

EN BANC

[A.M. No. MTJ-12-1813 (Formerly A.M. No. 12-5-42-METC), November 22, 2016]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE ELIZA B. YU, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT. [A.M. No. 12-1-09-METC] RE: LETTER DATED 21 JULY 2011 OF EXECUTIVE JUDGE BIBIANO G. COLASITO AND THREE (3) OTHER JUDGES OF THE METROPOLITAN TRIAL COURT, PASAY CITY, FOR THE SUSPENSION OR DETAIL TO ANOTHER STATION OF JUDGE ELIZA B. YU, BRANCH 47, SAME COURT. [A.M. No. MTJ-13-1836 (FORMERLY A.M. No. 11-11-115-METC)] RE: LETTER DATED MAY 2, 2011 OF HON. ELIZA B. YU, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY. [A.M. No. MTJ-12-1815 (FORMERLY OCA IPI No. 11-2401-MTJ)] LEILANI A. TEJERO-LOPEZ, COMPLAINANT, VS. JUDGE ELIZA B. YU, BRANCH 47, METROPOLITAN TRIAL COURT, PASAY CITY, RESPONDENT. [OCA IPI No. 11-2398-MTJ] JOSEFINA G. LABID, COMPLAINANT, VS. JUDGE ELIZA B. YU, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT. [OCA IPI No. 11-2399-MTJ] AMOR V. ABAD, FROILAN ROBERT L. TOMAS, ROMER H. AVILES, EMELINA J. SAN MIGUEL, NORMAN D.S. GARCIA, MAXIMA SAYO AND DENNIS ECHEGOYEN, COMPLAINANTS, VS. HON. ELIZA B. YU, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT. [OCA IPI No. 11-2378-MTJ] EXECUTIVE JUDGE BIBIANO G. COLASITO, VICE EXECUTIVE JUDGE BONIFACIO S. PASCUA, JUDGE RESTITUTO V. MANGALINDAN, JR. JUDGE CATHERINE P. MANODON, MIGUEL C. INFANTE (CLERK OF COURT IV, OCC-METC), RACQUEL C. DIANO (CLERK OF COURT III, METC, BRANCH 45), EMMA ANNIE D. ARAFILES (ASSISTANT CLERK OF COURT, OCC-METC), PEDRO C. DOCTOLERO, JR. (CLERK OF COURT III, METC, BRANCH 44), LYDIA T. CASAS (CLERK OF COURT III, METC, BRANCH 46), ELEANOR N. BAYOG (LEGAL RESEARCHER, METC, BRANCH 45), LEILANIE A. TEJERO (LEGAL RESEARCHER, METC, BRANCH 46), ANA MARIA V. FRANCISCO (CASHIER I, OCC METC), SOLEDAD J. BASSIG (CLERK III, OCC-METC), MARISSA MASHHOOR RASTGOOY (RECORDS OFFICER, OCC-METC), MARIE LUZ M. OBIDA (ADMINISTRATIVE OFFICER, OCC-METC), VIRGINIA D. GALANG (RECORDS OFFICER I, OCC-METC), AUXENCIO JOSEPH CLEMENTE (CLERK OF COURT III, METC, BRANCH 48), EVELYN P. DEPALOBOS (LEGAL RESEARCHER, METC, BRANCH 44), MA. CECILIA GERTRUDES R. SALVADOR (LEGAL RESEARCHER, METC, BRANCH 48), JOSEPH B. PAMATMAT (CLERK III, OCC-METC), ZENAIDA N. GERONIMO (COURT STENOGRAPHER, OCC-METC),

