A norm-based analysis of court interpretation in selected Philippine criminal cases

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Abstract

Language and law are considered to be inseparable since language is needed to frame and understand the law. In the Philippines, English is widely used in the legal domain; hence, it is the language employed in court trials. To accommodate court participants who speak languages other than English to actively take part in court proceedings, the court recognizes the value of court interpreting. Court interpreting is perceived to promote successful communication among court participants who speak languages other than the court's official language. It helps the judges and jury in courts of law to ensure that a message is accurately conveyed and that fair decisions are derived. However, there are cases in which misinterpretation occurs. For instance, an interpreter may have problems translating words in a witness' testimony from English to Filipino and vice versa, leading to communication breakdown. To avoid this problem, court interpreting should ensure that qualities such as accuracy and completeness are observed. Taking into account the canons set by the National Association of Judiciary Interpreters and Translators, Inc. (NAJIT), the Australian Institute of Interpreters and Translators (AUSIT), and the European Legal Interpreters and Translators Association (EULITA), this study investigated interpreting norms used in selected Philippine courtrooms. Using a qualitative approach, 11 audio-recordings of court proceedings were transcribed and analyzed to determine norm adherence by court interpreters. Findings revealed that court interpreters in the selected court trials adhere to the norms of accuracy, impartiality, competence, professional conduct, and professional relationships. The results of the analysis suggest that the selected court interpreters can successfully perform their interpreting duties in spite of seeming differences in court practices. To promote standard court interpreting practices in the country, this study recommends the creation of court-interpreting policies and guidelines that will serve as bases for court interpreters' actions and decisions in relation to their jobs. Specifically, these proposed policies and guidelines will highlight the need for code of ethical conduct, qualification standards, enhancement trainings, certification, and language-proficiency test.

Keywords: Court interpreting, forensic linguistics, language and law, norms of interpreting

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1.   Introduction

Insufficient proficiency in the English language has been perceived as one of the main problems in courtroom communication in the Philippine setting (Madrunio, 2014; Martin, 2013). Since some court participants, particularly witnesses, speak languages other than English, problems, confusion, and disorientation may occur. For instance, a witness may face a challenge when he is asked to speak in English, and this may lead to communication breakdown if not addressed properly.

The following examples of courtroom interaction typify a normal scenario in the Philippine setting:

> *Witness: Ahh Ma'am pwedeng Tagalog po?*
> *Counsel: Yes, may the witness be allowed to speak in the vernacular?*

In this conversation, the witness asks permission if she can be allowed to speak in Tagalog, and then the counsel asks the same question to the honorable court, which has the power to grant such a request.

> *Counsel: And also during the last hearing you testified that your son*
> *had a difficulty in concentrating after the incident. Why do you claim*
> *that your son had indeed difficulty in concentrating? Saan ka mas*
> *kumportable, sa Tagalog o sa Ingles?*
> *Witness: Ahh Tagalog.*

This conversation depicts a situation in which a witness is having difficulty in answering the question and finds it uncomfortable to express herself in English. This then prompts the counsel to ask her in which language she is more comfortable with to which she answers, "*Ahh Tagalog*." Since English is the official language in Philippine courtrooms (Gonzalez, 1996), Filipinos who have limited English ability may find discomfort in participating in court trials.

In both cases, it is apparent that some participants in Philippine courtrooms manifest higher level of comfort and confidence when they speak in Tagalog (the basis of a standardized national language of the Philippines, which is Filipino). As shared by some interpreters in Metro Manila, to accommodate Tagalog-speaking courtroom participants during trials, interpreters reformulate witness testimonies in Filipino into English, and do the same with the judges' or lawyers' questions in English into Filipino. Likewise, case materials written in English are translated into Filipino. Translation involves reformulating the message of written statements from a source language to a target language, while interpreting is concerned with transferring the message of a spoken utterance from a source language to a target language. Hence, a court interpreter transfers the message of oral testimonies of witnesses, lawyers, and any other court participants from the witness' language to the language accepted in court. In this paper, interpreting is defined as the act of transferring the

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message of oral testimonies presented in court. To ensure that interpreting meets the standard of quality, it should be performed following strict adherence to the norms or the code of conduct. Unfortunately, court interpreters in the Philippines have no existing code of conduct that governs their actions or decisions in relation to their jobs, resulting in nonstandardized interpreting practices.

In the Philippines, two languages remain to be predominantly used as mandated by the 1987 Philippine Constitution, which are stipulated in Article XIV, Sec. 6 and 7:

1. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.
2. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

While sectors in the country, particularly the education system, work toward the enhancement, propagation, development, and cultivation of the Filipino language, English remains to be widely used in the Philippines. The English language is the predominant medium of communication in education, mass media, commerce, international trade, tourism, medicine, and legal system. Regional languages, on the other hand, are accepted as secondary languages for instruction and as languages used in the early literacy stage. In the legal context, the Supreme Court Administrative Circular No. 16-2010 rules that the optional use of Filipino (or Tagalog) in court proceedings may be allowed. This means that English is the major medium of communication and that the use of Filipino is only optional. This could further increase the risk of miscommunication resulting from a speaker's insufficient language proficiency. As Madrunio (2014) puts it, "when English is the language of the interrogators but not that of the interrogated, it puts the 'powerless' at a disadvantage" (p. 5).

Language and language proficiency are vital for communication between and among parties involved in legal cases as law can only be communicated through language. In this study, language proficiency pertains to a speaker's ability to effectively communicate himself or herself in the legal domain. For example, one should be able to narrate incidents in a clear, organized manner and respond to questions appropriately, among others. In Schetzer et al.'s (2003) work, it has been reported that immigrants from non-English speaking background in Australian context have difficulty in obtaining legal assistance and in actively participating in the legal process. Similarly, they have minimal opportunity to take part even in nonlegal activities and projects, more so in participating effectively in law-reform processes since the legal domain uses its own jargons and technical terms. Like those immigrants, Filipinos coming from different regions of the country who have insufficient language proficiency likewise feel uncomfortable when they have to ask for legal assistance or participate in legal proceedings or nonlegal discussions for fear of not being able to understand questions, not knowing the answers to these questions, not knowing how to answer such questions, or not knowing how to communicate themselves. In most cases, Filipinos who have insufficient English proficiency have limited opportunity to participate in discussions that predominantly

use English as a means of communication. This shows that language barrier can impede equal access to legal services. In her study, Martin (2013) has emphasized that English appears to be the only official language of the court. As discussed in her paper, at least two lawyers in the country have asked permission to use Filipino in their courts while maintaining that English is the primary language during trial. Such a request proves that some judges in the country recognize that the language barrier in the Philippine legal system continues to put the underprivileged in a powerless position.

As a court interpreter and observer, Tsuda (1995) has compiled numerous accounts of the struggles of Filipinos abroad who get involved in a crime and get convicted partly because of their inability to defend themselves due to low proficiency in the English language, e.g., the case of Juanito (not his real name) who was accused of illegal possession of a handgun and bullets in Japan. The paragraph below would attest to the Filipino's struggle in terms of insufficient language ability.

During the litigation process, Juanito discovered that he had become, or at least had been identified by the judges, as the principal offender of the case. He had been slow to realize this because his command of English was that of a below-average high school graduate from a southern Tagalog province. From the police and prosecutors' investigation of the defense lawyer's counseling and through the court hearings, English (most likely a heavily Japanese-accented English, which was certainly quite an alien language to the newly arrived Juanito) was the only language used (Tsuda, 1995, p. 145).

1.1 Court Interpreting

To provide opportunities for fair trial to court participants with limited English proficiency, court trials recognize the provision for court interpreting. According to Shuttleworth and Cowie (1999), court interpreting pertains to legal and judicial interpreting in all its forms, which takes place in various communication settings where legal services are called for. Qualifications for a court interpreter should be well defined as he or she performs the crucial role for achieving mutual understanding among court participants. As suggested by Niska (1995), only the best interpreters should be hired in the legal context. From a professional perspective, the court interpreter primarily contributes to whatever decision the court will reach by bridging the court participants to avoid miscommunication; which is why adherence to interpreting norms is highly called for. Court interpreting promotes successful exchange of ideas among people involved in any legal battle who seek for equality and justice (Keratsa, 2005, as cited in Chilingaryan & Gorbatenko, 2017). The Commission of the European Communities (2003) considers court interpreting as one of the 'basic rights,' which acknowledges that the parties involved in the case fully understand the accusation and the legal proceedings that they have to face. To ensure that full understanding will take place, interpretation during the proceedings, as well as translation of essential documents presented, is required in court.

