

**EN BANC**

**[ A.M. No. MTJ-12-1813 (Formerly A.M. No. 12-5-42-MeTC), March 14, 2017 ]**

**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 COURT, BRANCH CITY, TRIAL 47, PASAY  
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), CAYANAN (CLERK III, METC, BRANCH 45), MANOLO EDUARDO E. EBREO (SHERIFF ILL, 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. 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. SA YO (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 ILL, METC, BRANCH 48), KARLA MAE R. PACUNAYEN (CLERK ILL, 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, PRESENT: COMPLAINANT, VS. JUDGE ELIZA B. YU, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY, RESPONDENT.**

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

### **PER CURIAM:**

We hereby consider and resolve respondent Eliza B. Yu's *Motion for Reconsideration with Explanation for the Show Cause Order* filed vis-a-vis the decision promulgated on November 22, 2016 disposing against her as follows:

**WHEREFORE**, the Court **FINDS** and **PRONOUNCES** respondent **JUDGE ELIZA B. YU GUILTY** of **GROSS INSUBORDINATION; GROSS IGNORANCE OF THE LAW; GROSS MISCONDUCT; GRAVE ABUSE OF AUTHORITY; OPPRESSION; and CONDUCT UNBECOMING OF A JUDICIAL OFFICIAL; and, ACCORDINGLY, DISMISSES** her from the service **EFFECTIVE IMMEDIATELY**, with **FORFEITURE OF ALL HER BENEFITS**, except accrued leave credits, and further **DISQUALIFIES** her from reinstatement or appointment to any public office or employment, including to one in any government-owned or government-

controlled corporations.

Respondent **JUDGE ELIZA B. YU** is directed to show cause in writing within ten (10) days from notice why she should not be disbarred for violation of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics as outlined herein.

Let a copy of this decision be furnished to the Office of the Court

Administrator for its information and guidance.

**SO ORDERED.**<sup>[1]</sup>

In her motion, the respondent repeatedly denies committing all the administrative offenses for which she was held guilty, and insists on the absence of proof to support the findings against her. She pleads that the Court reconsiders based on the following:

**1. Noncompliance with A.O. No. 19-2011**

The complaint against her was premature because of the pendency of her protest against night court duty. A.O. No. 19-201 I did not carry a penal provision, and was only directory because of the use of the permissive word may. In addition to A.O. No. 19-2011 being non compliant with the requirements of a valid administrative order, the requirement of night court duty violated Section 5, Rule XVII of the *Omnibus Rules Implementing Book V of the Administrative Code*,<sup>[2]</sup> which limited the working hours for government officials and employees. It was also not illegal to write to the Secretary of the Department of Tourism (DOT) considering that he was the requesting authority regarding the rendering of the night court duty. She did not publicly broadcast her disobedience to A.O. No. 19-2011 when she wrote the letter to the Secretary. There was no law prohibiting her from writing the protest letters. At any rate, she had the right to do so under the Freedom of Speech Clause. She did not refuse to obey A.O. No. 19-2011 because she actually allowed her staff to report for night duty. She did not willfully and intentionally disobey because her protest had legal basis. She would also violate Section 3(a)<sup>[3]</sup> of Republic Act No. 3019 (*Anti-Graft and Corrupt Practices Act*) if she would comply with the patently illegal A.O. No. 19-2011.<sup>[4]</sup>

**2. Refusal to honor the appointments of Ms. Mariejoy P. Lagman and Ms. Leilani Tejero-Lopez**

The respondent claims that she did not refuse to honor the appointment because rejection was different from protesting the appointment. She merely exercised her statutory right as a judge to question the appointment of the branch clerk of court assigned to her sala. Under

Canon 2, Section 3 of the *New Code of Judicial Conduct for the Philippine Judiciary*,<sup>[5]</sup> she was mandated to bring to the proper authorities the irregularities surrounding the appointments. Moreover, the contents of the complaint letter and the protest could not be used against her pursuant to the constitutional right against self incrimination. She did not also commit any act of cruelty against Ms. Tejero-Lopez; on the contrary, it was Ms. Tejero-Lopez who "went beyond the norms of decency by her persistent and annoying application in my court that it actually became a harassment." Her opposition against the appointment of Ms. Lagman was meritorious. She only employed the wrong choice of words with her choice of the term *privileged communication* that was viewed negatively. There was no proof of the alleged verbal threats, abuse, misconduct or oppression committed against Ms. Tejero-Lopez. It was not proper to penalize a judge based on a "letter with few words that other people find objectionable."<sup>[6]</sup>

### **3. Show-cause order respondent issued against fellow judges**

The respondent posits that the show-cause order she issued to her fellow judges had legal basis because "anything that is legal cannot be an assumption of the role of a tyrant wielding power with unbridled breath."<sup>[7]</sup> It was premature to rule that she thereby abused and committed misconduct because she did not issue any ruling on the explanation by the other judges.<sup>[8]</sup> She did not violate Section 5, Canon 3 and Section 8, Canon 4 of the *Code of Judicial Conduct*. What the other judges should have done was to avail themselves of the appropriate remedy.<sup>[9]</sup>

### **4. Refusal to sign the leave of absence of Mr. Noel Labid**

The refusal to sign the application for leave of absence had factual and legal bases.<sup>[10]</sup> Moreover, she should be presumed to have acted in good faith if she misconstrued the rules on approval of application of leave. <sup>[11]</sup>

### **5. Allowing on-the-job trainees**

The respondent claims that she did not order the trainees to perform judicial tasks. She asserts that she could not remember their affidavit. She had no personal knowledge that the trainees were made to serve as assistant court stenographers. Based on what she heard,