

## EN BANC

[ A.M. No. 00-7-09-CA, December 19, 2001 ]

**IN RE: DEROGATORY NEWS ITEMS CHARGING COURT OF  
APPEALS ASSOCIATE JUSTICE DEMETRIO G. DEMETRIA WITH  
INTERFERENCE ON BEHALF OF A SUSPECTED DRUG QUEEN:**

**COURT OF APPEALS ASSOCIATE JUSTICE DEMETRIO G.  
DEMETRIA, RESPONDENT.**

### R E S O L U T I O N

#### PER CURIAM:

This Resolves the *Motion for Reconsideration* dated 11 April 2001 filed by counsel for respondent Demetrio G. Demetria, the *Manifestation and Motion for Oral Argument* dated 13 September 2001 filed by respondent himself, as well as his *Letter* dated 8 October 2001 praying for reconsideration of the Decision of this Court promulgated 27 March 2001.

The records show that on 27 March 2001 respondent was found guilty of interceding in behalf of suspected drug queen Yu Yuk Lai, who was charged under Sec. 15, Art. III, of RA 6425, as amended, thereby violating Rule 2.04 of the Code of Judicial Conduct. Consequently, respondent, then an Associate Justice of the Court of Appeals, was dismissed from the service with prejudice to his appointment or reappointment to any government office, agency, or instrumentality, including government owned or controlled corporation or institution. All his benefits were ordered forfeited.

In his *Motion for Reconsideration* dated 11 April 2001 respondent asserts that he did not intercede in behalf of suspected drug queen Yu Yuk Lai, nor is there any showing beyond reasonable doubt that he did. Respondent also maintains that "[i]f at all any penalty should be visited upon (him) for what he did x x x a reprimand may perhaps be considered `appropriate.'" In his *Manifestation and Motion for Oral Argument* dated 13 September 2001, respondent maintains that "if he were only allowed by this Court to orally argue his case and expound his arguments personally, he believes that he can convince this Court of the justness of his cause." Finally, in his *Letter* of 8 October 2001, respondent says that if indeed he committed the acts of interference of which he was found guilty, he respectfully and humbly submits that the penalty imposed on him is too harsh.

As found by the Court-appointed investigator, the Honorable Mme. Justice Carolina C. Griño-Aquino, on 18 July 2000, at around 9:00 o'clock in the morning, the *Motion for Inhibition* of Judge Manuel T. Muro of the Regional Trial Court of Manila, Branch 54, the pairing Judge for Branch 53 (then left vacant by the demise of its incumbent Judge) was heard and thereafter submitted for resolution. Later, just before lunch time, upon his arrival in his office, SP Pablo C. Formaran III, the public prosecutor

handling the case, was informed by his secretary that a call from the Office of Justice Demetria was received and that respondent Justice wanted to speak with him. Since SP Formaran III was still out, a return call was requested. When the return call was made, the voice of the same woman who earlier called answered that respondent Justice was already out for lunch. She then said that she would just call again.

At around 1:30 to 2:00 o'clock in the afternoon of the same day, respondent Justice, in the company of Go Teng Kok and Atty. Reinerio Paas went to the office of SP Formaran III asking the latter to withdraw the *Motion for Inhibition* he had earlier filed against Judge Muro. Go Teng Kok pleaded with SP Formaran III to withdraw his motion while respondent Justice counseled SP Formaran III that the basis for the motion for inhibition, *i.e.*, the unsigned letter of "concerned court employees," was "not strong." Respondent Justice also advised Go Teng Kok to calm down or "keep his cool" as the latter was already becoming too emotional. Respondent also asked SP Formaran III if he could do something to help Go Teng Kok. Just to put an end to the conversation, SP Formaran III, after politely declining the request, answered that he would bring the matter to CSP Jovencito R. Zuño. "*Iyon pala,*" respondent Justice replied, then stood up, bade SP Formaran III good bye, and left with Atty. Paas and Go Teng Kok.

Upon returning to his office in the Court of Appeals, respondent Justice called up CSP Zuño and requested him to instruct SP Formaran III to withdraw his *Motion for Inhibition* so that Judge Muro could issue an order in the case of Yu Yuk Lai. "*Pakisabi mo nga kay State Prosecutor Formaran na iwithdraw na iyong kanyang Motion to Inhibit para naman makagawa na ng Order si Judge Muro,*" to which CSP Zuño replied, "*Tingnan ko po kung ano ang magagawa ko.*"

From the above narration, we reiterate our ruling that "the evidence is clear, if not overwhelming and damning" that respondent did intercede for suspected Chinese drug queen Yu Yuk Lai. While it may be so, as respondent argues, that "what Investigating Justice Carolina C. Griño-Aquino believes (to be) is not evidence" the same is not merely an expression of her opinion. Her pronouncements were conclusions based on her assessment and appreciation of the evidence presented before her. Like our view on factual findings of the trial court, we accord great weight and the highest respect to the evaluation of Mme. Justice Griño-Aquino, a retired but well respected member of this Court, as her assessment and appreciation of the evidence are quite competent and convincing. Absent any showing of bias, partiality, flaw or grave abuse of discretion, we shall not disturb her findings.

Respondent Justice cites the Resolution of the Office of the Ombudsman dated 10 October 2000 dismissing the charges against him and Go Teng Kok for violation of Sec. 3, par. (a), of RA 3019, as amended, in relation to Sec. 1, par. (e), of PD 1829, for insufficiency of evidence. He echoes the findings of the Office of the Ombudsman therein that the request to withdraw the motion to inhibit would not result in the delay of the prosecution. On the contrary, it is the filing of the motion to inhibit which would disrupt the proceedings as the case would be re-assigned to a new judge who would have to familiarize himself again with the case and thus delay the prosecution. Respondent Justice even turns the table on SP Formaran III and accuses him of violating the Canons of Professional Responsibility by filing a motion to inhibit based on an unsigned letter thereby delaying the prosecution of the action and depriving Yu Yuk Lai of her right to speedy trial which is guaranteed by the