



Republic of the Philippines
Supreme Court
Manila

EN BANC

CARMEN P. EDAÑO,

Complainant,

A.M. No. RTJ-06-1974

[Formerly A.M. OCA IPI No. 05-2226-RTJ]

Present:

- versus -

**JUDGE FATIMA GONZALES-
ASDALA and STENOGRAPHER
MYRLA DEL PILAR NICANDRO,**
Respondents.

SERENO, *CJ*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,*
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, *JJ*.

Promulgated:

MARCH 19, 2013

X ----- X

RESOLUTION

SERENO, *CJ*:

In a Decision dated 26 July 2007, this Court found Quezon City Regional Trial Court Judge Fatima G. Asdala (respondent) guilty of insubordination and gross misconduct unbefitting a member of the judiciary.

* No part. Penned the Court of Appeals Orders in A.M. No. RTJ-06-1974 dated 21 April 2006, 10 May 2006, 19 May 2006, 24 May 2006, 25 May 2006, and 05 June 2006.

Accordingly, she was dismissed from service. The dispositive portion of the Decision reads:

IN VIEW WHEREOF, judgment is hereby rendered:

1. Respondent Judge Fatima G. Asdala **GUILTY** of gross insubordination and gross misconduct unbefitting a member of the judiciary and is accordingly **DISMISSED** from the service with forfeiture of all salaries, benefits and leave credits to which she may be entitled.

x x x x

SO ORDERED.

On 17 August 2007, respondent filed with this Court a letter¹ addressed to then Chief Justice Reynato S. Puno (Puno) and the Associate Justices of the Court. In her letter, she pleaded for mercy and prayed that she be given one last chance to redeem herself, and that the harshness of her dismissal be tempered with the grant of some of the benefits and leave credits she had earned in her almost 25 years of service in the government.

Before the Court could act on the foregoing letter, respondent wrote another letter² to Chief Justice Puno, which was received by this Court on 10 September 2007. In this letter, respondent begged that she be given the chance to redeem herself within the institution, to wit:

Your Honor, if only I will be given the chance to redeem myself within the institution, I will do everything to prove that I am worth your trust, the position. Please give me the chance Your Honor, at least to stay until I turn 60, for a chance to rebuild my life. x x x.³

Treating the 17 August 2007 letter as a Motion for Reconsideration, the Court issued its 11 September 2007 Resolution⁴ with the following dispositive portion:

IN VIEW WHEREOF, the Court Resolves to **DENY** respondent's motion for reconsideration with **FINALITY**. The Court further Resolves to **GRANT** respondent Asdala, the money equivalent of all her accrued sick and vacation leaves. The dispositive portion of our Decision July 26, 2007 is **MODIFIED** accordingly.

¹ *Rollo*, Vol. 1, pp. 214-222.

² *Id.* at 225-229.

³ *Id.* at 228.

⁴ *Id.* at 223-224.

In another Resolution dated 26 November 2007, this Court resolved to note without action respondent's 10 September 2007 letter, "considering that the respondent's motion for reconsideration was already denied with finality in the resolution of September 11, 2007."⁵

On 16 November 2007, the office of Chief Justice Puno received a Memorandum⁶ from then Assistant Court Administrator Nimfa C. Vilches stating that in the process of securing the necessary clearance for the Court's 11 September 2007 Resolution, "the Legal Office of the Office of the Court Administrator submitted a list of the several administrative cases against respondent (Annex "B") that are still pending." Thus, the Office of the Court Administrator (OCA) requested that Chief Justice Puno allow it to retain a portion of the monetary leave benefit of respondent "to answer for any liability that may be adjusted against her in the eight (8) administrative charges."

In a Resolution dated 4 December 2007, this Court ordered the OCA to make a recommendation as to how much to retain from the money equivalent of the accrued leave credits of respondent.

On 5 December 2007, respondent wrote another letter⁷ to the OCA praying that the Resolution granting her the money equivalent of all her accrued sick and vacation leaves be implemented as soon as possible. She further added that she was "agreeable to a retention of ₱80,000.00 (inclusive of pre-imposed fine in RTJ-05-1916 (₱40,000); RTJ-00-1546 (₱2,000) from the cash equivalent of my 302.941 leave credits."

In a Resolution dated 11 December 2007,⁸ this Court granted respondent's request that ₱80,000 of the money equivalent of her accrued leave credits be retained by the OCA.

On 13 October 2011, another letter⁹ was written by respondent to then Chief Justice Renato Corona. In this letter she revealed that eight months after she was dismissed from service, her husband died. So now she prays that "at least the punishment be tempered by granting me the retirement benefits due me for 24 years and 7 months hard work and dedicated government service." Attached to the foregoing letter was a Motion for

⁵ Id. at 238.