Primarily, a court interpreter or translator helps the judges and jury in courts of law to make sure that the message from both parties is accurately conveyed and that justice

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is done for everyone (Ali & Algane, 2013). Niska (1995) considers court interpreters as independent experts in intercultural communication; hence, they can independently act and take full responsibility for their actions in the courtroom. In the case of Chinese bilingual courtrooms, the interpreter or translator serves to bridge the communication gap between legal professionals whose language is English, and lay participants who speak Cantonese (Ng, 2015). According to Gamal (2009), fair trial will be achieved if the accused is able to hear and understand what the other witnesses are saying and can follow the entire legal proceeding. If a person does not have adequate language proficiency, he should be legally entitled to court interpreters. A court interpreter, thus, acts as transmitter of messages between the accused, the witnesses, and the other court participants.

Since insufficient proficiency in the English language is perceived as a barrier to communication, court interpreting is viewed as a necessary component of legal proceedings in the Philippines. According to the *Regional Trial Court (RTC) Manual*, a court interpreter in the country primarily acts as "translator [interpreter] of the court." It must be noted that the RTC's use of translator and interpreter are interchanged. As provided in the early part of the paper, translation concerns the reformulation of written statements, while interpreting focuses on spoken utterances from a source language to a target language. Aside from interpreting tasks, an interpreter also performs several other duties including, but not limited to, attending all court hearings, administering oath to witnesses, and marking and keeping all exhibits submitted as evidence. In addition, he or she is in charge of preparing all minutes of the court session, maintaining and keeping in custody a record book of cases calendared for hearing, and performing other duties as may be assigned by the Judge and/or Clerk of Court (RTC Manual Chapter VI, Volume I, 2.2.3).

Apparently, a court interpreter in the Philippines has quite a number of tasks aside from interpreting. As a court employee, he or she devotes eight hours in office work, including interpreting duties, five days a week. In spite of the multiplicity of roles, most court interpreters in the Philippines can finish their assigned tasks within a day; however, they also experience some interpreting difficulties such as mental exhaustion. As shared by one court interpreter, when situations such as this happen, she tends to lose focus on the job, thus missing important details in the narrated events or having difficulty in grasping the right vocabulary, among others.

In contrast to court interpreters in the Philippines, those in other countries such as Australia are regarded as professionals whose roles during court trials involve interpreting alone. They also belong to an association of interpreters that acts as a service agency for interpreting jobs. As such, these interpreters in other countries are freelance workers who report for work only on scheduled hearings.

Based on the Qualification Standards for First and Second Level Court Officials and Personnel formulated by the Office of Court Administrator (OCA) of the Supreme Court of the Philippines, Court Interpreters are classified as Interpreter I, Interpreter II, and Interpreter III. As regards qualifications, both Interpreters II and III require any bachelor's degree; while for Interpreter I, completion of two-year studies in any college program qualifies them for the job. Furthermore, the qualification standards require only Civil Service eligibility, but there

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is no requirement for experience and training in all the ranks prior to hiring. In effect, anyone who has language ability in English and Filipino (or any of the Philippine languages spoken in the area/region of the country where the court is located) may apply for the position of interpreter for as long as he or she passed the Civil Service Examination (CSE) administered by the government. Since there is no requirement for language-proficiency level, applicants do not take a language proficiency test, nor do they participate in preemployment trainings and undergo internship to acquire interpreting experience.

Given the qualifications and experiences of court interpreters in the Philippines, it is interesting to investigate the extent at which norms are observed during interpreting performance and how adherence to these norms can help address the insufficient English language proficiency of court participants.

1.2   Court Interpreting Norms

Norms in interpreting are a set of rules that guide court interpreters during interpreting performance (Lebese, 2015). Before finding its place in the realm of court interpreting, norms were used as a link between translation equivalence and the actual performance in the context of literary translation (Toury, 1978). Norms are now regarded as an essential guiding principle in court interpreting and serve to regulate the conduct of court interpreters. Hence, they aid interpreters in determining what is correct or incorrect, or what is appropriate or inappropriate in the court-interpreting domain. As Schjoldager (1995) and Marzocchi (2005) claim, interpreting is a norm-governed activity, and norms help interpreters in making decisions when faced with problems during interpreting performance. These norms are enumerated in the National Standards or Code of Conduct crafted by various organizations or institutes of or for court interpreters and translators such as the ones presented below.

> The Australian Institute of Interpreters and Translators (AUSIT) rules that (1) Court interpreters must diligently and impartially interpret communications in connection with a court proceeding as accurately and completely as possible; (2) Interpreters must comply with any direction of the court; (3) The interpreter must alert the court to the possible conflict of interest immediately, and if necessary to withdraw from the assignment or proceed as directed by the court; (4) In instances where the interpreter will need to ask for repetitions or seek clarifications and explanations, all requests should be addressed to the judicial officer rather than to the questioning counsel; (5) In cases where interpreter needs to correct a mistake, he should address all corrections to the judicial officer rather than to the questioning counsel, witness or party; (6) If the interpreter recognizes a potential cross-cultural misunderstanding, or comprehension or cognitive difficulties on the part of the person for whom the interpreter is interpreting, the interpreter should seek leave from the judicial officer to raise the issue; (7) Interpreters must keep confidential all information

acquired, in any form whatsoever, in the course of their engagement or appointment in the office of interpreter (including any communication subject to client legal privilege) unless:

    a.   that information is or comes into the public domain; or
    b.   the beneficiary of the client legal privilege has waived that privilege

The National Association of Judiciary Interpreters and Translators, Inc. (NAJIT) uphold the following qualifications and standards: (1) Accuracy; (2) Impartiality and Conflicts of Interest; (3) Confidentiality; (4) Limitations of Practice; (5) Protocol and Demeanor; (6) Maintenance and Improvement of Skills and Knowledge; and (7) Accurate Representation of Credentials.

The European Association for Legal Interpreters and Translators (EULITA) promotes the following code: (1) Professional competence; (2) Accuracy; (3) Obstacles to performance quality; (4) Impartiality; (5) Confidentiality; (6) Protocol and demeanour; and (7) Solidarity and fair conduct.

Studies on court interpreting norms have gained interest among scholars in the field. Based on literature, topics of inquiry in this field include the existence and importance of norms and the interpreter's knowledge of those norms. In South African context, Lebese (2014) has observed that the government does not provide court interpreters with norms, which they have to follow during interpreting, resulting in interpreting incompetence. The results of his investigation suggest that some court interpreters lack clarity on how to perform their job, putting good court-interpreting practice into compromise. The present investigation involves analyzing norms that govern the conduct and decision of selected court interpreters in the Philippines. With the absence of code of ethical conduct or court-interpreting norms, there is a high possibility that the results of this study will be similar to that of Lebese (2014).

Norms enable a court interpreter to act and decide in a certain way (Hale, 2010; Kalina, 2015; Nartowska, 2017). According to Hale (2010), court interpreters should understand that their actions and decisions during court-interpreting performance are governed by a code of ethical conduct. As such, they should familiarize themselves with such codes so that they will be guided properly on issues of impartiality, confidentiality, fidelity, and professionalism, among others. Likewise, norms in court interpreting serve as a guide for interpreters as to what they should do and how they should solve problems that may arise in their professional activities (Kalina, 2015). In the Philippines, court interpreters may be confronted with difficulty in dealing with these issues because of the lack of code of ethical conduct specifically formulated for them. As suggested by Kościałkowska-Okońska (2010), court interpreters should have knowledge of professional ethics to achieve interpreting

competence and quality. However, this statement opposes the results of Nartowska's (2017) study in Austrian context, which has shown that selected interpreters are ignorant of the norms and codes of professional conduct. While some interpreters in the Philippines may have encountered the code of professional ethics by attending conventions held in the country biennially, it may not be guaranteed that all those who are knowledgeable of such norms fully adhere to the abovementioned codes due to the absence of an official document that fully explains these codes. Hence, aside from the possible difficulty in dealing with specific interpreting norms, understanding of the interpreter's roles is also seen as a consequence of the lack of code of ethics for court interpreters in the Philippines. In Angermeyer's (2009) study, understanding of the interpreter's role of enabling non-English speaking participants to communicate themselves to the court has been identified to have caused variation between direct and indirect translation, which has been related to the interpreter's attitude toward court participants. Taking all these information and arguments into consideration, having a set of interpreting norms is undoubtedly essential in any interpreting association.

