

## EN BANC

[ A.M. No. 00-7-323-RTJ, October 17, 2001 ]

**RE: RELEASE BY JUDGE MANUEL T. MURO, RTC, BRANCH 54,  
MANILA, OF AN ACCUSED IN A NON-BAILABLE OFFENSE.**

### DECISION

#### PER CURIAM:

"Although every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness than a seat in the Judiciary. High ethical principles and a sense of propriety should be maintained, without which the faith of the people in the Judiciary so indispensable in an orderly society cannot be preserved. There is simply no place in the Judiciary for those who cannot meet the exacting standards of judicial conduct and integrity."

There goes our exhortation to the members of the bench in Administrative Case No. 00-7-09-CA, entitled *"In Re: Derogatory News Items Charging Court of Appeals Associate Justice Demetrio Demetria with Interference on Behalf of a Suspected Drug Queen,"*<sup>[1]</sup> the precursor of the present case which involves another episode in the grand scheme to secure for Yu Yuk Lai, detained without bail, temporary liberty and possibly an acquittal.

The present case re-echoes the above clarion call.

On July 16, 2000, Yu Yuk Lai, one of the accused in Criminal Case No. 99-169862,<sup>[2]</sup> was re-arrested by the Presidential Anti-Organized Crime Task Force (PAOCTF) while playing baccarat without jail guards at the Holiday Inn Pavilion Casino. At that time, she was supposed to be detained at the Manila City Jail since her petition for bail was previously denied by Judge Perfecto A.S. Laguio, Jr.<sup>[3]</sup> Forthwith, a news article was published in the Philippine Star<sup>[4]</sup> entitled *"BJMP told to explain drug queen's case."* It reported that Yu Yuk Lai "had obtained an order signed by Judge Manuel T. Muro (Regional Trial Court, Branch 54, Manila) allowing her hospital confinement for medical and humanitarian reasons."

Acting on the news report, Chief Justice Hilario G. Davide, Jr., in Memoranda dated July 20, 2000, July 25, 2000 and July 26, 2000, directed Judge Manuel T. Muro, respondent, to comment on the article and to submit to this Court pertinent documents showing that the order was regularly issued.<sup>[5]</sup>

After respondent judge had complied with the Memoranda, the Court *en banc*, in a Resolution<sup>[6]</sup> dated August 8, 2000, designated Justice Remedios A. Salazar-Fernando of the Court of Appeals to conduct an investigation and to submit to this

Court her report and recommendation. In the same Resolution, this Court suspended respondent judge from office until further orders.

It appears from the investigation that on May 3, 2000, Atty. Rodolfo G. Tablante, Yu Yuk Lai's counsel, filed a *"Motion to Order the Confinement of Accused in a Hospital,"*<sup>[7]</sup> alleging that:

"2. Prior to April 29, 2000, due to recurring vertigo and other physical ailments, accused requested to be examined by a private medical doctor;

3. Last April 29, 2000 with the approval of her request by the warden of the City Jail, she was examined by Dr. Roy R. Cuesta, M.D., MBM Medical Surgical Clinic and found accused suffering from toxic goiter and Estrogen Deficiency and recommended her hospital confinement for:

1. Complete gynecological evaluation and
2. Clearance
3. Endocrine evaluation
4. Possible (HRT) Hormonal Replacement
5. Therapy
6. Paps Smear
7. Pelvic Ultrasound
8. Blood Chemistries
9. Thyroid Studies"

A Clinical Abstract prepared by Dr. Roy Cuesta, Yu Yuk Lai's physician, was attached to the motion.

