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EN BANC

[A.M. No. 00-7-09-CA. March 27, 2001]

In Re: Derogatory News Items Charging Court of Appeals Associate Justice Demetrio Demetria with Interference on Behalf of a Suspected Drug Queen:

Court of Appeals Associate Justice Demetrio G. Demetria, *respondent.*

SYNOPSIS

When SP Pablo Formaran III filed a Motion to Inhibit Judge Manuel Muro from handling the criminal case against suspected drug queen Yu Yuk Lai for his alleged partiality on the latter, Court of Appeals Justice Demetria, with Go Teng Kok and Atty. Paas paid SP Formaran III a visit. Go Teng Kok pleaded for the withdrawal of the Motion while Demetria asked about the status of the case. Demetria gave his opinion on the matter and asked SP Formaran III if he could do something to help Go Teng Kok. Later, CSP Zuno received a call from Demetria requesting the former to instruct SP Formaran III to withdraw the subject Motion for Inhibition. Hence, the charge that Demetria was interceding in behalf of Yu Yuk Lai.

Demetria denied the charges and denied knowing Yu Yuk Lai. Allegedly, he met both SP Formaran III and Go Teng Kok the first time on that day he went to the DOJ to visit old friends. He insisted that he met Go Teng Kok there by chance and merely requested SP Formaran III "to do something to help Go Teng Kok about the case," and he means "within legal bounds." Neither did he call CSP Zuno for the withdrawal of the subject Motion. This denial which was riddled with major inconsistencies, however, cannot stand against the positive assertions of CSP Zuno and SP Formaran III which were consistent with natural human experience. Thus, having found Demetria guilty of violating Rule 2.04 of the Code of Judicial Conduct, the Court meted him the penalty of dismissal from service with forfeiture of all benefits and with prejudice to government service appointments.

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SYLLABUS

1. **JUDICIAL ETHICS; UNDUE INTERFERENCE IN A CASE; JUSTICE'S INTERFERENCE IN A CASE TO BENEFIT A PARTY DIMINISHES PUBLIC CONFIDENCE.**— Rule 2.04 of the Code of Judicial Conduct mandates a judge to "refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency." The slightest form of interference cannot be countenanced. Once a judge uses his influence to derail or interfere in the regular course of a legal or judicial proceeding for the benefit of one or any of the parties therein, public confidence in the judicial system is diminished, if not totally eroded.

2. **ID.; ID.; JUDGE'S DENIAL CANNOT STAND AGAINST POSITIVE ASSERTIONS CONSISTENT WITH HUMAN EXPERIENCE.**— While Justice Demetria vehemently denied interfering with the criminal case, his denial cannot stand against the positive assertions of CSP Zuño and SP Formaran III, which are consistent with natural human experience. To accept the testimony of the defense witnesses that it was Atty. Paas who telephoned CSP Zuño, and not Justice Demetria, and that the "help" the respondent Justice was requesting SP Formaran III was something "within legal bounds or line of duty" other than the withdrawal of the motion is to strain too far one's imagination. The testimony of CSP Zuño is plainly unambiguous and indubitably consistent with the other facts and circumstances surrounding the case. In sum, we find the testimonies of the prosecution witnesses convincing and trustworthy, as compared to those of the defense which do not only defy natural human experience but are also riddled with major inconsistencies which create well-founded and overriding doubts.

3. **ID.; ID.; NOT NECESSARY FOR RESPONDENT JUSTICE TO BE ACQUAINTED WITH AN ACCUSED TO INTERCEDE ON THE LATTER'S BEHALF.**— It is admitted that respondent is a very close friend of Atty. Paas, lawyer of Go Teng Kok. And, it is not necessary that respondent Justice Demetria be acquainted with Go Teng Kok, Yu Yuk Lai or SP Formaran III for him to intercede in behalf of the accused. It is enough that he is a close friend of the lawyer of Go Teng Kok, who has been helping the accused, and that he wields

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influence as a former DOJ Undersecretary and later, Acting Secretary, and now, a Justice of the Court of Appeals.