Among the interpreting norms outlined in various codes of ethical conduct, competence and quality (Hale, 2010; Kalina, 2015; Kościałkowska-Okońska, 2010), as well as accuracy or fidelity (Lee, 2011; Marzocchi, 2005), appear to have been widely investigated across literature. In her study, Kościałkowska-Okońska (2010) has explored the importance of competence and quality in court interpreting, which were measured in three aspects: linguistic, cultural, and cognitive. To achieve competence and quality, she said that a court interpreter should have a perfect command of the languages involved, knowledge of the conventions of the legal domain, and professional ethics. Hale's (2010) work has emphasized that high level of bilingual competence is a prerequisite to becoming a court interpreter and that understanding of the interpreting process is another equally important matter. Some of the competencies court interpreters should acquire include the pre-assignment preparation skills, and specialized note-taking and memory-aid skills. Aside from the competencies mentioned, court interpreters also need to acquire specialized knowledge of the legal system. In the present study, it is hoped that court interpreters in the Philippines also possess the necessary skills to meet the standards of competence and quality. However, it has to be noted that court interpreters in the country do not undertake a language proficiency test in English and Filipino, nor are they required to reach a certain language-proficiency level in the languages involved; and unlike interpreters in other countries such as Australia, the UK, and USA, Filipino counterparts have not acquired pre-assignment preparation skills. Furthermore, since court interpreters come from diverse academic background, there is no guarantee that they are fully knowledgeable of the conventions of the legal domain. These pieces of information are perceived to be highly important in the current investigation as the present study examines norms observed by selected court interpreters in the Philippines so that equal access to justice may be provided.

As regards accuracy or fidelity, Lee's (2011) study on speech style in Korean context has found that only a few interpreters met accuracy in both form and content. Likewise, in an investigation by Martin (2013), it has become evident that some interpreters in the Philippines were unable to provide accurate translations of source utterances. Marzocchi

(2005) has pointed out that approaching interpreting as a norm-governed behavior results in acknowledging and accounting for certain elements such as paralinguistic features, pauses, and the like. Needless to say, conservation of the abovementioned linguistic elements leads to accuracy or fidelity. Inaccuracy in interpreting is seen as a serious area of concern in the present investigation. Since court interpreters work with other court officials and personnel in providing equal access to justice, it is hoped that interpretation is conveyed accurately. However, due to interpreters' qualifications and linguistic skills, complying with the standard of accuracy may pose some problems. For example, longer hearing time will be needed to accommodate corrections or any compensatory strategies employed by an interpreter, or incorrect information may appear on record when interpreting mistakes are not given attention. These issues should not be regarded as interpreting problems alone; rather, these should be viewed as contributory factors for the delay or denial of justice. Through this investigation, the existence or nonexistence of the said problems would be discovered. As discussed earlier, English is the legal language in the Philippines. While some Filipinos have declining English proficiency (Mizon, 2018; Morallo, 2018) and English language is not accessible to several Filipinos (Martin, 2013), it is also possible that some court participants such as the accused or the witnesses may have difficulty in communicating their thoughts in the English language. Because of this, some witnesses would resort to asking permission to speak in Filipino (or Tagalog), suggesting that their proficiency in the English language may not be sufficient. For this reason, court interpreters are recognized to play a crucial role as transmitters of information between and among courtroom interactants. Court interpreters are responsible for ensuring that every Filipino receives fair trial and benefits from equal access to justice by delivering efficient and quality court-interpreting performance. Hence, court interpreters adhere to norms or code of ethics that serve as their guiding principle to successfully perform their duties, which will eventually enable them to achieve the goal of assisting in the delivery of fair trial or justice. In the Philippines, studies on forensic or legal interpreting appear to be scarce in spite of the claim that interpreting studies are a fertile ground for research. Since forensic linguistics has merely been newly introduced in the Philippines, studies in this field may be limited. In the case of court interpreting, one of the pioneer studies is that of Martin's (2013), which has investigated court-interpreting practices as well as challenges faced by court interpreters in a selected court trial in the Philippines. One salient finding in her paper is that the court interpreter was not able to provide accurate translation of the source-language message.

1.3   Research Objective

Because of limited studies on court interpreting and its role in providing access to justice, this study sought to investigate norms of interpreting in selected criminal proceedings in the Philippines and how these norms govern the behavior of participating court interpreters. Furthermore, this study was aimed at describing the realities of court-interpreting practices in the country and how these promote standards of practice and interpreting quality.

To achieve this objective, the code of ethics for court interpreters developed by

the Australian Institute of Interpreters and Translators (AUSIT), the European Association for Legal Interpreters and Translators (EULITA), and the National Association of Judiciary Interpreters and Translators (NAJIT), Inc. was employed as the framework for this study. These organizations are among the most cited codes of ethics in the field of court interpreting and are known to promote international standards in the said discipline. Based on commonality in these codes of ethics, the following norms were identified:

1. *Accuracy*. Interpreters and translators remain faithful at all times to the meaning of texts and messages. They should consider lexical, syntactic, and phonological features as well as omissions and additions in ensuring accuracy.
2. *Competence*. Interpreters and translators only undertake work they are competent to perform based on their professional qualifications and relevant trainings.
3. *Confidentiality*. Interpreters and translators should not disclose information acquired in the course of their work.
4. *Impartiality*. Interpreters remain unbiased throughout the communication exchanged between participants during interpreting performance. Words that soften, strengthen, or alter messages being conveyed, as well as expressions that depict personal opinions or biases, should be avoided.
5. *Professional conduct/Protocol and demeanor*. Interpreters and translators act, at all times, in accordance with the standards of conduct and decorum, and behave with dignity and respect toward the court. Expressions of respect to authority and use of same grammatical person as the speaker should be observed.
6. *Professional relationships, fair conduct, and solidarity*. Interpreters and translators respect and support their fellow professionals, and they uphold the reputation and trustworthiness of the profession of interpreting and translating.

2. Method

2.1 Research Design

This investigation of the norm adherence of court interpreting in criminal cases was undertaken through a descriptive method. Following the descriptive method, the study was conducted through a norm-based analysis to determine norm-adherence. Transcripts were examined for accuracy by determining the phonological, lexical, and syntactic equivalence between the source and the interpreted utterances. Faithful rendition and application of interpreting skills were considered in evaluating competence, while objectivity and unbiased interpreting were

examined for impartiality. Words and expressions indicative of conduct and decorum, as well as respect and dignity, were scrutinized for professional conduct; and utterances suggestive of supportive relationship were examined for professional relationships. Finally, conversations that indicate public disclosure of information acquired during interpreting were considered for confidentiality.

2.2   Data Source and Study Locale

Table 1 shows the data and their corresponding sources. A total of 11 audio-recordings of criminal proceedings were obtained from participating court trials in Metro Manila, particularly Quezon City, Manila, and Makati. The said locales were chosen as they were identified by the Court Directory of the Philippines as the cities with the most number of court trials in Metro Manila, thus could provide sufficient data for this investigation. Three to four audio-recordings were asked from each city to gather the desired number of source of data; however, during the data-gathering phase, it was learned that some courts did not store recordings in any data-storage devices. Because of this, only two audio-recordings were culled from the city of Manila. The audio-recordings were selected based on the following criteria: (1) they must have been promulgated or decided upon in the last five years; and (2) they must contain testimonies in Filipino, which were translated into English, or questions in English, which were translated into Filipino. Since some audio-recordings comprised of two or three cases, a total of 16 cases were generated. From the transcribed audio- recordings, a total of 140 extracts, ranging from four to 25 per case, were derived from the data.

Table 1
Data source

AR#	Cases	Source
1	a. Arson b. Homicide	Makati
2	Robbery	QC
3	a. Reckless Imprudence Resulting in Serious Physical Injuries b. Driving Without License and Driving Without Helmet	QC
4	Theft	QC
5	Slander	Makati
6	a. Serious Physical Injuries b. VAWC c. Slight Physical Injuries	Makati
7	Serious Physical Injuries	Makati
8	Usurpation of Authority	QC
9	Unjust Vexation	QC

Table 1 continued...

