

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. LETICIA VILLAR-NOOL, COURT INTERPRETER, REGIONAL TRIAL COURT, BRANCH III, RESPONDENT.

A.M. No. P-89-296. March 22, 1993

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PER CURIAM:

On October 11, 1990, the Office of the Court Administrator filed an administrative complaint against the respondent as follows:

1. That on May 18, 1987 and thereabout, respondent Leticia Villar-Nool, did then and there issue a subpoena (ad testificandum) to a certain Manuel Bala, inmate at the New Bilibid Prison, Bureau of Prisons, Muntinlupa, Metro Manila to appear before the Regional Trial Court, Branch III, Baguio City on June 4, 1987 at 8:30/2:30 o'clock in the morning/afternoon and testify in Criminal Case No. 2211-R entitled "People of the Philippines versus PIOPROFRERO COCNTAOI;"
2. That issuing the same subpoena, respondent Leticia Villar-Nool signed her name for and over the printed name CAROLINE B. PANGAN, Acting Branch Clerk of Court, Regional Trial Court, Branch III, Baguio City, when in fact, she was and has never been authorized by said CAROLINE B. PANGAN to issue the subject subpoena nor to sign the same for and in her behalf;
3. That the records of Criminal Case No. 2211-R do not show that Manuel Bala is a witness in said case or in anyway involved therein.

Required by the Court to submit an answer, the respondent vehemently denied the charges and asked that the complaint be dismissed.

On November 4, 1991, we referred this case to Executive Judge Ruben C. Ayson of the Regional Trial Court of Baguio City for investigation, report and recommendation within 90 days.

At the hearings he conducted, sixteen persons testified, including the respondent herself, Judge Leonardo Rivera, several employees of Branch 3 of the Regional Trial Court of Baguio City, to which the respondent is assigned, 2 NBI agents, 2 prison guards from the Bureau of Prisons, Johnny Subli, and Manuel Bala, who is serving sentence in the national penitentiary.

In his report dated October 1, 1992, Judge Ayson extensively discussed and analyzed the testimonies of the said witnesses and concluded:

Given the Foregoing Evidence, the undersigned respectfully submits that there appears to be substantial and sufficient evidence to hold respondent Leticia Villar-Nool liable administratively as charged for the following reasons:

1. It is true there was no direct evidence considering that there was no eyewitness account of anyone who said that he or she saw respondent falsify, sign and issue the subpoena dated May 18, 1987 and Certificate of Appearance dated September 28, 1987 given to Manuel Bala.

But then most falsifications by the very nature of the offense are done in secret.

And here, there is strong and sufficient circumstantial evidence that respondent Nool did the falsifications as will be explained hereafter.

Sec. 5. Circumstantial evidence when sufficient. - Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven;
- (c) The combination of the circumstances is such as to produce a conviction beyond reasonable doubt.

First, as Court Interpreter, respondent Nool had definitely access to Court records of cases, subpoena forms and logbooks indicating when cases are scheduled.

When respondent prepares the Court calendar of cases as Court Interpreter, she has to get the records of cases and the logbook of scheduled hearings. Thus, she knew more than anyone else when cases are set for hearing, how many are scheduled for the day, what are the open dates for setting cases for hearing, where an urgent case may be postponed for hearing if need be, being the one who prepares the calendar of cases and make entries in the logbook, and she holds the logbook containing the schedule of cases. Only respondent can have all these informations at her command immediately and thus can pinpoint the date when a subpoena can be issued for a particular case.

Thus it can readily be seen that respondent knew when to issue the subpoena dated May 18, 1987, to time it for the hearing of June 4, 1987, as she knew the schedule of cases and had access to subpoena forms.

So with the Court Calendar of Cases with insertions of the alleged schedule of CC 2211 sent to the Chief Penal Superintendent on August 21, 1987, the same can only be sent and was sent by respondent as she prepares court calendar of cases.

How can an outsider of the Court do that? The outsider would not know what cases are set for a particular day. The outsider would not know in what days to insert CC 2211, etc.

Likewise, an outsider would not have access to subpoena forms.

Second, with respect to the personnel of Branch 3 or insiders in the court, besides the Court Interpreter and Branch Clerk of Court, the other personnel do not sign subpoena and do not prepare the court calendar as they are confined to their particular work like the stenographer to transcribing and typing; Court Aide to mailing and cleaning; and Clerk in charge of Criminal cases and Clerk in charge of Civil Cases to preparing what are directed to be prepared and to attach pleadings, orders and notices in records.