4. **ID.; ID.; PENALTY; FAILURE TO LIVE UP TO EXACTING STANDARDS OF JUDICIAL CONDUCT AND INTEGRITY WARRANTS DISMISSAL.**— The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with the heavy burden of responsibility. His at all times must be characterized with propriety and must be above suspicion. His must be free of even a whiff of impropriety, not only with respect to the performance of his judicial duties, but also his behavior outside the courtroom and as a private individual. Unfortunately, respondent Justice Demetrio Demetria failed to live up to this expectation. Through his indiscretions, Justice Demetria did not only make a mockery of his high office, but also caused incalculable damage to the entire Judiciary. The mere mention of his name in the national newspapers, allegedly lawyering for a suspected drug queen and interfering with her prosecution, seriously undermined the integrity of the entire Judiciary. 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.

APPEARANCES OF COUNSEL

Filemon L. Fenandez for respondent.

D E C I S I O N

***PER CURIAM*:**

Men and Women of the courts must conduct themselves with honor, probity, fairness, prudence and discretion. Magistrates of justice must always be fair and impartial. They should avoid not only acts of impropriety, but all appearances of impropriety. Their influence in society must be consciously and

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conscientiously exercised with utmost prudence and discretion. For, theirs is the assigned role of preserving the independence, impartiality and integrity of the Judiciary.

The Code of Judicial Conduct mandates a judge to "refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency."[1] The slightest form of interference cannot be countenanced. Once a judge uses his influence to derail or interfere in the regular course of a legal or judicial proceeding for the benefit of one or any of the parties therein, public confidence in the judicial system is diminished, if not totally eroded.

Such is this administrative charge triggered by newspaper accounts which appeared on the 21 July 2000 issues of *The Manila Standard, The Manila Times, Malaya, The Philippine Daily Inquirer* and *Today*. The national dailies collectively reported that Court of Appeals Associate Justice Demetrio G. Demetria tried to intercede on behalf of suspected Chinese drug queen Yu Yuk Lai, *alias* Sze Yuk Lai, who went in and out of prison to play in a Manila casino.[2]

That same day, 21 July 2000, Chief Justice Hilario G. Davide, Jr., issued a *Memorandum* to Justice Demetria directing him to comment on the derogatory allegations in the news items.[3] On 24 July 2000, Justice Demetria submitted his *Compliance*. Subsequently, Chief State Prosecutor (CSP) Jovencito R. Zuño, who disclosed to the media the name of Justice Demetria, and State Prosecutor (SP) Pablo C. Formaran III, a member of the Task Force on Anti-Narcotics Cases of the Department of Justice (DOJ) prosecuting the case of the suspected Chinese drug queen, filed their respective *Comments* on the *Compliance* of Justice Demetria.[4]

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[1] Rule 2.04, Code of Judicial Conduct.

[2] 21 July 2000 issue of The Philippine Daily Inquirer, p. 20.

[3] Exh. "A".

[4] Exhs. "B" and "C".

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On 8 August 2000, the Court *En Banc* ordered an investigation and designated Mme. Justice Carolina C. Griño-Aquino as Investigator and Court Administrator Alfredo L. Benipayo as Prosecutor. An investigation then commenced on 22 August 2000 and continued until 16 November 2000.

The Prosecution presented four (4) witnesses, namely, CSP Zuño, SP Formaran III, Agnes P. Tuason, secretary of SP Formaran, III, and Jose H. Afalla, an employee from the Office of Asst. CSP (ACSP) Leonardo Guiyab, Jr. The defense on the other hand presented ten (10) witnesses: respondent Justice Demetria, Asst. Chief State Prosecutor (ACSP) Severino Gana, Jr., Senior State Prosecutor (SSP) Romeo Dañosos, Go Teng Kok, Yu Yuk Lai, MTC Judge Orlando Siapno, Peter Young, Atty. Reinerio Paas, lawyer of Go Teng Kok, Danilo J. Mijares, bodyguard of Go Teng Kok, and Luisito Artiaga, official of the Philippine Amateur Track and Field Association (PATAFA).