On May 3, 2000, Judge Angel V. Colet, then presiding judge of the Manila Regional Trial Court, Branch 53, to where Criminal Case No. 99-169862 was re-raffled,<sup>[8]</sup> directed State Prosecutor Pablito C. Formaran III and the Chief of the Manila City Jail Medical Clinic to comment on Yu Yuk Lai's motion.<sup>[9]</sup>

In a letter dated May 8, 2000, Doctor Jose Estrada Rosal, Chief, Health Services of the Manila City Jail, did not oppose the motion. Instead, he requested that the accused be brought to the **Philippine General Hospital** for confinement for a maximum period of seven (7) days.<sup>[10]</sup> Prosecutor Formaran, on the other hand, manifested that if the doctor of the Manila City Jail Infirmary concurred in the recommendation of the physician of Yu Yuk Lai, then for humanitarian reasons, he would interpose no objection to her hospital confinement for a reasonable period set by the court.<sup>[11]</sup>

Meanwhile, Judge Colet died. The case was assigned to his pairing judge, respondent herein.

On May 15, 2000, respondent judge issued an order, the dispositive portion of which reads:

**"WHEREFORE,** finding accused's aforesaid motion to be well taken and for humanitarian reasons and upon request of the accused, the City Warden is hereby ordered to allow the confinement of accused Yu Yuk Lai at the Manila Doctors Hospital immediately upon receipt of this order, all medical bills at the expense of the accused for medical examination and treatment for a period not exceeding seven (7) days and that proper safeguards be taken to prevent her escape for the duration of the confinement.

**SO ORDERED."**<sup>[12]</sup>

On May 19, 2000, Yu Yuk Lai filed an urgent motion for extension of her medical confinement<sup>[13]</sup> for a period of two (2) months. She claimed that the results of her ECG, PAPS smear, pelvic ultrasound, KUB, T3, T4 and other blood chemistries were not yet completed; and that according to her attending physician at the Manila Doctors Hospital, Dr. Peregrino C. Lao, he needed a period of two (2) months to complete the laboratory examination and treatment. She submitted a copy of the Progress Report Medical Evaluation signed by Dr. Lao.

This time, Prosecutor Formaran opposed Yu Yuk Lai's motion on the following grounds:

- "1. The present request of accused Yu Yuk Lai for extension of medical confinement for a period of two (2) months is bereft of strong basis and unprecedented. **It must be pointed out that the medical evaluation by the private doctor of accused Yu Yuk Lai, which is not even notarized, does not indicate that the latter's illness is so serious. From the doctor's diagnoses, accused Yu Yuk Lai is allegedly suffering from urinary tract infection, acute vaginitis, and estrogen deficiency, which cases can be treated without need of hospital confinement as per opinion by the physician of the Department of Justice when consulted by the undersigned;**
2. **Moreover, the undersigned wonders why the result of accused' ECG, Paps Smear and other required laboratory examinations were not completed despite the 7 days given to conduct the same. Perhaps, it need not be mentioned that the result of the ECG and Paps Smear can be had in one day especially taking into consideration the technology of the hospital wherein the accused is being confined and examined.** And assuming that those laboratory examinations are not yet completed x x x with due respect, can be made and completed without need of further hospital confinement of the accused for obvious reason;
3. Besides, the said medical findings being not coming from an impartial and independent government physician, the same cannot be taken hook, line and sinker."<sup>[14]</sup>

On May 29, 2000, Yu Yuk Lai's counsel filed a Manifestation<sup>[15]</sup> attaching thereto a copy of the Clinical Abstract Report of Dr. Lao and a Certification of Dr. Felix Salgado, a specialist from the Philippine General Hospital, stating that "further work-ups and diagnostic test are recommended [for Yu Yuk Lai] to rule out possibility of other underlying organic cause."

The hearing of the motion and opposition was inserted in the court's calendar on May 26, 2000. However, for some reasons, the incidents were not heard. Respondent judge simply issued an order submitting them for resolution.<sup>[16]</sup> Thereafter, on June 5, 2000, he granted Yu Yuk Lai's motion, thus:

"Acting on the Urgent Motion for Extension of Medical Confinement, dated May 19, 2000, filed by accused Yu Yuk Lai, through counsel, and the Opposition thereto, dated May 25, 2000, filed by State Prosecutor Pablo C. Formaran III, and considering that the reason of the movant-accused in requesting for extension of medical confinement is to complete her medical work-ups and management, as advised by Dr. Peregrino Ceniza Lao, attending, contained in his Progress Report Medical Evaluation and Clinical Abstract Report, copies of which are attached to the records, and concurred in by Dr. Felix Salgado, Specialist-Consultant, Department of Obstetrics and Gynecology, Phil. General Hospital, who conducted his own gynecologic evaluation and assessment on accused Yu Yuk Lai, and recommended further work-ups and diagnostic tests to rule out the possibility of other underlying organic cause, contained in his Certification, dated May 26, 2000, let the motion be granted.