Obviously, if we cancel out the Branch Clerk of Court, it is only the Court Interpreter who will be left who has access to records; prepares calendar of cases; knows the dates of hearing of cases; can see the overall schedule of hearing of the cases pending in the sala and where to insert cases; has powers over the clerk in charge of criminal cases and direct him to do things; and can see incoming mails and communications and watch for their arrivals.

Third, among the employees of Branch 3, only respondent Nool has contacts in the National Bureau of Prisons and has been receiving employees from the National Bureau of Prisons as visitors, talking to them, helping them and doing things for them and even writing letters to them.

Fourth, respondent Nool has been shown to have gone out of her way engaging in activities other than her functions as Court Interpreter, such as talking to prisoners as when she talked to Johnny Subli in the Canteen in City Hall about the latter's appeal being lost. Why should she do all these? She was not the defense counsel. Johnny Subli was an accused who had a case in their sala in Branch 3. These are questionable activities outside

her work. More, how did Subli get out of the City Jail to see her in the Canteen in the City Hall without order of the Court? Furthermore, why should Subli consult her on his appeal at the Court of Appeals? Why all the extra efforts on the part of respondent Nool to remedy things for Subli or help him? These are not the correct activities or functions of a Court Interpreter. Was she doing this for a consideration?

Fifth, Johnny Subli himself and his wife testified that respondent Nool offered to make arrangements for a "living out status" for him as a prisoner in Muntinlupa after his appeal was lost for a fee of P10,000.00 claiming she (Nool) can do it with her connections with "Tatang Tutaan" in Muntinlupa and by issuing a subpoena for certain periods for him to appear in a case in Branch 3 to justify his coming to Baguio. This is a very revealing evidence.

There is nothing on record to show why Johnny Subli and his wife should testify against respondent Nool out of hatred or ill will since it was not Nool who sentenced Johnny Subli to imprisonment but the Judge.

On the contrary, respondent Nool was going out of her way to help them. And yet they testified against her. This can only mean the arrangement offered by respondent Nool for a fee of P10,000.00 was true.

Sixth, the offer of living out status for a fee of P10,000.00 to Subli as narrated by the Spouses Subli appears plausible and credible as it is corroborated by the admission of respondent Nool herself in talking to Subli in the Canteen in City Hall in Baguio; in the going of respondent Nool to the house of Mrs. Subli in Baguio in the company of Muntinlupa officials; in the going of respondent Nool as far as Muntinlupa to see Subli; and to top it all by the respondent having made two written notes, one addressed to Subli and another addressed to Tatang Tutaan.

Seventh, if respondent Nool can offer to have Subli, a prisoner serving sentence in Muntinlupa, a living out status for P10,000.00 by sending subpoena to him to attend cases in Branch 3 in Baguio for certain periods of time, then certainly this is a strong evidence that she did the same for Manuel Bala given all the circumstances.

2. There is expert evidence presented on record that the signature in the subpoena dated May 18, 1987 sent to Manuel Bala was signed by respondent Leticia Nool.

When the questioned signature in the subpoena dated May 18, 1987 was compared with the admittedly genuine signatures of respondent Nool in her applications for leaves, daily time records, written notes, etc. (Ex. 3 to 13), the handwriting expert of the NBI, Sr. Document Examiner Rhoda Flores, found that the questioned signature in the subpoena and the genuine signatures of respondent Nool in the standards used were written by one and the same person. In short, the signature in the subpoena was signed by respondent Leticia Nool.

As a result of the respondent's acts, Manuel Bala enjoyed "living-out status" from his imprisonment in Muntinlupa in practically the whole months of June, July, August and September, 1987, because of his alleged attendance as witness in the hearings of CC 2211 in RTC, Branch 3, Baguio City.

The report ends with the recommendation that the respondent be found guilty of Grave Misconduct and Acts Prejudicial to the Best Interest of the Service. However, Judge Ayson does not suggest the penalty to be imposed on her.

The Court agrees with the report of Judge Ayson and finds respondent Leticia Villar-Nool, Court Interpreter, Branch 3, Regional Trial Court of Baguio City, guilty Grave Misconduct and Acts Prejudicial to the Best Interest of the Service. Accordingly, she is hereby **DISMISSED**, with forfeiture of all retirement benefits, if any, and disqualification from any appointive position in the government, including government-owned or controlled corporations.

Let a copy of this resolution be sent to the Secretary of Justice and the Director, Bureau of Prisons, for their information and appropriate action.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Campos, Jr., and Quiason, JJ., concur.

Gutierrez, Jr., J., on terminal leave.

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