The facts as borne out by the evidence presented by the prosecution are quite clear. In an Information dated 9 December 1998, SP Formaran III charged Yu Yuk Lai, together with her supposed nephew, a certain Kenneth Monceda *y* Sy *alias* William Sy, before the RTC of Manila, Br. 18,[5] with violation of Sec. 15, Art. III, RA 6425, as amended, for "conspiring, confederating and mutually helping one another, with deliberate intent and without authority of law x x x (to) willfully, unlawfully and feloniously sell and deliver to a poseur-buyer three (3) kilograms, more or less, of methylamphetamine hydrochloride (*shabu*), which is a regulated drug."[6] Accused of non-bailable offense, both Yu Yuk Lai and Kenneth Monceda were held at the detention cell of the PNP Narcotics Group in Camp Crame, Quezon City. On 25 June 1999, accused Yu Yuk Lai filed a Petition for Bail on the ground that the evidence of her guilt was not strong.

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[5] Judge Perfecto A.S. Laguio, Jr., presiding.

[6] Information dated 9 December 1998, filed by State Prosecutor Pablo C. Formaran III.

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On 10 November 1999, upon receiving information that the accused, especially Yu Yuk Lai, had been seen regularly playing in the casinos of Heritage Hotel and the Holiday Inn Pavilion, SP Formaran III filed an *Urgent Ex-Parte Motion to Transfer the Detention of the Accused to the City Jail.*[7] On the same day, Judge Perfecto A. S. Laguio, Jr., granted the motion and ordered the immediate transfer of the two (2) accused to the Manila City Jail.[8]

On 18 January 2000, Judge Laguio, Jr., concluded that "the evidence standing alone and unrebutted, is strong and sufficient to warrant conviction of the two accused for the crime charged" and denied the petition for bail of accused Yu Yuk Lai for lack of merit.[9] Consequently, both accused filed a *Joint Motion for Inhibition* arguing that the trial court's actuations "do not inspire the belief that its decision would be just and impartial."[10] On 28 January 2000, Judge Laguio, Jr., believing that the joint motion was utterly without merit but considering the gravity of the offense and for the peace of mind of the accused, inhibited himself.[11]

The case was re-raffled to Branch 53, presided by Judge Angel V. Colet. Accused Yu Yuk Lai then filed a *Motion to Order the Confinement of the Accused in a Hospital.* Before Judge Colet could resolve the motion, the case was handled by the Branch's Pairing Judge Manuel T. Muro.

On 15 May 2000 Judge Muro granted accused Yu Yuk Lai's motion and allowed her to be confined at the Manila Doctors Hospital for a period not exceeding seven (7) days,[12] contrary to the recommendation of Dr. Jose Estrada Rosal, Chief of the

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[7] Exh. "F".

[8] Exh. "G".

[9] Exh. "H".

[10] Exh. "I".

[11] Exh. "K".

[12] Exh. "O".

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Health Services of the Manila City Jail, that Yu Yuk Lai be confined at the Philippine General Hospital.[13]

On 5 June 2000 Judge Muro granted Yu Yuk Lai's *Urgent Motion for Extension of Medical Confinement* "for a period of one (1) month, or until such time that she is fit to be discharged from the said hospital."[14] On 7 July 2000 Judge Muro also granted Yu Yuk Lai's *Motion for Leave of Court to File Demurrer to Evidence with Motion to Admit Demurrer to Evidence.*[15] Soon, rumors circulated in the Manila City Hall that Judge Muro was partial towards accused Yu Yuk Lai.

The rumors did not end there. On 6 July 2000 unidentified employees of the RTC Manila calling themselves "CONCERNED COURT EMPLOYEES" wrote the Secretary of Justice, copy furnished the Chief State Prosecutor, the Ombudsman, and Judge Muro. The letter alleged that Judge Muro ordered the hospitalization of Yu Yuk Lai "even if she (was) not sick and there (was) 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 (would) be granted for a consideration of millions of pesos and the contact person (was) allegedly the daughter of the Judge, who is an employee in the said branch."[16]

Accordingly on 14 July 2000, SP Formaran III filed a *Motion for Inhibition* praying that Judge Muro inhibit himself "from further handling this case and/or from resolving the demurrer to evidence filed by the accused Yu Yuk Lai as well as any other pending incidents therein."[17]

On 16 July 2000, at around 7:30 o'clock in the morning, while she was supposed to be confined at the Manila Doctors

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[13] Exh. "N".