AR#	Cases	Source
10	Usurpation of Authority/Physical Injury	Manila
11	a. Illegal Possession of Firearm b. Illegal Possession of Drugs and Firearm	Manila

* AR means audio-recording.

2.3   Data-collection Procedure

Permission to gather audio-recordings was sought from selected court trials in the abovementioned cities. The obtained data were then transcribed so that direct-examination and cross-examination sections could be extracted and analyzed to identify the norm adherence by interpreters. Names and any other personal details were changed in the transcript to maintain confidentiality and to comply with the data privacy law.

2.4   Data Analysis

Norm adherence in the data were analyzed using the Code of Ethics for interpreting provided by NAJIT, Inc., AUSiT, and EULITA. Taking the characteristics of norms into account, the lexical, phonological, and syntactic elements of interpreted utterances were examined in describing the degree of adherence to the norms established by the abovementioned organizations. Member checking was used to validate the results of the researchers' analysis. After analyzing the extracts, three of the court interpreters featured in the selected audio-recordings were asked to check the accuracy of transcription and to give feedback. The coded extracts were also examined by a scholar in forensic linguistics to check the appropriateness of the analysis.

2.5   Units of Analysis

This investigation analyzed testimonies in both English and Filipino, as well as their corresponding interpretations. To determine the norm adherence by court interpreters, exchanges of utterances, including questions and responses, were considered for analysis. Specifically, lexical, syntactic, and phonological features, including omissions and additions in these utterances, were analyzed for accuracy, which were then considered in gauging competence. Furthermore, words that soften, strengthen, or alter messages being conveyed, as well as expressions depicting personal opinions or biases, were examined for impartiality; words demonstrating support or offer assistance were considered for professional relationships, fair conduct, and solidarity. Further, words or expressions that show respect to authority and any other court-trial participants and the use of same grammatical person as the speaker were analyzed for professional conduct or protocol and demeanor.

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2.6   Ethical Considerations

The study was undertaken following strict adherence to ethics in the conduct of research, as well as data privacy. Approval was sought from participating courts (i.e., Manila, Makati, and Quezon City) and from the Ethics Review Committee of the university.

3.   Results

This section presents a norm-based analysis of the data to identify the norm adherence of interpreting in selected Philippine courtrooms. Using the established canons or code of ethics discussed earlier, the subsequent results were derived.

Table 2 summarizes the norms of interpreting adhered to and the number of their occurrences in selected criminal proceedings in the Philippines. Out of the six norms which AUSIT, EULITA, and NAJIT, Inc. have in common, five were found to be present upon analyzing the lexical, phonological, and syntactic elements in the transcribed audio-recordings. From a total of 140 extracts, 386 instances of adherence were identified as some extracts demonstrated more than one norm. As shown in the table, the norm of accuracy is observed the most by the selected court interpreters in the Philippines with almost 120 occurrences, followed by impartiality with a little over 80 occurrences. Third in rank is competence with almost 80 occurrences; professional conduct or protocol and demeanor, fourth with almost 60 occurrences; and lastly, professional relationships, fair conduct, and solidarity, fifth with more than 50 occurrences. Confidentiality was not found when the linguistic elements of the transcribed audio-recordings were examined. Understandably, this norm cannot be identified by analyzing the exchange of utterances alone. Rather, some aspects such as conversations off-trial or disclosure of information obtained during the hearing, among others, should take place.

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Table 2
Norm adherence of interpreting in selected criminal cases in the Philippines

	Accuracy	Impartiality	Competence	Professional Conduct or Protocol and Demeanor	Professional Relationships, Fair Conduct, and Solidarity	Total
Case Number						
1	12	9	8	11	8	48
2	6	4	4	10	3	27
3	6	2	4	4	4	20
4	7	2	4	1	5	19
5	9	7	8	1	2	27
6	5	2	3	1	5	16
7	12	1	8	1	6	28
8	4	5	3	5	2	19
9	6	6	4	6	2	24
10	7	2	5	1	2	17
11	12	5	9	8	1	35
12	5	3	3	2	1	14
13	7	6	5	2	2	22
14	5	10	3	2	3	23
15	3	5	1	2	1	12
16	10	12	5	2	6	35
Total	**116**	**81**	**77**	**59**	**53**	**386**

Further analysis of the data revealed that out of 16 cases, the Arson case (#1) has the most instances of norm adherence (48), while Illegal Possession of Firearm (#15) has the least (12). When specific norms were analyzed, the results showed that the highest number of norm adherence to accuracy was found in the following cases: Arson (#1), Slander (#7), and Serious Physical Injuries (#11) with 12 occurrences. With regard to impartiality, the cases involving Illegal Possession of Drugs and Firearm (#16) and Usurpation of Authority or Physical Injury (#14) were the two highest instances with 12 and ten, respectively. In terms of competence, the Serious Physical Injuries case (#7) had the highest incidence of adherence with nine, followed by Arson (#1), Slander (#5), and Serious Physical Injuries (#7) with eight occurrences. For professional conduct or protocol and demeanor, the Arson (#1) and Homicide (#2) cases recorded the highest with 11 and 10 occurrences, respectively. Lastly, as regards professional relationships, fair conduct, and solidarity, the Arson case (#1) showed the greatest number of adherence with eight instances.

Accuracy or Fidelity

The results of the analysis showed that accuracy or fidelity is the norm adhered to the most by the selected court interpreters. Based on EULITA's code of ethics, an interpreter has a moral and professional – not to mention legal – obligation to convey the complete meaning of a speaker's message. NAJIT's code of ethics also states that interpreters should conserve all the elements of the original message by considering the syntactic and semantic patterns of the target language. Finally, they are duty-bound to correct any interpreting mistakes and inform parties of any impediments to faithful interpretation.

Based on the results, accurate interpretation occurred in 116 instances when selected lexical, syntactic, and phonological elements were scrutinized. Some examples are provided below.

Extract 1: AR 1-3

1	Counsel: What is the reason, if you know, why she went to Barangay Hall?
2	Interpreter: Ano po ang dahilan, kung alam mo, kung bakit siya pumunta sa Barangay Hall? [What is the reason, if you know, why she went to (the) Barangay Hall?]
3	Witness: Gusto lang **daw** po niyang kausapin si Barangay Captain Marcial dela Cruz. [She said she just wanted to talk to Barangay Captain Marcial dela Cruz.]
4	Interpreter: According to her she just wanted to talk to Barangay Captain Marcial dela Cruz.

Extract 1 is derived from an arson case. In this scenario, the witness, who attended to the complaint at the barangay level, testifies before the court about the fire incident reported to the barangay. As seen in turn 1, the counsel asks the witness why the suspect went to the Barangay Hall, while in turn 3, the witness answers the question in vernacular as he informs the court the suspect's reason for coming to the barangay hall. Turns 2 and 4 show the interpretation of the question and the response, respectively. The first two turns demonstrate syntactic equivalence as all the syntactic units composed of two interrogatives (*what is the reason* and *why she went to Barangay Hall)* and a simple declarative (*if you know*) were accurately rendered in the interpreted utterance. Moving on to turns 3 and 4, accuracy or fidelity is present as the interpreter provides the exact information shared by the witness. In turn 3, the witness relays to the court why the suspect went to the Barangay Hall. The use of the particle *daw* in the testimony suggests that someone else uttered those words, and in this case, the information relayed by the witness came from the suspect herself. The interpreter reformulates the witness' message by starting with *according to her*, which is the correct way of sharing someone else's words.

Extract 2: AR 1-13

1	Counsel: And after that 4-hour period, to whom did you bring her? (.)
2	Interpreter: Pagkatapos po ng apat na oras, **saan n'yo po siya dinala**? >**Kanino n'yo po siya dinala**?< (.) [After four hours, where did you bring her? To whom did you bring her?]
3	Witness: Sa ano Ma'am, sa Fire Station.
4	Interpreter: We brought her at the Fire Station.

The second extract is part of the continuation of the witness' examination of the case stated above, and this extract illustrates the interpreter's fidelity to the intonation patterns of the source utterance. As shown in turns 1 and 2, both the source and the interpreted utterances followed the final falling intonation pattern signifying that the counsel is seeking information. Noticeably, the interpreter is also quick in correcting the interpretation as he speeds up the utterance indicated by the right/left carats (> <). This instantaneous correction shows adherence to accuracy or fidelity as the interpreter, who initially translated the phrase *to whom did you bring her* into *saan n'yo po siya dinala*, immediately corrects his interpretation upon realizing his mistake. As seen in turn 2, the interpreter immediately changes the translation to *Kanino n'yo po siya dinala*, which is the accurate translation. It should be noted that *kanino* is the correct translation of *to whom,* and *saan* translates into *where.* However, despite the correction made by the interpreter, the witness answers the question following the incorrect translation; thus, he says *sa Fire Station* instead of giving a name of a person.