**WHEREFORE,** finding accused Yu Yuk Lai's motion to be well-taken, for medical consideration and humanitarian reason and upon request of the accused, this Court hereby allows the extension of medical confinement of accused Yu Yuk Lai at the Manila Doctors Hospital for completion of her medical examination and treatment for a period of one (1) month, or until such a time that she is fit to be discharged from the said hospital, as certified to by her attending physician, who is directed to regularly submit to this Court his progress report on the condition of the accused.

**SO ORDERED."**<sup>[17]</sup>

Subsequently, on July 6, 2000, unidentified employees<sup>[18]</sup> of the Regional Trial Court of Manila wrote a letter to the Secretary of Justice (copies were furnished the Chief State Prosecutor, the Ombudsman and respondent judge) alleging that "*the (respondent) judge has issued an Order for the confinement of Yu Yuk Lai in the hospital even if she is not sick and there is already a rumor circulating around the City Hall that the notorious judge had given the go signal to the counsel of the accused to file the Motion to Quash, which will be granted for a consideration of million of pesos and the contact person is allegedly the daughter of the judge, who is an employee in the said branch.*"

On July 14, 2000, Prosecutor Formaran filed a motion<sup>[19]</sup> asking respondent judge to

inhibit himself "from further handling the case and/or resolving the demurrer to evidence." Pending resolution, Yu Yuk Lai was arrested while playing baccarat at the Casino Filipino, Holiday Inn Pavilion.

In her exhaustive report, Justice Fernando came up with the following findings, conclusion and recommendation, thus:

"On the basis of a Clinical Abstract of one Dr. Roy Cuesta, Judge Muro issued the May 12, 2000 Order which is highly irregular. The stated order indicated the name of Judge Angel Colet but contained the signature of Judge Muro. Judge Muro had no reason to sign the Order over the name of Judge Colet who may have died at that time or was on leave of absence. Besides, the May 12, 2000 hearing on the Motion was without notice to the State Prosecutor irrespective of the fact that he already filed his Comment to the Motion. In fact, the parties were not present during the hearing as there was no order setting the same for hearing on May 12, 2000. This is a clear violation of Sec. 4, Rule 15 of the 1997 Rules of Civil Procedure which provides that:

Sec. 4, Hearing of motion. -- Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice."

x x x        x x x

It was highly irregular that Judge Muro admitted as gospel truth the allegations on the physical condition of Yu Yuk Lai and failed to check the veracity of the findings in the Clinical Abstract. The mere fact that the Clinical Abstract was notarized does not prevent Judge Muro from verifying the truth considering that Yu Yuk Lai is charged with a very serious offense. Besides, it is common knowledge that it is so easy to have documents notarized. Considering further that Judge Muro is not a doctor and has insufficient knowledge of what were stated in Clinical Abstract, with more reason that he should have exercised extreme caution before issuing order of this sort. If he had set the Motion for hearing, he would have discovered that Dr. Rosal of the Manila City Jail Infirmary whose recommendation he had given so much weight, did not even bother to check the actual medical condition of Yu Yuk Lai, when he could have done it very easily and he ought to do it as he was ordered by the court to file his Comment. The recommendation of Dr. Rosal was purely guesswork. It was admitted by Dr. Rosal that he never examined accused Yu Yuk Lai despite the report that Yu Yuk Lai complained of some illnesses while on detention. Even before he filed his Comment as ordered by Judge Colet, Dr. Rosal did not verify if Yu Yuk Lai was still suffering from those illnesses, nor check the accuracy of the Clinical Abstract.