

## EN BANC

[ A.M. No. P-05-2014, June 29, 2010 ]

**JUDGE ORLANDO D. BELTRAN, COMPLAINANT, VS. VILMA C. PAGULAYAN, INTERPRETER III, RTC, BRANCH 2, TUGUEGARAO CITY, CAGAYAN, RESPONDENT.**

### DECISION

#### PER CURIAM:

We resolve as an administrative matter<sup>[1]</sup> the complaint/affidavit dated July 18, 2001<sup>[2]</sup> of Acting Presiding Judge Orlando Beltran (*Judge Beltran*), Regional Trial Court (RTC), Branch 2, Tuguegarao City, charging Vilma C. Pagulayan (*Pagulayan*), Interpreter III of the same court, with gross misconduct. The complaint alleged that Pagulayan demanded and received P20,000.00 from the plaintiffs in Civil Case No. 5383 (entitled *Heirs of Benito Acain, et al. v. Sps. Anselmo and Anicia Acain* for Quieting of Title and Damages) which Judge Beltran decided in the plaintiffs' favor. The demanded sum was allegedly for Judge Beltran. After receiving the demanded sum, Pagulayan personally handed the plaintiffs an unsigned copy of Judge Beltran's decision.

Judge Beltran and the Branch Clerk of Court, Atty. Maita Grace Deray-Israel (*Deray-Israel*), requested the National Bureau of Investigation (NBI) District Office in Tuguegarao City, to investigate the matter. On August 6, 2001, the NBI submitted to the Office of the Court Administrator (OCA) a Final Report<sup>[3]</sup> with the recommendation that Pagulayan be charged administratively for misconduct. The NBI recommendation was based largely on the affidavits of Judge Beltran,<sup>[4]</sup> Deray-Israel<sup>[5]</sup> and plaintiffs Facundo Baccay (*Baccay*) and Saturnino Acain (*Acain*).<sup>[6]</sup>

The OCA required Pagulayan to comment on the complaint.<sup>[7]</sup> In her Comment dated September 20, 2001,<sup>[8]</sup> Pagulayan denied what she regarded as Judge Beltran's unsubstantiated accusation against her; she claimed that she did not demand nor receive any amount of money for herself or for anyone from the plaintiffs who did not even come out with a complaint/affidavit of their own. She maintained that her only involvement took place when she referred one Apolinario Allam - a friend of her husband's and a relative of Baccay and who was following up the case - to Primativa Martinez, the clerk in charge of civil cases. She was therefore surprised when, after one year, she was charged for having demanded and received money for Judge Beltran. She lamented that Judge Beltran did not even confront her about the matter, or ask her to face the alleged complainants.

At the OCA's recommendation, the Court referred the matter to the Executive Judge, RTC, Tuguegarao City, for investigation, report and recommendation within sixty (60) days from receipt.<sup>[9]</sup> Executive Judge Jimmy Henry F. Luczon, Jr.,<sup>[10]</sup> and Executive Judge Vilma T. Pauig,<sup>[11]</sup> in succession, asked that the assignment be

given to another judge since they cannot conduct an impartial investigation on the case; Judge Luczon, Jr. stated that he previously filed a falsification charge against Pagulayan, while Judge Pauig declined because Pagulayan was the interpreter in her court.

On March 29, 2004, the Court re-assigned the case to the executive judge of the RTC in Aparri, Cagayan<sup>[12]</sup> - Judge Virgilio M. Alameda (*Judge Alameda*). On October 14, 2004, Judge Alameda submitted a Final Report through the OCA.<sup>[13]</sup> Judge Alameda found Pagulayan to be guilty of gross misconduct. The judge based his conclusion mainly on the testimony of Baccay that Pagulayan demanded and received money from him, allegedly to be given to Judge Beltran for the favorable decision the judge rendered. Judge Alameda recommended that Pagulayan be suspended for six (6) months without pay and without benefits, in consideration of her 29 years of service in the Judiciary and because this was her first offense.

In a Resolution dated December 8, 2004,<sup>[14]</sup> the Court referred Judge Alameda's report to the OCA for evaluation, report and recommendation. In a memorandum dated April 22, 2005,<sup>[15]</sup> the OCA found Judge Alameda's conclusions to be "in accord with the evidence presented during the investigation x x x and applicable jurisprudence." Although it took into consideration the extenuating circumstances Judge Alameda cited in Pagulayan's favor, the OCA nonetheless recommended that she be found guilty of gross misconduct and be suspended for one (1) year without pay and without benefits.