Extract 3: AR 7-1

1	Counsel: Now you said that there was *fistfight* between your group and the group of Alexis, what happened next after that, if any?
2	Interpreter: Sabi mo kanina na **nagkasuntukan** na yung grupo n'yo at saka yung grupo nila, anong sumunod na nangyari? [You said earlier that there was a fistfight between your group and their group, what happened next?]

This extract, which concerns a case of Serious Physical Injuries, shows that the counsel wants to elicit more information from the witness as indicated by his question in turn 1, followed by the interpreter's reformulation of the message in turn 2. The word *fistfight*, which is a relevant information to the case, is used to evaluate lexical accuracy in the data. The analysis of the extract indicates that the use of the word *nagkasuntukan,* which is another form of *suntukan,* shows that lexical equivalence is present between the source and the interpreted utterances.

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Impartiality

Based on the data analysis, impartiality ranked second in terms of occurrence, which indicates that adherence to this norm is essential among the participating court interpreters. The NAJIT code of ethics requires that interpreters in all settings remain neutral. This is especially true in litigation, since the parties are by definition in conflict with each other, and they want to make sure the interpreter does not distort language in a way that favors the other side. Furthermore, a court interpreter must not display personal attitudes or opinions on matters pertaining to the case.

The following examples illustrate how a court interpreter displays impartiality:

Extract 4: AR 6-5

1	Counsel: When your son manifested his behavioral changes and poor grades, what did you do next, if any?
2	Interpreter: Nung nakaranas ng pagbabago ng kanyang pag-uugali ang inyong anak anong ginawa mo at yun ngang pagbaba ng mga grado niya sa school, kung mayron ka man ginawa? [When your son experienced changes in behavior what did you do and yes, when his grades in school became low, if there is something that you did?]
3	Witness: Pumunta ako sa Psychologist.
4	Interpreter: I went to the Psychologist.

In Extract 4, the conversation revolves around the counsel's question and the witness' response pertaining to the witness' action when she learned about her son's behavioral changes, as shown in turns 1 and 3. Both utterances were subsequently translated by the interpreter in turns 2 and 4 in an objective manner, with no words or expressions showing personal opinions or biases.

Extract 5: AR 6-14

1	Counsel: What happened next?
2	Interpreter: At anong sumunod na nangyari? [And what happened next?]
3	Witness: Tapos sabi niya po sa akin hindi daw po ako makakauwi kung hindi daw ako lalabas ng nakahubad. [Then he told me that I cannot go home if I do not go out naked.]
4	Interpreter: And then he told me that I cannot go home to my parents' house if I don't go out naked.

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The fifth extract shows the counsel asking what happened after the previous incident, and then the interpreter translates it. The witness then gives her response in turn 3, followed by the interpretation in turn 4.

In these extracts, it is clear that the cases involved are sensitive in nature as they relate to violence against women and children. With cases like these, there is a chance that the participating court interpreters in the Philippines or any other court participants for that matter may empathize with the victims or relate with their feelings or emotions. Empathy moves an individual so deeply that his or her desire to help others become an instinct (Loyola, 2016), and it is considered as the first step to achieving *pakikiramdam* (the ability to sense nonverbal cues from others), one of the Filipino virtue ethics (Reyes, 2015). Considering the culture among Filipinos to empathize with others, it is inevitable that it could take place even in the courtroom setting, in the same way that it manifested in refugee context in Spain. In a study by Jiménez-Ivars and León-Pinilla (2018), it was found that some interpreters considered empathy as one of the most important features a court interpreter can have. In an interview with asylum interpreters, it was found that interpreters showed empathy toward the asylum applicants, which was brought about by their knowledge of the refugees' plight and struggles. Additionally, empathy was related to traits such as patience, identification with the refugee, leaving out insults, respecting the refugee, and nonverbal moral support if necessary. In the present study, interpreters may also identify and relate with the struggles and sufferings of children and women who experienced violence; however, their interpretation does not show any inclination to take the side of complainants. Rather, because of the absence of personal opinions or words that alter meanings of utterances, it may be viewed that court interpreters remained neutral and objective, and stayed focused on the job during the course of the proceedings. While empathy is regarded differently in these contexts, this study does not discount the fact that it may happen in the context of court interpreting as the interpreter may want to help or prevent the client from having the court decide the case on the latter's favor.

Competence

Adherence to competence is manifested in the data when analyzed in relation to the extent at which the interpreters achieved accuracy and their skillful interpreting ability. While AUSIT's basis for determining competence is that interpreters and translators only undertake work they are competent to perform based on their professional qualifications, this study evaluated competence in a somewhat different manner because of the nature of the data. Considering accuracy and interpreting skills in analyzing competence, this norm was found to have occurred 77 times in the data.

The following extracts illustrate interpreting competence:

Extract 6: AR 1-16

1	Counsel: And what were you doing at that time?
2	Interpreter: Anong ginagawa mo nung oras na yun? [What were you doing at that time?]
3	Witness: Nag-aalaga po ng ***pamangkin*** ko. [I was attending to my *pamangkin* (niece/ nephew)]
4	Interpreter: I was attending to my nephew? Lalaki? [Boy?]
5	Witness: Babae po. [Girl.]
6	Interpreter: … to my niece.

Extract 6 involves a direct examination of the witness who was accused for his involvement in a homicide case under investigation. In the situation above, the counsel is trying to establish whether or not the suspect was present at the place and time of the homicide incident; thus, he asked the question indicated in turn 1. To deny his presence, the witness claimed that he was attending to his *pamangkin* as seen in turn 3. At this point, it is interesting to note that in the Philippines, a niece or a nephew is generically called *pamangkin*, unlike in English where a specific term is assigned for both sexes. In turn 4, the interpreter provides the equivalent of the witness' response in English, but the rising intonation toward the end suggests that he was somehow doubtful if *nephew* is the right word; hence, he asked if the *pamangkin* being referred to was a boy. When the witness responded that it was a girl, the interpreter proceeded with his complete interpretation as shown in turn 6. Regardless of the extent at which the child's gender affect the case mentioned, it is clear that the interpreter made an effort to produce an accurate interpretation. Asking or clarifying information during interpreting helps in achieving accuracy, and this action by the interpreter may be attributed to his interpreting skills.

Extract 7: AR 5-4

1	Counsel: In what particular place those students were?
2	Interpreter: Saan mo nakita yung mga batang sinasabi mo na nag-uumpukan o nagtititpon-tipon? [Where did you see those kids whom you said were in a crowd or gathered?]
3	Witness: Sa harap po ng computer shop. [In front of the computer shop.]
4	Interpreter: Ahh in front of the computer shop.
5	Counsel: And you said you went to the place.
6	Interpreter: At sabi mo pumunta ka roon, lumapit ka. Sabi mo ay lumapit ka? [And you said you went there, you went closer. You said you went closer?]
7	Witness: Opo.
8	Interpreter: Yes, Sir.

In this extract, the witness testifies before the court her knowledge about the case involving Serious Physical Injuries. The extract opens with the counsel's question regarding the place where a particular group of students were. Notably, the group of students referred to in this extract was said to be part of the spectators when the incident between the accused and the victim took place in front of a computer shop. Taking the interpretation of the counsel's question and the witness' response found in turns 2 and 6 into account, it can be observed that the interpreter displays a peculiar way of interpreting, which is generally characterized by reformulation and repetition of the idea until the witness provides the needed response. When asked about this interpreting style, the interpreter shared, "it is important to make the witness, particularly the minors, feel more comfortable all throughout the proceeding." With the necessary comfort and security in the court environment, witnesses may not have any apprehensions to share information relevant to the case. The court interpreter for this case shows that his interpreting techniques lead the court to getting essential information from the witness.

Professional Conduct or Protocol and Demeanor

Professional conduct or protocol and demeanor is the fourth most important norm adhered to in selected court trials with more than 50 occurrences. This norm occurred the most in case 1 (i.e., Arson). According to AUSIT, court interpreters shall act in accordance with the standards of conduct and decorum of the court. Additionally, EULITA and NAJIT, Inc. call for translators and interpreters to act with dignity and respect and perform their duties as unobtrusively as possible, and to use the same grammatical person as the speaker.