⁶ Id. at 276.

⁷ Id. at 283-284.

⁸ Id. at 287.

⁹ Id. at 293-295.

Reconsideration¹⁰ praying that this Court reconsider its 26 July 2007 Decision.

Respondent's second Motion for Reconsideration was denied by this Court with finality through a Resolution¹¹ dated 29 November 2011. We ruled therein that she had already "admittedly waived her right to ask for the reconsideration of her dismissal."

A year after her second Motion for Reconsideration was denied, respondent filed another 10 October 2012 letter¹² to Chief Justice Maria Lourdes P. A. Sereno. Respondent now requests that she be given half of the retirement benefits that were forfeited in the 26 July 2007 Decision of this Court. She also prays that the ₱100 monthly deductions from her salary for her personal contributions to the GSIS retirement program be returned to her. Supposedly, the GSIS had stopped collecting from the Supreme Court the personal contributions of special members (including judges) since January 1998. Yet, respondent's pay slips revealed that the ₱100 monthly deductions continued until October 2001.

Respondent cites this Court's 9 February 2010 Decision in *Lledo v. Lledo*¹³ to support her claim for a refund. In that case, we ordered the GSIS to return to a dismissed government employee his premiums and voluntary deposits plus interest of three per centum per annum. Consequently, respondent herein further requests that her personal contributions to the GSIS from July 1995 to December 1997 be returned to her.

In a Memorandum¹⁴ submitted by the OCA on 30 January 2013, it recommended the following:

1. That the request of respondent for the restitution of one-half of her forfeited benefits be denied
2. That the GSIS be ordered to comment on the letter, as the personal monthly contributions of respondent from July 1995 to December 1997 were directly remitted to it
3. That, with respect to the amounts deducted from the salary of respondent from the period January 1998 to October 2001, these were deposited in a separate account being maintained by the OCA

¹⁰ Id. at 296-333.

¹¹ Id. at 406-408.

¹² Id. at 410-418.

¹³ A.M. No. P-95-1167.

¹⁴ *Rollo*, Vol. 1, pp. 423-428.

and are currently the subject matter of a separate request made by respondent in a case now pending with the OCA

It is clear that the 13 October 2011 letter of respondent is in effect her third Motion for Reconsideration. Thus, it should be denied outright if not expunged from the records. Due to the novelty of some of the issues she raised therein, however, this Court deems it proper to explain why this motion should be denied.

As regards her ₱100 personal monthly contributions to the GSIS from July 1995 to December 1997, considering that these amounts have already been remitted to the GSIS, respondent erred in demanding from this Court the refund of her personal contributions. She should have addressed her letter request/demand to the GSIS, which is the proper forum to decide whether or not she is entitled to the refund of the personal contributions she made from July 1995 to December 1997.

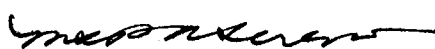
With respect to the amounts deducted from respondent from the period January 1998 to October 2001, it appears from the records of this Court that she has already filed a separate case with the OCA. This specific issue is now best threshed out in the aforesaid matter.

Lastly, it appears to this Court that respondent, in filing multiple Motions for Reconsideration in the guise of personal letters to whoever sits as the Chief Magistrate of the Court, is trifling with the judicial processes to evade the final judgment against her.

WHEREFORE, the instant third Motion for Reconsideration is hereby **DENIED with FINALITY**. No further pleadings shall be entertained.

Respondent Fatima Gonzales-Asdala is **WARNED** not to file any further pleading. A violation hereof shall be dealt with more severely.

SO ORDERED.




MARIA LOURDES P. A. SERENO
Chief Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice



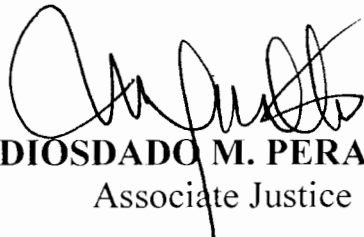
PRESBITERO J. VELASCO, JR.
Associate Justice



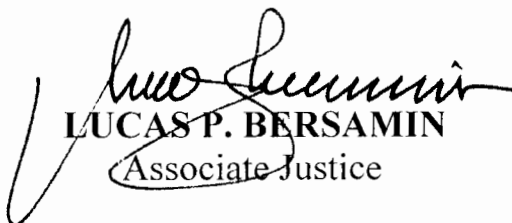
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice

(No part)
MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice




JOSE PORTUGAL PEREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice