

JUDGE BRAULIO D. YARANON, COMPLAINANT, VS. JONATHAN RULLODA, COURT INTERPRETER III, REGIONAL TRIAL COURT, BRANCH 29, SAN FERNANDO, LA UNION, RESPONDENT.

A.M. No. P-94-1045. March 21, 1995

Ponente: FELICIANO, J.

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FELICIANO, J.:

By a Letter-Report dated 18 February 1994, Executive Judge Braulio D. Yaranon, Regional Trial Court, San Fernando, La Union ("RTC-SFLU"), advised this Court that Mr. Jonathan Rulloda, Court Interpreter III and Evidence Custodian of Branch 29, RTC-SFLU, had "brought home" a .45 cal. pistol which was an exhibit (Exhibit "T") in Criminal Cases Nos. 2783 and 2784 entitled "People v. Darlito Gonzalo, et al." (for Murder and Frustrated Murder), then pending before Branch 29, RTC-SFLU, Judge Roberto T. Cawed presiding.[1]

On 12 April 1994, after consideration of the Letter-Report, its annexes and update letters, the Court resolved to treat the Letter-Report as an administrative charge filed by Executive Judge Yaranon against Mr. Jonathan Rulloda for grave misconduct, dishonesty, infidelity in the custody of documents and violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act.[2]

Respondent Rulloda was placed under preventive suspension on 19 May 1994 and was required to comment upon the administrative complaint.[3] On 22 August 1994, the maximum ninety (90)-day period of preventive suspension having lapsed, with the administrative investigation of Rulloda still pending, he was reinstated to his position as Court Interpreter III by Judge Cawed.[4]

In an Answer dated 27 May 1994, respondent Rulloda "qualifiedly admit[ted]" having told Judge Cawed that he (respondent) had brought home the firearm, the production of which had been demanded by the Judge. Respondent stated that he had told a "white lie" to avoid a rebuke from Judge Cawed when respondent realized that the firearm involved could not be found in the exhibits room. Rulloda claimed that the numerous exhibits of various cases contained therein were in a state of disarray, due to a recent transfer of the premises of Branch 29, RTC-SFLU. Respondent also stated that because of the hospitalization of his daughter and aunt, he was in no position to accept a scolding from Judge Cawed at that time. Respondent specifically denied the charges made against him.⁴

The Court then referred this case to Vice-Executive Judge Vicente A. Pacquing, RTC-SFLU for investigation, report and recommendation.[5]

Accordingly, Judge Pacquing proceeded to set the case for hearing. Hearings were held on 7, 14, 22, 28 and 29 September 1994, as well as on 3 and 4 October 1994. The complaint of Judge Yaranon and the Answer of respondent Rulloda were treated as the parties' respective direct testimonies, without prejudice to the right of each to submit additional evidence which may have become available after submission of the basic pleadings. Both parties were advised that they had the right to be represented by counsel.[6]

During the hearings, the complainant and his witnesses (e.g., Judge Cawed and Atty. Ruth Dulaycan, Clerk of Court, Branch 29, RTC-SFLU) were presented and additional testimony taken.[7] Respondent's counsel waived cross-examination of Judge Yaranon but did cross-examine[8] Judge Cawed and Atty. Dulaycan.[9] An ocular inspection of the exhibit room was conducted by the Investigating Judge.[10] Respondent's counsel presented his witnesses (e.g., Luciano Trinidad of the Office of the Provincial Prosecutor and Atty. Dulaycan), whose testimony chiefly related to authentication of certain office documents relied upon by respondent.[11] Mr. Trinidad was cross-examined by complainant Judge Yaranon.[12] Respondent Rulloda did not testify in his own behalf.[13]

Investigating Judge Pacquing submitted to this Court his "Investigation, Report, Recommendation and Compliance," dated 19 October 1994. The basic findings of the Investigating Judge may be summarized in the following terms.

1. Respondent Rulloda, although appointed as Court Interpreter III, "was designated likewise" as Evidence Custodian of Branch 29, RTC-SFLU. Judge Cawed had instructed orally (in mid January 1994) and in writing (via a Memorandum dated 9 February 1994) respondent Rulloda to submit the documentary and real exhibits in Criminal Cases Nos. 2783 and 2784 so that the same may be on hand for preparation of the decision in those cases. Respondent did not comply. However, he verbally admitted to Judge Cawed that he (respondent) had brought home Exhibit "T," a .45 cal. pistol. Judge Cawed thereupon issued another Memorandum requiring respondent to explain in writing his behavior. Because respondent again failed to comply, Judge Cawed notified Executive Judge Yaranon of the situation. The latter in turn notified Deputy Court Administrator Bernad, the Office of the Provincial Prosecutor and the National Bureau of Investigation Regional Office-SFLU. Judge Cawed also instructed Branch Clerk of Court Atty. Dulaycan to inventory and collate the exhibits in Criminal Cases Nos. 2783 and 2784. Atty. Dulaycan reported on the 24th of February 1994 that the .45 cal. pistol (Exhibit "T") was missing.¹³
2. Respondent's response to these developments was to absent himself from work on 24-28 and 31 January 1994, and again on 11, 14-18 and 23 February 1994. He submitted applications for leave for these dates to Judge Cawed. On 24 February 1994, respondent tendered his letter of resignation as Court Interpreter III. On 1 March 1994, however, respondent withdrew his letter of resignation. On 3 March 1994, respondent returned the .45 cal. pistol (Exhibit "T") to Clerk of Court Dulaycan.[14]
3. The exhibits room of Branch 29, RTC-SFLU, was not, at the time the respondent was being required to produce Exhibit "T," in a state of disarray. Atty. Dulaycan testified that the exhibits in Criminal Cases Nos. 2783 and 2784 were deposited in a cabinet located in the stockroom which also served as the exhibits room. During the ocular inspection, the Investigating Judge noted that other exhibits, inside the stockroom but not deposited in the same cabinet, were in a state of disarray; but these exhibits pertained to cases other than Criminal Cases Nos. 2783 and 2784.[15]
4. Respondent Rulloda was given ample time by Judge Cawed to find Exhibit "T" and respondent should have produced the same within that time if it had really been inside the exhibit room, considering the limited dimensions of the storage/exhibits room.[16]

The Investigating Judge concluded that respondent Rulloda had taken the .45 cal. pistol out of the stockroom/exhibits room and brought the same home, and that respondent's acts and his failure to produce the pistol upon demand by his superiors constituted dishonesty, grave misconduct, infidelity in the custody of the public documents and violation of the Anti-Graft and Corrupt Practices Act. The Investigating Judge recommended that respondent be dismissed from the service.[17]

After a close review of the record of this administrative case, the Court considers that the factual findings of

Investigating Judge Vicente A. Pacquing are supported by substantial evidence. At the same time, however, we do not believe that respondent's acts warrant imposition of the supreme administrative penalty of removal from office.

As the Investigating Judge found, respondent Rulloda had actually been functioning as Evidence Custodian at Branch 29, RTC-SFLU. This was "an internal arrangement," presumably between the Presiding Judge, the Branch Clerk of Court and respondent Rulloda. This "internal arrangement" had been in place even before Judge Cawed became Presiding Judge of Branch 29. Respondent was so assigned or designated Evidence Custodian when the position of Branch Clerk of Court was vacant and the duties thereof discharged by an Officer-in-Charge, Mr. Jaime Balanon. The pertinent portions of the transcript follow:

"(Investigating Judge Pacquing
fielding clarificatory questions to the
complainant, Judge Yaranon)

Q:

You claim that the Respondent Jonathan Rulloda is the one in custody of all the exhibits. How come that he is the one in custody when his designation is interpreter?

(Judge Yaranon)

A:

To the understanding of the Executive Judge, your honor, that was an internal arrangement of Branch 29.

Q:

Did you ask Judge Cawed (why) there was such an internal arrangement when under the Rules, the Branch Clerk of Court is the one in custody of all exhibits in all courts?

A:

It was only informal that this matter was taken up. Branch 29 at the time did not have a Branch Clerk of Court. The OIC Branch Clerk of Court was Mr. Jaime Balanon and from what we gathered even from Mr. Balanon, it was Mr. Rulloda who was designated as evidence custodian. He assumed the function of evidence custodian of Branch 29. That was the arrangement even before Judge Cawed came in.

x x x x x x x x"[18]

(Italics supplied)

The record is silent as to when precisely Atty. Dulaycan assumed office as Branch Clerk of Court of Branch 29. In

any case, once she did assume office, neither she nor Presiding Judge Cawed rectified the "internal arrangement" that they found. That arrangement was not good management practice, considering that the functions of an Evidence Custodian require skills very different from the skills actually possessed by respondent Rulloda as Court Interpreter III.

A Clerk of Court "shall safely keep all records, papers, files, exhibits and public property committed to his charge." [19] The Branch Clerk of Court in particular "has control and supervision over all court records, exhibits, documents, properties and supplies x x x within said branch x x x subject to the supervision and control of the Presiding Judge." [20] A judge, on the other hand, "should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity." [21]

Under fact situations similar to those exhibited in this case, the Court has held Branch Clerks of Court as chiefly responsible for the shortcomings of subordinates to whom administrative functions normally pertaining to the Branch Clerk of Court were delegated. [22] A Clerk of Court "must be assiduous" in performing official duty and in supervising and managing court dockets and records. [23]

Also pertinent is *Tan v. Hon. Madayag*, [24] where the Court considered the Presiding Judge as "directly responsible for the proper discharge of [the] official functions [of his court personnel]," including acts of omission of his branch clerk of court to, e.g., promptly send out notices of court orders.