[14] Exh. "P".

[15] Exh. "S".

[16] Exh. "T".

[17] Exh. "U".

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Hospital, accused Yu Yuk Lai was arrested inside the VIP room of the Casino Filipino at the Holiday Inn Pavilion, Manila, while playing baccarat. She was unescorted at the time of her arrest.

On 18 July 2000, at 9:00 o'clock in the morning, the *Motion for Inhibition* of Judge Muro was heard and submitted for resolution. Later, at around 11:30 o'clock, when SP Formaran III arrived in his office from the hearing, he was informed by his secretary, Agnes Tuason, that the staff of Court of Appeals Justice Demetrio Demetria had called earlier and said that the Justice wanted to speak with him. The caller requested for a return call. As requested, SP Formaran III immediately returned the call of Justice Demetria but the Justice had already gone out for lunch.

Later in the afternoon, between 1:30 and 2:00 o'clock, Justice Demetria, PATAFA President Go Teng Kok and Atty. Reinerio Paas, lawyer of Go Teng Kok and a close friend of Justice Demetria, went to the office of SP Formaran III in the DOJ which SP Formaran III shares with SP Albert Fonacier. Apparently, Justice Demetria was not familiar with SP Formaran III as he greeted SP Fonacier *"Kamusta ka, Prosecutor Formaran?"*[18]

Soon the visitors were seated. Go Teng Kok immediately pleaded with SP Formaran III to withdraw his motion to inhibit Judge Muro as this would purportedly delay the resolution of the case. Go Teng Kok also expressed his apprehension that if Judge Muro would inhibit, a new judge might convict his friend, accused Yu Yuk Lai, who was then already receiving bad publicity.

Justice Demetria then asked about the status of the case. SP Formaran III informed the Justice that a motion for inhibition has been submitted for resolution, one basis of which was the unsigned letter of the concerned court employees. Justice Demetria opined that it was a bit dangerous to anchor the

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[18] TSN, 24 August 2000, p. 35.

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inhibition of a judge on an unsigned, anonymous letter. The Justice then advised Go Teng Kok who was becoming persistent to "keep his cool" and asked SP Formaran III if he could do something to help Go Teng Kok. Apparently, prior to 18 July 2000, Go Teng Kok had already been asking SP Formaran III to go slow in prosecuting accused Yu Yuk Lai.[19] SP Formaran III at first politely declined the request. But later, "just to put an end to (the) conversation,"[20] he told them that he would bring the matter to CSP Zuño. "*Iyon pala,*" Justice Demetria replied. The Justice then stood up, bade good bye and left. Atty. Paas and Go Teng Kok followed closely behind.[21]

Thereafter, SP Formaran III went to see CSP Zuño and informed the latter of what had transpired. CSP Zuño replied, "No way!" SP Formaran III also told ACSP Guiyab, Jr., who gave the same reply.[22]

At around 3:00 o'clock that same afternoon, CSP Zuño received a call from Justice Demetria who requested him to instruct SP Formaran III to withdraw the motion for inhibition of Judge Muro so that the Judge could already issue an order. "*Pakisabi mo nga kay State Prosecutor Formaran na iwithdraw na iyong kanyang Motion to Inhibit para naman makagawa na ng Order si Judge Muro,*" Justice Demetria was quoted as saying.[23] Politely, CSP Zuño said that he would see what he could do. "*Tingnan ko po kung ano ang magagawa ko.*"[24]

On 20 July 2000, *The Philippine Daily Inquirer* reported that a "Supreme Court Justice x x x and an outspoken sports person and leader"[25] had been exerting "undue pressure" on

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[19] *Id.*, p. 34.

[20] Compliance of SP Pablo C. Formaran III, dated 1 August 2000.

[21] TSN, 24 August 2000, pp. 25-26.