The following extracts demonstrate professional conduct or protocol and demeanor:

Extract 8: AR 8-8

1	Witness: Malayo pa po yun. Malayo. [It was far. Far.]
2	Interpreter: It's a **little** farther, Sir.
3	Counsel: Not little, I disagree.
4	Interpreter: It's **farther**, **Sir**.
5	Counsel: It's farther. So therefore, if the hot coffee was intended to the cats who are far from the private complainant, you could have missed hitting the private complainant, do you agree?
6	Interpreter: Kung ang intensiyon mo ay itapon yung mainit na kape dun sa mga pusa, na mas malayo doon sa complainant, ibig sabihin pwedeng hindi matapunan, hindi matamaan itong si private complainant, tama ba? [If your intention was to throw hot coffee at the cats, which are far from the complainant, it means that it is possible that the private complainant will not be hit, right?

In extract 8, the witness responds to the counsel's question by saying that the place was far. But as seen in turn 2, the interpreter used the adverb *little* to which the counsel

disagrees. Hence, in turn 4, the interpreter corrected her interpretation by saying, "It's farther, Sir." Toward the last part of the extract, the interpreter merely proceeded with her task of interpreting the succeeding statement by the counsel, using the proper address, *Sir*, to show respect to the authority.

Extract 9: AR 1-21

1	Counsel: So you mean to say at one point in time you went to the basketball court?
2	Interpreter: Pumunta po ba kayo … [Did you go …]
3	Judge: … may pagkakataon [was there a chance]
4	Interpreter: ***May pagkakataon ba*** na pumunta ka sa basketball court? [Was there a chance that you went to the basketball court?]
5	Witness: Wala po e. Bata pa po ako nung pumunta po ako dun e. [None, Ma'am. I was still young when I went there.]
6	Interpreter: None Ma'am. I was only a child when I went to the basketball court.

This extract presents an exchange of utterance with the counsel (turn 1) and the witness (turn 5). Within the conversational exchange is the translation by the court interpreter. In turn 3, the judge's rectification may be seen, followed by the interpreter when she corrected her translation in line 4.

Extract 8 shows that the court interpreter immediately rectified the translation mistake right after the counsel expressed his objection to the translation, "It's a little farther, Sir.", suggesting that when a court interpreter realizes his or her mistake, making the necessary correction should be done promptly. Similarly, in Extract 9, the court interpreter improved her translation when the judge offered a better, more acceptable way, "*may pagkakataon*" [was there a chance]. In both cases, the court interpreters made a mistake in their translation and despite being objected upon, they continued with their task knowing that they should maintain professionalism throughout the conduct of their job, without showing any negative attitude toward what happened. They proceeded with interpreting without uttering any word that contradicts the counsel's or the judge's comments, nor did they raise their voice to show a defensive behavior. These acts depict Niska's (1995) belief that court interpreters are people who possess a sense of responsibility toward their work and the people they work with.

Extract 10: AR 6-7

1	Counsel: I'm showing you a psychological evaluation consisting of 5 pages, can you go over this psychological evaluation and inform us the relation of that document to the written report which you said was made by the psychologist?
2	Interpreter: Mayron ditong dokumento na iniabot yung ***kagalang-galang*** na abogado. Tingnan mong maige yan. Ahh suriin mo yan at sabihin mo sa korte kung anong relasyon ng dokumentong yan dun sa binabanggit mong psychological report kanina. 'Yan ba 'yun? [There is a document here from the honorable prosecutor. Look at it closely. Scrutinize it and tell this court the relation of this document to the psychological report that you said earlier. Is it the same report?]
3	Witness: Yes, Sir.
4	Interpreter: This is the psychological report that I was referring to, ***Your Honor***.

In this extract, the counsel asks the witness to examine a particular document to confirm if it was the one made by the psychologist, which the witness eventually affirmed. In his interpretation in both Filipino and English, the interpreter used two words: *kagalang-galang* [honorable] in turn 2 and *your honor in* turn 4, both of which are considered proper attribution or address for courtroom personnel, particularly lawyers and judges. This example illustrates that the court interpreter recognizes and respects authority in court. In another perspective, while this extract illustrates protocol and demeanor, it is noticeable that an over-translation was performed by the court interpreter as evidenced in turn 4 where he expressed in his own words the affirmative response of the witness in turn 3 to the counsel's question in turn 1. This style may be considered as a unique feature of interpreting in the country, particularly the interpreter assigned in this court.

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Extract 11: AR 6-17

1	Counsel: Why did you sign the document?
2	Interpreter: Bakit mo pinirmahan 'yong dokumento? [Why did you sign the document?]
3	Witness: Siguro Sir hindi ko napansin na hindi ko pangalan yun. Kasi gabi po … [Sir perhaps I didn't notice that it was not my name. Because it was night time …]
4	Counsel: No no no the question is why did you sign the document?
5	Judge: It's not your sworn statement.
6	Interpreter: ***Hindi mo ito sinumpaang salaysay***. Hindi mo salaysay 'to. Salaysay ito ni Gio pero bakit ka may pirma dito? Bakit pinapirma ka rito? [It is not your sworn statement. It is not your statement. It is Gio's statement but why do you have a signature here? Why were you asked to sign here?]
7	Judge: As the mother?
8	Interpreter: Bilang nanay? [As the mother?]
9	Witness: Siguro po. [Maybe.]
10	Interpreter: Maybe.
11	Judge: … who assisted your child …
12	Interpreter: … na siyang tumulong sa anak mo. Kasi nga yung anak mo ay talagang kitang-kita naman na menor de edad pa. Ang ibig sabihin pumirma kayo rito dahil kayo yung tumulong sa anak n'yo. Kayo ang nag-assist bilang kanyang guardian dahil magulang kayo. Naintindihan n'yo na ho? [who assisted your child. Because it is quite clear that your child is a minor. It means that you signed here because you helped your child. You assisted as his guardian because you are the parent. Do you understand now?]
13	Witness: Yes, Sir.
14	Judge: Translation.
15	Interpreter: The answer of the witness, Your Honor, on that query by the honorable court is that I did not notice that I was signing the statement of my son, Your Honor, but then on the further query of the honorable court Your Honor, ***the interpreter*** helped in clarifying to the witness, the answer was modified into saying that she signed it because she was the guardian, she was the mother of the private complainant who is a minor.

Extract 11 depicts an interaction between the witness and the counsel, and noticeably, the Judge himself takes part in the interpreting process. The extract begins with the counsel's question about the reason the witness signed a document knowing that it contains somebody else's statement. This question was then translated by the interpreter, as shown in turn 2. In this question, it is implied that signing a document that contains another person's testimony is inappropriate. In turn 3, the witness gives a response, which the counsel finds incorrect; thus, he reiterates the question *why did you sign the document?*. It is followed by an explanation of the judge, which appears to have helped the witness figure the kind of response expected by the court. In turn 6, the interpreter translated the Judge's comment, *it's not your sworn statement* into *hindi mo ito sinumpaang salaysay* [it's not your sworn statement], followed

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by further explanation to the witness that the document includes someone else's statement. Moving on to turn 12, the interpreter assisted the witness in answering the question by providing additional, repetitive explanation. He continued by reiterating that the document signed by the witness contains her son's testimony. Eventually, the witness understood what he meant, so she finally gave a positive response. Toward the end of the excerpt, the judge asked for translation, as shown in turn 14. In turn 15, the interpreter then explained the answer of the witness as well as the entirety of this part of the proceeding, which includes the counsel's question, the judge's comments, the witness' responses, and his clarifications in Filipino. While doing this, the interpreter made clear the distinction between the translation of the witness' testimony by speaking in the first-person narrative and his own statement by referring to himself as "the interpreter." Further analysis of turn 15, however, would show that an interpreter may use a combination of direct and indirect speech in interpreting. While he clearly identified his position by referring to himself as "the interpreter" and "I" to refer to the witness, the third person "she" is also used at the last part of the interpretation. This practice may go against the standard in interpreting, but in the final analysis, it does not affect the quality of interpreting.