The Court considers, therefore, that Judge Cawed, Atty. Dulaycan and Mr. Balanon had a duty to anticipate problems that could arise from delegation of administrative functions of the Branch Clerk of Court to several staff-members of the court and to take preventive measures to avoid such problems. To the extent that these judicial officers had failed to rectify, and instead had continued, the inappropriate "internal arrangement" involving respondent Rulloda, they realistically had contributed to the misconduct of the latter. This circumstance may be considered in mitigation of respondent's own responsibility for taking the .45 cal. pistol (Exhibit "T").

That respondent had returned the .45 cal. pistol only after demand therefor had been made upon him, evinced an intent to take or appropriate that pistol which, at least to his mind, has represented some benefit or profit. [25] That he returned the pistol may, at the same time, be considered in mitigation of his administrative liability, [26] along with fact that this appears to be the first administrative charge against him. [27]

The conclusion we have reached makes it unnecessary to determine something which the Report of the Investigating Judge failed to demonstrate, i.e., whether the same acts of respondent Rulloda which constituted dishonesty and gross misconduct could also be characterized as "infidelity in the custody of documents" and "violation of [Section 3(e) of] the Anti-Graft and Corrupt Practices Act."

ACCORDINGLY, having regard to the particular circumstances of this case, we find respondent Jonathan Rulloda guilty of dishonesty and gross misconduct in office and is hereby FINED in the amount of Seven Thousand Five Hundred Pesos (P7,500.00). The respondent is also WARNED that repetition of the same or similar acts will be dealt with more severely.

Judge Roberto T. Cawed is hereby DIRECTED to relieve forthwith respondent Rulloda of his functions as Evidence Custodian, and Branch Clerk of Court Ruth W. Dulaycan is hereby DIRECTED to assume and carry out custodianship of all evidence and other exhibits in Branch 29, RTC-SFLU. Judge Cawed and Atty. Dulaycan are hereby ADMONISHED and WARNED to be more careful, deliberate and diligent in the carrying out of their official duties, in the management of court personnel and the safeguarding of court property, records and exhibits.

Romero, Melo, Vitug, and Francisco, JJ., concur.

[1] Rollo, pp. 1-2.

[2] Id., pp. 29-34; 201 File of Mr. Jonathan Rulloda, p. 201.

[3] Id., p. 35.

[4] Id., pp. 38-40.

[5] Report dated 19 October 1994 of Judge Vicente A. Pacquing in A.M. No. P-94-1045 (hereinafter referred to as "Report"), p. 1.

[6] TSN, 7 September 1994, pp. 2 & 4; TSN, 14 September 1994, pp. 1-2 & 5; Folder No. 3, Transcript of Stenographic Notes in A.M. No. P-94-1045.

[7] TSN, 14 September 1994; TSN, 22 September 1994; TSN, 28 September 1994.

[8] TSN, 22 September 1994, pp. 1-2 & 5; TSN, 14 September 1994, p. 8.

[9] TSN, 28 September 1994, pp. 11-13.

[10] TSN, 3 October 1994.

[11] Id., p. 6.

[12] Folder No. 3, Transcript of Stenographic Notes in A.M. No. P-94-1045.

[13] Inventory conducted on 24 February 1994; TSN, 14 September 1994, pp. 8-9.

[14] Report, pp. 4-6.

[15] Id., pp. 9-10.

[16] Id., pp. 10-11.

[17] Id., pp. 11-15.

[18] TSN, 14 September 1994, pp. 9-10.

[19] Section 7, Rule 136, Rules of Court.

[20] Manual of Clerks of Court, pp. 26-35 (1991).

[21] Canon III, Rule 3.09, Code of Judicial Conduct.

[22] Office of the Court Administrator v. Malli, A.M. No. P-92-684, 13 February 1995, pp. 4-6; Putulin v. Batrias, Jr., 232 SCRA 472, 47 (1994); Junio v. Egay-Eviota, 231 SCRA 551, 554-555 (1994); Office of the Court Administrator v. Bawalan, 231 SCRA 408, 410-411 (1994).

[23] Lloveras v. Sanchez, 229 SCRA 302, 306-307 (1994).

[24] 231 SCRA 62, 67 (1994).

[25] It seems noteworthy that Judge Cawed eventually promulgated a decision on 17 May 1994 in Criminal Cases Nos. 2783 and 2784 acquitting the accused of the offense charged. The Judge found, among other things, that the bullet fragments extracted from the body of the victim were not conclusively shown by the prosecution to have come from the .45 cal. pistol (Exhibit "T") taken by respondent Rulloda. We do not, however, take this

circumstance into consideration.

[26] 201 File of Mr. Jonathan Rulloda.

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