[22] *Id.*, pp. 26-27.

[23] TSN, 24 August 2000, pp. 73-74.

[24] *Ibid.*

[25] Compliance of CSP Jovencito R. Zuño, dated 2 August 2000.

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the DOJ to go slow in prosecuting re-arrested drug queen Yu Yuk Lai. That same afternoon, the names of Justice Demetria and Mr. Go Teng Kok were disclosed to the media to clear the name of the Supreme Court justices who might have been affected by the erroneous news report. The following day, 21 July 2000, several newspapers named Justice Demetria and Go Teng Kok as "drug lawyers."

Also on 20 July 2000 the DOJ received a Copy of an Order dated 19 July 200 of Judge Muro inhibiting himself from further hearing the case of Yu Yuk Lai and Kenneth Monceda.[26]

Respondent Justice Demetria, for his part, vehemently denied having interceded for Yu Yuk Lai. While he admitted that he indeed visited the DOJ on 18 July 2000, he went there to "visit old friends" and his meeting Go Teng Kok whom he did not know until that time was purely accidental. Expectedly, Atty. Paas and Go Teng Kok corroborated the claim of respondent Justice.

Justice Demetria explained that he merely requested SP Formaran III "to do something to help Go Teng Kok about the case" without ever specifying the kind of "help" that he requested. He averred that it was purely on the basis of erroneous impression and conjecture on the part of SP Formaran III that he impliedly asked him to withdraw the motion "because that is what Mr. Go Teng Kok was appealing and requesting."[27] Respondent claimed that the "help" he was requesting could well be "within legal bounds or line of duty."

Justice Demetria claimed that if ever he said anything else during the discussion between Go Teng Kok and SP Formaran III, such was not a form of intervention. He only admonished Go Teng Kok "to cool it" when the discussion between the prosecutor and Go Teng Kok became heated. While he asked about the status of the case this, he said, demonstrated his lack

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[26] TSN, 24 August 2000, p. 53; Exh. "V".

[27] *Id.*, p. 54.

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of knowledge about the case and bolstered his claim that he could not have possibly interceded for Yu Yuk Lai.

Respondent Justice likewise argued that the bases of his identification by CSP Zuño as the Justice exerting undue pressure on the DOJ were all hearsay. Respondent submited that CSP Zuño based his identification from a newspaper account, from the statement of his secretary that it was he (Justice Demetria) who was on the other end of the telephone and from SP Formaran III when the latter consulted the Chief State Prosecutor about the visit of the Justice and Go Teng Kok impliedly asking him to withdraw the motion.

In defense of respondent Justice, Atty. Paas stated that it was actually he, not Justice Demetria, who later called up CSP Zuño to inquire about the latter's decision regarding the withdrawal of the motion to inhibit since SP Formaran III had earlier told Go Teng Kok that the matter would be taken up with his superiors.

In fine, respondent Justice Demetria maintains that it is inconceivable for him to ask SP Formaran III whom he just met for the first time to do something for Go Teng Kok whom he claims he just likewise met for the first time. Neither did he know Yu Yuk Lai, a claim Yu Yuk Lai herself corroborated. It would be unthinkable for him to intercede in behalf of someone he did not know. Indeed respondent Justice asserted that his meeting Go Teng Kok on 18 July 2000 at the DOJ was purely coincidence, if not accidental.

So, did respondent Justice Demetria really intercede in behalf of suspected drug queen Yu Yuk Lai?

Investigating Justice Carolina C. Griño-Aquino believes so. In her Report dated 5 January 2001, she found respondent Justice Demetria "guilty of violating Rule 2.04, Canon 2, Code of Judicial Conduct" and recommended that "appropriate disciplinary action be taken against him by this Honorable Court."[28]

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[28] 5 January 2001 Report of Mme. Justice Carolina C. Griño-Aquino, p. 12.

