

SECOND DIVISION

[A.M. No. MTJ-01-1365, August 09, 2001]

CESINA EBALLA, COMPLAINANT, VS. JUDGE ESTRELLITA M. PAAS, BRANCH CLERK OF COURT PEDRO C. DOCTOLERO, AND INTERPRETER II EVELYN DEPALOBOS, METROPOLITAN TRIAL COURT, BRANCH 44, PASAY CITY, RESPONDENTS.

DECISION

MENDOZA, J.:

This is a complaint filed against Judge Estrellita M. Paas, Branch Clerk of Court Pedro C. Doctolero, and Interpreter II Evelyn Depalobos, all of the Metropolitan Trial Court, Branch 44, Pasay City. Complainant is accused of trespass to dwelling and malicious mischief in Criminal Cases Nos. 99-1447 and 99-1448, now pending before the court of respondent judge.

In her complaint, Eballa charges Judge Paas with ignorance of the law for having cited her in contempt and ordered her detention for three hours on June 1, 1999. Complainant also cites the failure of Judge Paas to issue a formal order in connection with complainant's motion for reduction of bail and for a re-raffle of the cases.

Complainant charges respondents Pedro C. Doctolero and Evelyn Depalobos with discourtesy. She claims that on June 1, 1999, the date set for her arraignment, she saw Doctolero to inquire about the time of the hearing and asked if she could absent herself from the same as she had a motion for reinvestigation which still had to be resolved. According to complainant, Doctolero replied in a brusque manner, "*Wala akong pakialam, basta bumalik ka mamaya.*" ("I don't care if you have a pending motion, but you have to return later for the hearing.") Doctolero then allegedly told complainant that her motion for reduction of bail had been denied. Complainant said she was surprised to know this because she had not received any order from the court to that effect.

Complainant alleges that she requested Judge Paas for postponement of the hearing when her cases were called for arraignment because her counsel was absent and she had a motion for reinvestigation which had yet to be resolved. Disregarding complainant's plea, Judge Paas allegedly directed Depalobos to read the informations over complainant's objections. According to complainant, Depalobos read the informations in a very loud voice with the intent of humiliating her as it was heard by everyone in the courtroom. Depalobos then asked complainant if the charges were true, and the latter answered in the negative. Complainant said she refused to sign the certificate of arraignment even when she was told that a plea of not guilty would be entered in her behalf since she denied the charges against her. She said that the people in the courtroom laughed when she told Depalobos, "*E, basa ka nang basa.*" ("You insisted on reading the charges.") For this reason, Judge

Paas cited complainant for contempt and ordered her incarcerated.^[1]

Respondent Judge Paas' version is as follows: As complainant was not represented by a lawyer during her arraignment, Judge Paas appointed Atty. Reynaldo Ticyado of the Public Attorney's Office complainant's counsel *de officio*. According to Judge Paas, complainant insisted that she had a pending motion for reinvestigation, but the records of the case did not show there was one filed. Thus, Judge Paas proceeded with the arraignment and directed Depalobos to read the informations to complainant. The latter then said in a loud voice, "*Hindi! Hindi totoo iyan!*" ("No! That's not true!") Because of complainant's answer, Judge Paas said she ordered a plea of not guilty to be entered in the record. When asked to sign the certificate of arraignment, however, complainant said again in a loud voice, "*Hindi ako pipirma diyan!*" ("I won't sign that!") Complainant was also making faces in open court which caused embarrassment on the part of Judge Paas because those in the courtroom laughed. Public Prosecutor Bernabe Augustus Solis thus moved to cite complainant in contempt. Because of complainant's disrespectful remarks and misbehavior in court, Judge Paas said she granted the prosecutor's motion and ordered complainant to be detained for three hours. Judge Paas submitted an affidavit of Depalobos and the comment of Public Prosecutor Solis corroborating her allegations.^[2]

On the other hand, Branch Clerk of Court Pedro C. Doctolero stated that in the morning of June 1, 1999, complainant came to court and asked if her arraignment and pre-trial in Criminal Case Nos. 99-1447 and 99-1448 would proceed as scheduled considering that she had posted her cash bond on May 4, 1999 and had filed a motion for reinvestigation. Doctolero said he told her, "*Sandali lang po at kukunin ko ang records.*" ("If you would please excuse me, I will get the records.") Doctolero said that as he found no motion for reinvestigation filed in the case, he told complainant politely, "*Tuloy po ang arraignment ninyo at bumalik kayo mamayang ala-una y media dahil kayo po ay personal na notified sa inyong arraignment.*" ("Your arraignment will proceed as scheduled and you have to return at 1:30 p.m. because you were personally notified thereof.") In fact, according to Doctolero, complainant thanked him and said she would come back.

Doctolero admitted that complainant did not receive a copy of the order denying her motion for reduction of bail bond. He claimed, however, that complainant was personally informed of the denial of her motion as noted on the upper hand corner of the motion.^[3]

Doctolero annexed to his comment a certification that complainant had not filed any motion for reinvestigation before either Branch 44 or Branch 46 of the Metropolitan Trial Court of Pasay City, the supporting affidavits of Atty. Ticyado and court staff members Elizabeth Gomez-Reyes and Marites G. Baybay, and a copy of complainant's motion for reduction of bond showing Judge Paas' notation at the upper left hand corner, denying complainant's motion.

For her part, Depalobos confirmed that on June 1, 1999, at 1:30 p.m., complainant manifested before the court that she had filed a motion for reinvestigation although not in the court but with the Office of the City Prosecutor of Pasay City. The court denied complainant's request for postponement and ordered Depalobos to read the informations. According to Depalobos, complainant was considered to have entered