BENJIE V. ORE (PROCESS SERVER, OCC-METC), FORTUNATO E. DIEZMO (PROCESS SERVER, OCC-METC), NOMER B. VILLANUEVA (UTILITY WORKER, OCC-METC), ELSA D. GARNET (CLERK III, OCC METC), FATIMA V. ROJAS (CLERK III, OCC-METC), EDUARDO E. EBREO (SHERIFF III, METC, BRANCH 45), RONALYN T. ALMARVEZ (COURT STENOGRAPHER II, METC, BRANCH 45), MA. VICTORIA C. OCAMPO (COURT STENOGRAPHER II, METC, BRANCH 45), ELIZABETH LIPURA (CLERK III METC, BRANCH 45), MARY ANN J. CAYANAN (CLERK III, METC, BRANCH 45), MANOLO MANUEL E. GARCIA (PROCESS SERVER, METC, BRANCH 45), EDWINA A. JUROK (UTILITY WORKER, OCC-METC), ARMINA B. ALMONTE (CLERK III, OCC-METC), ELIZABETH G. VILLANUEVA (RECORDS OFFICER, METC, BRANCH 44), ERWIN RUSS B. RAGASA (SHERIFF III, METC, BRANCH 44), BIEN T. CAMBA (COURT STENOGRAPHER II, METC, BRANCH 44), MARLON M. SULIGAN (COURT STENOGRAPHER II, METC, BRANCH 44), CHANDA B. TOLENTINO (COURT STENOGRAPHER II, METC, BRANCH 44), FERDINAND R. MOLINA (COURT INTERPRETER, METC, BRANCH 44), PETRONILO C. PRIMACIO, JR. (PROCESS SERVER, METC, BRANCH 45), EDWARD ERIC SANTOS (UTILITY WORKER, METC, BRANCH 45), EMILIO P. DOMINE (UTILITY WORKER, METC, BRANCH 45), ARNOLD P. OBIAL (UTILITY WORKER, METC, BRANCH 44), RICARDO E. LAMPITOC (SHERIFF III, METC, BRANCH 46), JEROME H. AVILES (COURT STENOGRAPHER II, METC, BRANCH 46), ANA LEA M. ESTACIO (COURT STENOGRAPHER II, METC, BRANCH 46), LANIE F. AGUINALDO (CLERK III, METC, BRANCH 44), JASMINE L. LINDAIN (CLERK III, METC, BRANCH 44), RONALDO S. QUIJANO (PROCESS SERVER, METC, BRANCH 44), DOMINGO H. HOCOSOL (UTILITY WORKER, METC, BRANCH 48), EDWIN P. UBANA (SHERIFF III, METC, BRANCH 48), MARVIN O. BALICUATRO (COURT STENOGRAPHER II, METC, BRANCH 48), MA. LUZ D. DIONISIO (COURT STENOGRAPHER II, METC, BRANCH 48), MARIBEL A. MOLINA (COURT STENOGRAPHER II, METC, BRANCH 48), CRISTINA E. LAMPITOC (COURT STENOGRAPHER II, METC, BRANCH 46), MELANIE DC BEGASA (CLERK III, METC, BRANCH 46), EVANGELINE M. CHING (CLERK III, METC, BRANCH 46), LAWRENCE D. PEREZ (PROCESS SERVER, METC, BRANCH 46), EDMUNDO VERGARA (UTILITY WORKER, METC, BRANCH 46), AMOR V. ABAD (COURT INTERPRETER, METC, BRANCH 47), ROMER H. AVILES (COURT STENOGRAPHER II, METC, BRANCH 47), FROILAN ROBERT L. TOMAS (COURT STENOGRAPHER II, METC, BRANCH 47), MAXIMA C. SAYO (PROCESS SERVER, BRANCH 47), SEVILLA B. DEL CASTILLO (COURT INTERPRETER, METC, BRANCH 48), AIDA JOSEFINA IGNACIO (CLERK III, METC, BRANCH 48), BENIGNO A. MARZAN (CLERK III, METC, BRANCH 48), KARLA MAE R. PACUNAYEN (CLERK III, METC, BRANCH 48), IGNACIO M. GONZALES (PROCESS SERVER, METC, BRANCH 48), EMELINA J. SAN MIGUEL (RECORDS OFFICER, OCC, DETAILED AT BRANCH 47), DENNIS M. ECHEGOYEN (SHERIFF III, OCC-METC), NORMAN GARCIA (SHERIFF III, METC, BRANCH 47), NOEL G. LABID (UTILITY WORKER I, BRANCH 47), COMPLAINANT, VS.

HON. ELIZA B. YU, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT.[OCA IPI No. 12-2456-MTJ] JUDGE BIBIANO G. COLASITO, JUDGE BONIFACIO S. PASCUA, JUDGE RESTITUTO V. MANGALINDAN, JR. AND CLERK OF COURT MIGUEL C. INFANTE, COMPLAINANTS, VS. HON. ELIZA B. YU, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT.[A.M. No. MTJ-13-1821] JUDGE EMILY L. SAN GASPAR-GITO, METROPOLITAN TRIAL COURT, BRANCH 20, MANILA, COMPLAINANT, VS. JUDGE ELIZA B. YU, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT.

D E C I S I O N

PER CURIAM:

A judge embodies the law; she cannot be above it. She should not use it to advance her personal convenience, or to oppress others. She should be obedient to the rules and directives enunciated by the Supreme Court for the effective administration of justice; otherwise, she becomes an arrogant tyrant. Being a magistrate of the law, she must comport herself in a manner consistent with the dignity of her judicial office, and must not commit any act that erodes public confidence in the Judiciary.

In these consolidated administrative proceedings, we resolve the several charges of gross misconduct, gross ignorance of the law, gross insubordination, oppression, and conduct unbecoming of a judge leveled by various complainants, some of them her fellow Judges, against respondent Judge Eliza B. Yu, the Presiding Judge of Branch 47, Metropolitan Trial Court (MeTC) in Pasay City.