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Only rightly so. The evidence is clear, if not overwhelming, and damning. Thus, even the Senate Committee on Justice and Human Rights, after a hearing, found that "there was a conspiracy to commit the following offenses on the part of CA Associate Justice Demetrio Demetria and PATAFA President Go Teng Kok and Miss Yu Yuk Lai: obstruction of justice punishable under PD No.1829 and Article 3(a) of RA 3019, or the Anti-Graft and Corrupt Practices Act."[29]

While Justice Demetria vehemently denied interfering with the criminal case, his denial cannot stand against the positive assertions of CSP Zuño and SP Formaran III,[30] which are consistent with natural human experience. To accept the testimony of the defense witnesses that it was Atty. Paas who telephoned CSP Zuño, and not Justice Demetria, and that the "help" the respondent Justice was requesting SP Formaran III was something "within legal bounds or line of duty" other than the withdrawal of the motion is to strain too far one's imagination.

The testimony of CSP Zuño is plainly unambiguous and indubitably consistent with the other facts and circumstances surrounding the case —

> CSP Zuño: As far as I could recall Justice Demetria said, "*Pakisabi mo nga kay* State Prosecutor Formaran *na iwithdraw na iyong kanyang* Motion to Inhibit *para naman makagawa ng* Order *si* Judge Muro."[31]

In his discussion with Go Teng Kok and Justice Demetria, SP Formaran III said that he would consult his superiors regarding the proposal to withdraw the motion. The timely telephone call to CSP Zuño was thus a logical follow-up. And no one could have made the call except respondent Justice since it is not uncommon for anyone to believe that CSP Zuño would recognize the voice of respondent Justice who was CSP Zuño's former

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[29] Committee Report No. 396 of the Committee on Justice and Human Rights submitted on 29 August 2000.

[30] See Note 28, p. 11.

[31] TSN, 24 August 2000, p. 74.

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superior in the DOJ. Thus, the confident utterance *"[p]akisabi mo nga kay State Prosecutor Formaran na iwithdraw na iyong kanyang Motion to Inhibit para naman makagawa ng Order si Judge Muro"* could not have come from anyone else but from respondent Justice who had moral ascendancy over CSP Zuño, he being a Justice of the Court of Appeals and a former Undersecretary and at one time Acting Secretary of the DOJ.

Even the requested "help" for Go Teng Kok, whom respondent Justice claims he did not know and met only that time, could not have meant any other assistance but the withdrawal of the motion to inhibit Judge Muro. True, Justice Demetria never categorically asked SP Formaran III to withdraw his Motion. But when respondent Justice Demetria asked the state prosecutor at that particular time "to do something x x x to help Mr. Go Teng Kok," the latter was pleading for the withdrawal of the motion, and nothing else. That was the only form of "help" that Go Teng Kok wanted. The subtle pressure exerted simply pointed to one particular act. Thus, subsequently respondent Justice called CSP Zuño to ask for just that — the withdrawal of the motion to inhibit Judge Muro.

Justice Demetria also claimed that he, together with Atty. Paas, went to the DOJ, first, to see Secretary Artemio Tuquero and seek assistance in the appointment of Atty. Paas to the Court of Appeals, and second, to "visit old friends,"[32] and that the meeting with Go Teng Kok was purely accidental. But respondent Justice never mentioned in his earlier *Compliance to the Memorandum of the Chief Justice* that his primary purpose in going to the DOJ was to see Sec. Tuquero, and since Sec. Tuquero was not in, he instead decided to see some officials/prosecutors whom he had not visited for a long time.

We find this assertion difficult to accept. For, even his very own witnesses belied his alibi. ACSP Gaña, Jr. testified and confirmed that Justice Demetria only said "hi."[33] SSP Dañosos,

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[32] Counter Affidavit of respondent Justice Demetrio Demetria, pars. 1 and 2.

[33] TSN, 8 September 2000, p. 8.