As discussed earlier, this extract also depicts an interpreting activity in which the court judge actively participates in the process. Like in several courts in the Philippines, this tendency seems unavoidable, especially when he or she wants to emphasize a point as illustrated in turns 5 and 7 or to assist the interpreter in coming up with an accurate interpretation as shown in turn 11. In the final analysis, some court-interpreting activities in the country may be viewed as a product of team effort.

Professional Relationships, Fair Conduct, and Solidarity

Professional relationships, fair conduct, and solidarity came third among the norms with the highest number of occurrences in the data, occurring in 44 samples and most prevalent in case 1. Based on EULITA's code of professional ethics, legal interpreters and legal translators shall act in a spirit of respect, cooperation, and solidarity toward their colleagues. Likewise, AUSIT rules that interpreters and translators shall foster a mutually respectful relationship with whom they work and support their fellow professionals, and shall uphold the reputation and trustworthiness of the profession of interpreting and translating.

The subsequent extracts show professional relationships, fair conduct, and solidarity.

In extract 12, the counsel asks what the witness and his other groupmates did after Jun noticed that two of their friends were not with them. In turn 4, the interpreter confirms the response given by the witness. Moving on to turn 6, the interpreter begins to translate the witness' response when he asked for another information given by the witness, and this was reiterated by the stenographer in turn 7. The interpreter then gave his final translation of the witness' testimony as reflected in turn 8.

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Extract 12: AR 7-5

1	Counsel: And what did you do next, if any, after Jun noticed that Luke and Carl were not with you?
2	Interpreter: Anong ginawa ni Jun nung napansin niya na hindi kasama si Luke at saka si Carl sa grupo ninyo? [What did Jun do when he noticed that Luke and Carl were not with you in the group?]
3	Witness: Pagkatapos po nun, pagkalingon po namin, nakita na po namin yung dalawa na naglalakad na po. [After that, when we looked back, we already saw that the two were walking.]
4	Interpreter: Naglalakad? [Walking?]
5	Witness: Opo, papunta sa amin. [Yes, towards us.]
6	Interpreter: Ok so after that we looked back … Ano yung Tagalog word? [What is the Tagalog word?]
7	Stenographer: Lumingon. [(we) looked back.]
8	Interpreter: We turned. We turned. We turned around, we saw the two coming towards us.

Extract 13: AR 11-5

1	Counsel: And when you proceeded to the area the complainant was with you at that time. What transpired Mr. Witness?
2	Interpreter: Ano pong nangyari? [What happened?]
3	Witness: Pumasok po kami doon sa isang alley at nakasalubong po namin yung suspect. [We passed through an alley and there we we met the suspect.]
4	Interpreter: We went inside an alley, Sir, and we … sorry
5	Stenographer: Nakasalubong.
6	Interpreter: … we met the suspect there, Sir.

Extract 13 shows that the counsel asks the witness what happened in the place of the incident, and then the witness responds following the interpreter's translation, as displayed in turns 1-3. In turn 4, the interpreter gives her translation, but she apologizes as she could not recall the entire testimony of the witness. In the last two turns, she eventually completes her interpretation through the help of the stenographer who reminded her the other event that happened.

Both extracts 12 and 13 illustrate that the court interpreter understands that his or her job is limited to court interpreting and should not engage in activities beyond what he or she is duty-bound to fulfill. The court interpreter also acknowledges that he or she works with other court personnel and recognizes that these people could help him or her in successfully carrying out the task. As evidenced in this extract, the interpreter loses track of the information provided by the witnesses, but the stenographer readily assists the interpreter so that she can proceed with interpretation. As previously discussed, interpreting in the Philippines is sometimes achieved through team effort, and the examples above would prove

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that. This court interpreting practice in the country may be considered as a way of conformity to the code of ethics by AUSIT and EULITA.

4.   Discussion

Based on the results, it is observed that achieving accuracy is the primary goal of the selected court interpreters of criminal cases in the Philippines. AUSIT, EULITA, and NAJIT, Inc. state that an interpreter should transfer the entire meaning of a message uttered by a speaker and likewise deviate from altering, adding, or omitting anything contained in the utterance. Accurate interpretation also calls for conserving all information contained in the source language; hence, the selected court interpreters strive to consider linguistic elements such as vocabulary, syntax, and phonology. Adherence to the syntactic patterns of the source language is demonstrated in Extract 1 in which two interrogatives (*what is the reason* and *why she went to Barangay Hall)* and a simple declarative (*if you know*) were completely covered in the interpreted utterance. The syntax of English and that of Filipino vary in some aspects. For example, while the English language observes the S-V pattern, the Filipino language follows the V-S pattern. Considering the differences such as the one mentioned, the syntactic analysis performed in this study may be insufficient, yet syntactic equivalence is still measurable as evidenced by the above example. In the second extract, the interpreter manifests an understanding that he is duty-bound to correct any mistake in interpreting. In the said example, it is evident that the interpreter rectified the error right away upon realizing that a mistake has been committed when he quickly changed *saan n'yo po siya dinala?* [where did you bring her] into *Kanino n'yo po siya dinala?* [To whom did you bring her?]. Accuracy of meaning is also manifested in the interpeter's observance of phonological features, some of which are presented in Extract 3.

Based on the examples, it may be claimed that the interpreters strive to achieve accuracy by putting together their cultural knowledge as well as their proficiency in both English and Filipino. The results of this investigation may be likened to the belief of Kościałkowska-Okońska (2010) on how the concepts of competence and quality are utilized in court interpreting. She relates competence to the ability to transfer the message contained in the source language to that of the target language following all the linguistic and cultural elements. Furthermore, she believes that interpreting should ensure accuracy by accounting for all the intricacies of the source-language message. In a similar note, high level of bilingual competence is a prerequisite to successful interpreting. For interpreting to succeed, a court interpreter should have a native or native-like competence in at least two languages (Hale, 2010). Gamal (2009) recognizes that court interpreters face the complexity of their job. They have to put up with extralinguistic elements such as speed, interrupted delivery, stress, and mental fatigue, as well as deal with topics and issues which are somehow unfamiliar to them. Gural and Chemezov (2014) uphold the same impression stating that comprehension is the central prerequisite of interpreting. They also argue that accuracy of interpreting depends on an interpreter's skills, linguistic and cultural differences, among others. This

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belief is in consonance with that of Kościałkowska-Okońska (2010) who states that the more linguistically skilled, culturally aware and trained the interpreters are, the better, more accurate and effective their performance will be.

This study also found the interrelatedness between accuracy and competence. AUSIT's standard of competence pertains to an interpreter's professional qualification and relevant trainings; however, in this study, competence is measured based on the interpreter's ability to produce accurate interpretation that stems from his or her linguistic and interpreting skills. Considering the results of the analysis of accuracy, it may be inferred that the selected interpreters possess the necessary linguistic and interpreting skills. Specifically, their vocabulary and syntactic skills, as well as the desire to assist witnesses when giving their testimonies by going back to the information presented earlier, re-emphasizing important details, and repeating or paraphrasing questions suggest that the interpreters are capable of achieving the desired results for the job.

With regard to impartiality, the codes of ethics explain that being neutral at all times and not expressing one's opinions on matters concerning the assignment are traits selected court interpreters in the Philippines find most important. These results support the beliefs of Kalina (2015); that is, in settings such as legal interpreting, impartiality is the prevailing principle. This may also mean that the court interpreters involved in this study believe that personal biases and prejudices should not get in the way during court-interpreting performance. Despite the absence of code of ethical conduct, attendance to trainings aided the selected interpreters to become aware of the norm of impartiality and do their jobs professionally. In a similar view, Hermans (1996) explains that participating court interpreters take their role professionally, which is primarily to convey information from one language to another. Their clients rely on their technical expertise, which will eventually become the client's weapon in getting themselves heard. Lee (2009) also believes that provision of opinions or extra information is generally regarded as overstepping the bounds of the court interpreter's role. In another study, Jimenez-Ivars and León-Pinilla (2018) have found that interpreters show a genuine commitment to provide effective interpreting, following professional norms such as confidentiality and neutrality. In their study, court interpreters were found to have varying opinions regarding impartiality. Some court interpreters thought they were also not prepared to give pieces of advice or opinions even when commanded to do so. Another interpreter chose not to offer his opinions when asked, although sometimes he would like to. Lastly, one of the interpreters regretted being too neutral on one occasion as he did not take the initiative to tell the officials that the applicant's understanding of the interpreter's language was not enough for the interview to take place. Despite the differences in beliefs, it is apparent that without bias, court interpreters are able to deliver more competently their job and help address the problem on insufficient English language proficiency among the involved court participants. In the end, it is apparent that the major concern of interpreters, regardless of the context, is to fulfill their commitment to their duties with utmost fairness.