On June 4, 2013, A.M. No. MTJ-12-1813 was consolidated with A.M. No. MTJ-12-1-09-MeTC.^[1] Other closely-related administrative complaints involving the respondent, specifically: A.M. No. MTJ-13-1863, A.M. No. MTJ-12-1815, OCA IPI No. 11-2398-MTJ, OCA IPI No. 11-2399-MTJ, OCA IPI No. 11-2378-MTJ, and OCA IPI No. 12-2456-MTJ, were similarly consolidated.^[2]

Antecedents

A.M. No. MTJ-12-1813

(Office of the Court Administrator v. Judge Eliza B. Yu)

On January 27, 2011, the Court, through Chief Justice Renata C. Corona, issued Administrative Order No. 19-2011^[3] in response to the specific request of Secretary Alberto A. Lim of the Department of Tourism (DOT) to establish night courts in Pasay City and Makati City. A.O. No. 19-2011 designated the branches of the MeTC in Pasay City and Makati City as night courts to expeditiously hear and try cases involving nighttime apprehensions, special cases under the *Rule on Summary Procedure*, and criminal cases involving tourists, viz.:

ADMINISTRATIVE ORDER NO. 19-2011

ESTABLISHING NIGHT COURTS IN THE METROPOLITAN TRIAL COURTS OF PASAY CITY AND MAKATI CITY

WHEREAS, the Constitution mandates the speedy disposition of cases of all persons before judicial bodies;

WHEREAS, "the Executive Judges of the Metropolitan Trial Courts and Municipal Trial Courts in Cities of the cities and municipalities comprising Metro Manila x x x may assign all judges to hold night court sessions daily from Monday to Friday and on official holidays and special days."

WHEREAS, in line with the constitutional mandate on the speedy disposition of cases and in the exercise of its power of administrative supervision over all courts, the Supreme Court has ordered (a) the establishment of night courts in the Metropolitan Trial Courts of Manila "to try and decide all special cases enumerated in the Rule on Summary Procedure," and (b) the opening of two branches in the Metropolitan Trial Courts of Quezon City as night courts to hear "cases involving nighttime apprehensions" and special cases enumerated in the Rule on Summary Procedure;

WHEREAS, the Court held that the operational guidelines for the assignment of judges and the holding of night court sessions in Manila shall also be applicable to the night courts established in Quezon City;

WHEREAS, the Court requires the expeditious disposition of criminal cases involving tourists;

WHEREAS, the Honorable Secretary Alberto A. Lim of the Department of Tourism has requested the designation of night courts also in Pasay City and Makati City, in addition to those already existing in Manila and Quezon City;

WHEREFORE, it is hereby directed that:

1. Night courts similar to those designated in the Metropolitan Trial Courts of Manila City and Quezon City be established in the Metropolitan Trial Courts of Pasay City and Makati City;
2. The operational guidelines for the assignment of judges and the holding of night court sessions in the Metropolitan Trial Courts of Manila be applicable to the night courts in the Metropolitan Trial Courts of Pasay City and Makati City, respectively, except operating hours, which shall be from four-thirty in the afternoon (4:30 p.m.) until eleven o'clock in the evening (11:00 p.m.);
3. The night courts of Pasay City and Makati City be authorized to try and decide cases involving nighttime apprehensions and all special cases enumerated in the Rule on Summary Procedure;
4. The provisions of Administrative Circular No. 58-2002, dated 14 November 2002, requiring an expeditious disposition

of criminal cases involving tourists be complied with; and

5. The Executive Judges of the Metropolitan Trial Courts of Pasay City and Makati City (a) to inform the Philippine National Police (PNP) and the Prosecutor's Office within their respective jurisdictions of the schedule of the branches of the metropolitan trial courts assigned to hold night sessions; and (b) make representations with the PNP and the local government units to ensure that appropriate security measures are adopted to protect the judges and their staff during night sessions.

Immediate compliance with this order is enjoined.

27 January 2011.

To comply with A.O. No. 19-2011, then Pasay City MeTC Executive Judge Bibiano G. Colasito issued a Memorandum dated February 9, 2011^[4] prescribing the schedules for night court service of all Pasay City MeTC Judges and employees effective February 14, 2011. Under the Memorandum, MeTC Branch 47, presided by respondent Judge Yu, was assigned night court duties every Friday. But Judge Yu did not desire to comply, and so inscribed the following marginal note on the February 9, 2011 Memorandum of Judge Colasito, to wit:

February 11, 2011

Pls. I dissent with the night court assignment. I have pending legal question before the Office of Court Administrator.^[5]

The pending legal question Judge Yu adverted to had been posed in her letter dated February 2, 2011 to the Court Administrator Jose Midas P. Marquez,^[6] as follows:

Sir:

Our Court is in receipt of Administrative Order No. 19-2011 (Establishing Night Courts in the Metropolitan Trial Courts of Pasay City and Makati City) today.

Among others, it is provided that: "3. The night Courts of Pasay City and Makati City be authorized to try and decide cases involving night time apprehensions and all special cases enumerated in the Rule on Summary Procedure."

With due respect, **the police officers cannot apprehend, detain and bring the arrested persons charged with cases covered by the Rule on Summary Procedure at night without being liable for Arbitrary Detention. The arrested persons need not post bail under the Rule on Summary Procedure. Thus, there is no legal basis for the police officers to detain them prior to the hearing of their cases at night by the court. Moreover, the public prosecutors cannot conduct inquest on the night arrests of the suspected criminals because the penalty involved in cases covered by the Rule on Summary Procedure is not more than six (6) months.**