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denied seeing him and claimed that it was only Atty. Paas who peeped into his room.[34] Suspiciously, it was really in the office of SP Formaran III, whom respondent Justice Demetria did not know, where Justice Demetria, Atty. Paas and Go Teng Kok decided to "stay a while."[35]

Thus, as found by Mme. Justice Carolina C. Griño-Aquino, the Investigating Justice, Justice Demetria and company could not have been there to exchange pleasantries with SPs Formaran III and Fonacier since they were not acquainted with each other. Prior to this incident, Justice Demetria did not personally know either SP Formaran III or SP Fonacier, a fact corroborated by respondent himself.[36]

All of these contradict and belie respondent Justice Demetria's earlier *Compliance to the Memorandum of the Chief Justice* that "[b]ecause Prosecutor Formaran is also a friend, we decided to drop by his office x x x (and) I stayed a while."[37]

As pointed out by the Investigating Justice, respondent Justice was there "to join forces with Go Teng Kok in arguing for the withdrawal of Formaran's Motion for Inhibition of Judge Muro, which was the real purpose of their visit to SP Formaran and to the DOJ. The uncanny coincidence in the timing of Justice Demetria's visit to SP Formaran's office, and that of Go Teng Kok, could not have been 'accidental' but pre-arranged."[38] And, "visiting old friends" only came as an afterthought. The circumstances simply show that Justice Demetria and Atty. Paas, together with Go Teng Kok, did not go to the DOJ to see Sec. Tuquero, but to visit, if not "pressure," CSP Zuño and SP Formaran III.

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[34] *Id.*, p. 18.

[35] Exh. "5", p. 1.

[36] Memorandum of the Respondent, p. 20; TSN, 13 November 2000, p. 82.

[37] Compliance of Justice Demetria, dated 24 July 2000, p. 1.

[38] See Note 30.

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Justice Demetria also claimed that it is inconceivable for him to help Yu Yuk Lai and Go Teng Kok, both of whom he did not personally know, and more unthinkable that he would be asking help from SP Formaran III whom he had just met for the first time.

The argument cannot be sustained. It is admitted that respondent is a very close friend of Atty. Paas, lawyer of Go Teng Kok. And, it is not necessary that respondent Justice Demetria be acquainted with Go Teng Kok, Yu Yuk Lai or SP Formaran III for him to intercede in behalf of the accused. It is enough that he is a close friend of the lawyer of Go Teng Kok, who has been helping the accused, and that he wields influence as a former DOJ Undersecretary and later, Acting Secretary, and now, a Justice of the Court of Appeals.

In sum, we find the testimonies of the prosecution witnesses convincing and trustworthy, as compared to those of the defense which do not only defy natural human experience but are also riddled with major inconsistencies which create well-founded and overriding doubts.

The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with the heavy burden of responsibility. His at all times must be characterized with propriety and must be above suspicion.[39] His must be free of even a whiff of impropriety, not only with respect to the performance of his judicial duties, but also his behavior outside the courtroom and as a private individual.

Unfortunately, respondent Justice Demetrio Demetria failed to live up to this expectation. Through his indiscretions, Justice Demetria did not only make a mockery of his high office, but also caused incalculable damage to the entire Judiciary. The mere mention of his name in the national newspapers, allegedly lawyering for a suspected drug queen and interfering with her prosecution, seriously undermined the integrity of the entire Judiciary.

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[39] *Jereos, Jr. v. Reblando, Sr.*, A.M. No. P-141, 31 May 1976, 71 SCRA 126.

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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.[40] 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.[41] There is simply no place in the Judiciary for those who cannot meet the exacting standards of judicial conduct and integrity.[42]

WHEREFORE, we sustain the findings of the Investigating Justice and hold Justice Demetrio G. Demetria *GUILTY* of violating Rule 2.04 of the Code of Judicial Conduct. He is ordered *DISMISSED* from the service with forfeiture of all benefits and with prejudice to his appointment or reappointment to any government office, agency or instrumentality, including any government owned or controlled corporation or institution.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and *Sandoval-Gutierrez, JJ.,* concur.

Puno, J., abroad on official business.

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[40] *Dia-Añonuevo v. Beracio*, A.M. No. 177-MJ, 27 November 1975, 68 SCRA 81.

[41] *Candia v. Tagabucba*, A.M. No. 528, MJ, 12 September 1977, 79 SCRA 51.

[42] *Barja v. Judge Beracio,* A.M. No. 561-MJ, 29 December 1976, 74 SCRA 355.