While most studies have shown that impartiality is considered essential in court interpreting, a contradicting result was revealed in Nartowska's (2017) work. In her study, it has been found that in some instances, the interpreter departs from the principle of impartiality

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by taking the side of the court and by taking over the judge's function. Instead of interpreting the defender's question, the interpreter interfered in the utterance and sometimes suggested the defendant the right answer. In fact, one interpreter believed that his greatest achievement that day was to have successfully persuaded the third defendant to plead guilty. With no doubt, this behavior of the court interpreter directly affected the course of the proceeding.

In certain cases, an interpreter may show bias for or against the accused, the complainant, or the court, but his or her knowledge and strict adherence to interpreting norms, particularly that of impartiality, will help him or her remain neutral and objective, which is believed to be one of the factors for achieving interpreting quality. In the case of the participants in the present undertaking, some of them shared that it is essential to adhere to the norm of impartiality. As one of the interpreters averred, "That (Impartiality) is what interpreting should be."

As regards professional conduct or protocol and demeanor, based on the code of conduct from EULITA and NAJIT, Inc., court interpreters are bound to use the same grammatical person as the speaker by clearly distinguishing the interpretation of the witness' statement from that of his own by strictly observing the rule on the use of pronoun. He uses *I* in reporting the witness' testimony, and then he refers to himself as "the interpreter" whenever he presents his own statement in his capacity as interpreter. This practice is also present in the context of interpreting for the refugees in which Jiménez-Ivars and León-Pinilla (2018) have found that almost all interpreters used the third person all the time; but in this context, court interpreters observed it to maintain neutrality. In the present investigation, results indicated that the use of third person implies that a court interpreter is knowledgeable about his or her role and understands that a clear distinction between his or her speech and that of the witness' should be defined at all times. Based on NAJIT, Inc.'s standard, when it becomes necessary to assume a role in communication, court interpreters must make it clear that they are speaking for themselves. In another study, Angermeyer (2009) has shared that interpreters who translate in the first person act as animator of the translated utterance, rather than as author who is responsible for the content of the talk. However, other participants may not always recognize this role. This would lead to a possible misconception that the interpreter is the one responsible for the translated talk.

This principle involving the use of first and third person has been studied widely by scholars, and such studies can be seen to have a connection with court-interpreting norms. One of these studies was conducted by Berk-Seligson (1990), who has found that interpreting in the third- person allows an interpreter to use his or her own voice in the legal perspective so that he or she can functionally replicate the utterances of the source speaker. This notion, however, runs counter with the standards in EULITA and NAJIT, Inc., as well as the results of Angermeyer's (2009) study. In his work, Angermeyer (2009) has stated that in interpreting studies, the interpreter's training and professionalism contribute to the way practitioners view first- and third-person reference, and that the interpreter's use of the first-person reference to the source speaker suggests that he or she is a professional court interpreter.

In the light of professional relationships, fair conduct, and solidarity, EULITA's code of professional ethics states that legal interpreters and legal translators shall act in a

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spirit of respect, cooperation, and solidarity toward their colleagues. Likewise, AUSIT rules that interpreters and translators shall foster a mutually respectful relationship with whom they work and support their fellow professionals, and shall uphold the reputation and trustworthiness of the profession of interpreting and translating.

In the examples given (extracts 8-11), the court interpreters showed utmost respect toward the court authorities. The way they address the court officials and their use of words that express respect demonstrate protocol and demeanor. However, professional conduct or protocol and demeanor cannot be completely measured by simply examining the use of proper addresses or words showing respect. A number of factors such as coming to court prepared, observing punctuality, wearing appropriate attire, and following the protocol of the court, among others, should be included in the investigation. Because of the nature of data for this study, such factors were not included in the analysis. Nonetheless, in spite of such limitations, the results of the present investigation are believed to provide preliminary data that will inform the courts in the Philippines of its current practices. Also, the said data eventually can be used as a starting point for the formulation of court-interpreting norms in the country.

Aside from the use of appropriate addresses, another aspect of professional relationships, fair conduct, and solidarity manifested in the data is supportive relationship. The participants in this study acknowledge that providing opportunity for fair trial in court is a team effort and not merely an interpreter's job. However, what may be viewed as a negative implication of this scenario is that the interpreters involved may be perceived as being not competent enough as they tend to forget essential information in testimonies or lose focus in the interpreting process, which is why they are offered help by some colleagues. In a more thorough analysis, being saved by a colleague may not be a good indication as well, especially when it happens too often, as it tends to show some weaknesses in the interpreter's translation skills. Also, supportive relationship may appear as though courtroom personnel overstep in someone else's role, which Mikkelson (1998) associates with scope of practice. These writers believe that trying to be helpful is not at all unfavorable; however, they agree with Mikkelson that since it is forbidden by the code of conduct, interpreters should refrain from doing it.

## 5.	Conclusion

Overall, the court interpreters in the selected Philippine criminal cases were found to adhere most to accuracy, suggesting that they met the ultimate goal of court-interpreting activity. They were also observed to conform to the norms of impartiality; competence; professional conduct or protocol and demeanor; and professional relationships, fair conduct, and solidarity, as evidenced by the number of occurrences of these norms when compared among the 140 extracts used in the data. These findings suggest that the selected court interpreters strive to remain faithful to the source-language message, keep neutral and objective, and maintain professional relationships and respect to authorities and any other court personnel

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at all times. Likewise, they value the scope and limitations of their duties, as well as the appropriate demeanor called for in the practice of their job.

Based on the results, it may be deduced that the interpretation of selected criminal cases in the study somehow achieved quality through observing the abovementioned norms. In spite of the limited data, this study hopes to shed light on the need for court-interpreting services in the Philippines and a clear definition of the roles of interpreters in the judicial system, the same way they are viewed in other countries. In her paper, Koo (2009) has stated that as early as 1909 (or for over 150 years), court interpreters have been an integral part of Hong Kong courts as they serve an important function in preserving the integrity of evidence offered at trial. Essentially, these court interpreters should understand and comply with their professional responsibilities, particularly competence, performance within role boundaries, and accuracy and completeness. In addition, court interpreters are placed in their position to bridge the communication gap between and among court participants; and as such, they should possess adequate communication skills; sufficient linguistic knowledge of both the source and receptor languages; efficient interpreting techniques; strong professional ethics; and considerable knowledge about legal systems, laws, and legal procedures in their own context (Niska, 1995). To achieve the expectations from their jobs, court interpreters in the Philippines should be provided with code of ethical conduct to guide them in their interpreting activities and to promote standardized court-interpreting practices in the country.

While the results suggest that the selected court interpreters generally succeed in their jobs, the possibility that errors or deviations from any of these norms cannot be ignored. It would still be interesting to investigate the participating court interpreters' academic qualifications and relevant trainings to ensure that they are fully prepared for the job.

Finally, the absence of the norm of confidentiality does not mean that the participating court interpreters do not conform to it; rather, it is the nature of the data that brought about this finding. In this study, confidentiality can hardly be determined as it simply examined transcribed audio-recordings of court proceedings.

For future endeavors, studies on Philippine court interpreting may consider the interpreters' qualifications and language proficiency to better gauge norm-adherence, particularly accuracy. It is believed that with appropriate academic preparation, the linguistic and communicative competence of court interpreters, especially their lexical, syntactic, and semantic fluency, will be addressed. Engaging in continuous trainings that focus primarily on topics that will help them improve their interpreting skills and become more competent in their jobs, including knowledge of role boundaries, are also recommended. Court interpreters should also be encouraged to fully understand the norms in court interpreting and familiarize themselves with the standards observed in countries that have advanced their interpreting policies and practices, particularly those aspects applicable in the Philippine context. Formulation of code of ethics for court interpreters that fully explain each of the norms is also seen as a necessity to properly guide the interpreters in their interpreting activity. Studies that will focus on interpreting errors or norm-deviation are also believed to be helpful to identify interpreting problems and realities in the country. Finally, to arrive at more encompassing results, a bigger and more varied source of data can be included for analysis, and other data-

gathering methods such as court observations and interviews with court participants may be conducted so that the rest of the norms, including confidentiality, can be identified.

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