On June 15, 2005, the Court resolved to re-docket the case as a regular administrative matter and required the parties to manifest whether they are willing to submit the case for decision based on the pleadings and the records on file.<sup>[16]</sup>

On August 9, 2005, Pagulayan filed a Compliance<sup>[17]</sup> manifesting that she wanted to present her evidence. She had failed to do so, however, because she travelled to the United States of America (*USA*) for medical check-up from July 28, 2004 to December 15, 2004, while her counsel of record withdrew from the case at the time she was to present evidence. Again, the Court referred the matter to the OCA for appropriate action.<sup>[18]</sup> The OCA, while acknowledging that a full blown investigation had already been conducted *vis-x-vis* the complaint and Pagulayan had been given every opportunity to present her side, recommended that she be given fifteen (15) days to present her witnesses and submit her evidence to Judge Alameda.

On December 14, 2005, the Court approved the OCA's recommendation.<sup>[19]</sup> In the meantime, Judge Alameda was transferred to the RTC, Manila,<sup>[20]</sup> prompting the Court to direct the new executive judge - Judge Rolando R. Velasco (*Judge Velasco*) - to take over from Judge Alameda and to continue the investigation.<sup>[21]</sup>

On July 24, 2006, Judge Velasco submitted a Report which the Court referred to the OCA for evaluation, report and recommendation.<sup>[22]</sup> The OCA, in turn, submitted its Report<sup>[23]</sup> to the Court on January 2, 2007. This Report is summarized below.

### **OCA Report: The Case for Judge Beltran**

Judge Beltran's evidence consisted of the following: **(1)** Exhibit "A," Judge Beltran's affidavit dated July 18, 2001; **(2)** Exhibit "B," joint affidavit of Baccay and Acain dated July 13, 2001; **(3)** Exhibit "C," affidavit dated July 18, 2001 of Branch Clerk of Court Deray-Israel; **(4)** Exhibit "E," NBI Report dated August 3, 2001; and the testimonies of Judge Beltran, Deray-Israel and Facundo Baccay.

Judge Beltran deposed that he rendered the decision in favor of the plaintiffs Baccay and Acain based on the merits of the evidence presented, and not for any monetary consideration. To protect his integrity, he requested the NBI to investigate after he received reports of circulating rumors that money had been demanded for the judgment. Deray-Israel testified that the duplicate original copy of Judge Beltran's decision which Pagulayan personally handed to the plaintiffs is an unsigned carbon original copy that bears only her (Deray-Israel) initials to signify that the copy is authentic. Baccay and Acain stated under oath that Pagulayan demanded and received the amount of P20,000.00 from them, allegedly to be given to Judge Beltran, and that thereafter, she personally delivered to them an unsigned copy of the decision.

### **OCA Report: The Case for Pagulayan**

Pagulayan offered the following pieces of evidence: **(1)** Exhibit "1," judgment dated July 17, 2000 and Exhibits "2" and "2-C," registry return receipts, to show that the copy of the judgment was officially received by Baccay on July 17, 2000; **(2)** Exhibit "3-D," affidavit dated September 14, 2001 of Apolinario B. Allan stating that - he is the relative of the plaintiff by affinity and a friend of Pagulayan's husband; when he followed up the case, he was referred by Pagulayan to Mrs. Martirez, the clerk in charge of civil cases; and that he did not ask money from anybody; and **(3)** Pagulayan's and Mrs. Martirez's testimonies.

Mrs. Martirez testified that a judgment dated July 17, 2000 was rendered in Baccay's civil case, and that Deray-Israel gave her a copy of the judgment but she could not remember when it was given to her. As clerk in charge of civil cases, she accordingly prepared copies of the decision for the parties' lawyers and for the defendant. She identified the registry return cards presented in evidence, although she admitted that copies with return cards were not sent through the mails so that the records do not bear the stamp mark of the post office.<sup>[24]</sup>

For her part, Pagulayan declared that she retired as court interpreter in March 2006 after service for 32 years. She vehemently denied that she demanded money (allegedly reduced to P20,000.00 from the initial P30,000.00) from Baccay and Acain on the instruction of Judge Beltran for the favorable decision the judge rendered; and neither had she seen Baccay and Acain. She reasoned out that she could not have committed the imputed act as she would not risk losing her long years of service in the government. She did not know why Judge Beltran would charge her, but surmised that it must be because of "something (she said) against the judge."

Like Judge Alameda, Judge Velasco found Pagulayan guilty of gross misconduct as her evidence failed to overcome Judge Beltran's evidence. Judge Velasco recommended that Pagulayan be found guilty of gross misconduct and be suspended for one (1) year without pay and without benefits.