes of the proceedings in Civil Case No. 1349, a Petition for the Issuance of a Writ of Preliminary Injunction with Prayer for the Issuance of a Temporary Restraining Order filed by complainant's wife, Lany Rosas (Lany), before the Calauag RTC.

In the April 7, 2006 Minutes of the proceedings in Civil Case No. 1349 during the presentation of evidence for the therein plaintiff-wife of complainant, respondent wrote the following:<sup>[2]</sup>

Witness/es: Clarita Villamayor Mendoza 78 years old, a widow, retired teacher and a resident of Brgy. Pinagtalliwan, Calauag, Quezon.

Marked Documentary Evidence: Exh "C" - Declaration of Real Property "I" - Kasulatan ng Sanglaan ng Lupang Minana Exh "2" - Bilihan Exh "2-B" paragraph mentioning about the Kasulatan ng Sanglaan ng Lupang Minana Exh "I-B" same paragraph as Exh "2-B" (underscoring supplied)

The transcript of Clarita Mendoza's testimony on April 7, 2006<sup>[3]</sup> showed, however, that what she testified on were Exhibits "A," "C" and "E," inclusive of sub-markings.

Complainant likewise charges respondent with deliberately failing to enter into the Minutes of the August 4, 2006<sup>[4]</sup> hearing the correct documentary evidence marked during his testimony as she wrote the following therein:

Witness/es: Freddie Hugo Reyes, 65 years old, married, government pensioner and a resident of Barangay 3, Calauag, Quezon.

Marked Documentary Evidence: Exh "A" - Receipt,

whereas the documentary evidence introduced consisted of Exhibits "G," "H," "I" and "J," inclusive of submarkings.<sup>[5]</sup>

In her December 18, 2008<sup>[6]</sup> Comment to the complaint, respondent stated as follows:

x x x x

With regards [to] the fourth paragraph of the affidavit-complaint, when an individual testifies in court, what appears in the interpreter's minutes is the witness' name, the data about him and the markings which had been caused by him, not the name of the plaintiff or the defendant for whom he testifies. In this case, though the word plaintiff does not appear in the space provided for it, still it could easily be told that this hearing was for plaintiff by simply reading the first part of the transcript of stenographic notes of the date wherein the prosecutor introduced plaintiff's witness. This would not mislead the Judge in [the] decision making because testimonies appearing on the minutes were really said by witness, Clarita Villamayor Mendoza, who as public knowledge, was then testifying on behalf of the plaintiff.

x x x x

How could the interpreter's minutes mislead a judge in the latter's judgment as what the complainant alleges? The transcript of stenographic notes is intact and very much complete and the formal offer of evidence is also easily and readily available. The two bear all the evidence that may be needed by the judge and these are what he refers to when preparing decisions. Besides, a judge listens so attentively to every case being heard and weighs every argument and any important detail that is being presented. Let it be cited for clarity, that the interpreter's minutes is just a brief summary of what transpired during a day's session. (underscoring supplied)

By Memorandum of August 6, 2009,<sup>[7]</sup> the Office of the Court Administrator (OCA), passing on the duties of court interpreters in this wise:

x x x Among the duties of court interpreters is to prepare and sign "all Minutes of the session" (Manual for Clerks of Court). After every session, they must prepare the Minutes and attach to it the record. It will not take an hour to prepare it. The Minutes is a very important document because it gives a brief summary of the events that took place at the session or hearing of a case. It is, in fact, a capsulized history of the case at a given session or a hearing, for it states the date and time of session; the names of the judge, clerk of court, court stenographer and court interpreter who were present; the names of the counsel for parties who appeared; the party presenting evidence marked; and the date of then next hearing. In criminal cases, the Minutes also includes data