

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

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

Ponente: LAZARO-JAVIER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0c161e8c5f8c/>

LAZARO-JAVIER, J.:

The Case and the Proceedings Below

On October 7, 2008, the Office of the Court Administrator (OCA) received an anonymous complaint[1] 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.[2]

In her Comment,[3] 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.[4] But it took Judge Bacal over two (2) years before she finally submitted her Report[5] 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[6] 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[7] 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[8] 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 Tumampos-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[9] 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.[10]

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 work in the Judiciary must be examples of responsibility, competence, and efficiency. They must discharge their duties with due care and utmost diligence, since they are officers of the Court and agents of the law. Indeed, any conduct, act or omission on the part of those who would violate the norms of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary shall not be countenanced.[11]

As the Court pronounced in *Judge Domingo-Regala v. Sultan*:[12]

No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the judiciary. The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility. Public officers must be accountable to the people at all times and serve them with the utmost degree of responsibility and efficiency. Any act which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. It is the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[13]

Here, respondent failed to meet the exacting standards required of a court employee. She hardly refutes the

persistent accusation that she is careless, does not have a good command of the English language, and frequently erred in interpreting the testimonies given in open court by litigants and witnesses. Her bare assertions that her work requires her to respond spontaneously to the statements asked of her to translate; she merely translates what she hears; and she has been performing her duties with compassion and humility do not disprove her incompetence and inefficiency which are matters of record. On this score, respondent has not shown an honest to goodness effort to improve herself despite the lawyer's repeated complaints pertaining to her inaccurate translations and even after she got an unsatisfactory performance rating for the semester January to June 2009 from the Branch Clerk of Court.[14] Surely, the Court cannot countenance respondent's incompetence and inefficiency. For an erroneous interpretation of testimonies given in open court, no matter how innocent, is fatal as it could affect the outcome of the case: it can either put an innocent man in jail or let a guilty offender go scot-free.

Section 46(B) of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) classifies inefficiency and incompetence in the performance of official duties as a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense.

The same rule,[15] however, grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty.[16] Indeed, while we are duty-bound to sternly wield a corrective hand to discipline our errant employees and to weed out those who are undesirable, we also have the discretion to temper the harshness of its judgment with mercy.[17] Considering that this is respondent's first infraction, the penalty of suspension from the service for three (3) months, as recommended by the OCA, will suffice.

As for respondent's purported arrogant reaction to a local lawyer's request for TSN, respondent cannot be held administratively liable therefor in the absence of any substantiating evidence on record.

ACCORDINGLY, the Court finds Emiliana A. Lumilang, Court Interpreter III, Regional Trial Court (RTC)-Branch 10, Malaybalay City, Bukidnon GUILTY of inefficiency and incompetence in the performance of official duties. She is 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 Office of the Court Administrator is ordered to immediately serve a copy of this Resolution on Emiliana A. Lumilang for the purpose of reckoning the date of her suspension from the service. Let a copy of this Resolution be attached to the personnel records of respondent.

SO ORDERED.

Peralta, C. J., (Chairperson-First Division), J. Reyes, Jr., and Inting,[*] JJ., concur.
Caguioa, J., on official leave.

[*] Additional member per Special Order No. 2726 dated October 25, 2019.

[1] Rollo, pp. 19-20, 33.

[2] Id. at 19.

[3] Id. at 7 and 11.

[4] Id. at 3.

[5] Id. at 10.

[6] Id. at 21, 49.

[7] Id. at 51-53.

[8] Dated June 9, 2014.

[9] Rollo, p. 63.

[10] Id. at 68.

[11] See *Erlinda C. Mendoza v. Pedro S. Esguerra*, Process Server, RTC, Br. 89, Baloc, Sto. Domingo, Nueva Ecija, 703 Phil. 435, 439 (2013).

[12] 492 Phil. 482 (2005).

[13] Id. at 490-491.

[14] Rollo, p. 63.

[15] Section 48 and 49, Rule X, RRACCS.

[16] *Alano v. Sahi*, 737 Phil. 16,24-25 (2014).

[17] *Office of the Court Administrator v. Chavez*, 815 Phil. 41, 46 (2017), citing *Baculi v. Ugale*, 619 Phil. 686, 692 (2009).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.