

FIRST DIVISION

**[A.M. NO. P-05-1936 (OCA-IPI NO. 03-1548-P),
January 21, 2005]**

**JUDGE FATIMA GONZALES-ASDALA, COMPLAINANT, VS.
BONIFACIO C. WONG, UTILITY WORKER, REGIONAL TRIAL
COURT, BRANCH 87, QUEZON CITY, RESPONDENT.**

[A.M. NO. RTJ-05-1894. OCA-IPI NO. 03-1661-RTJ]

**BONIFACIO C. WONG, COMPLAINANT, VS. JUDGE FATIMA
GONZALES-ASDALA, REGIONAL TRIAL COURT, BRANCH 87,
QUEZON CITY, RESPONDENT.**

DECISION

YNARES-SANTIAGO, J.:

Judge Fatima Gonzales-Asdala of the Regional Trial Court of Quezon City, Branch 87 filed a complaint before the Office of the Court Administrator against Bonifacio C. Wong, Utility Worker of the same court, for gross inefficiency, dishonesty and misrepresentation, absenteeism and unauthorized leaves of absence, unsuitability and/or ineptness, insubordination, and acts prejudicial to the best interest of the service.^[1] The case was docketed as A.M. No. P-05-1936.

On January 14, 2003, Wong also instituted a complaint against Judge Asdala for grave abuse of authority. The case was docketed as A.M. No. RTJ-05-1894.^[2]

Both cases were eventually consolidated and assigned to Court of Appeals' Associate Justice Godardo A. Jacinto for investigation, report and recommendation.

Judge Asdala alleged that Wong was grossly inefficient in the performance of his duties. He allegedly represented himself to litigants as having strong connections to her; borrowed money from several people; misplaced certain court documents and even showed disgust when confronted. Wong also deliberately failed to report for work for several days claiming to be sick when in fact he was seen loitering around the court vicinity.

She asserted that because of Wong's ineptness, some pleadings were missing or were filed in the wrong folder. Wong preferred to sit down, roam around or leave his workstation which resulted in the dirty and shabby condition of the court premises. There were times when she had to clean the chambers herself including the toilet. Wong would just dump the garbage along the corridors and wait for other people to properly dispose of the same. She maintained that Wong is guilty of insubordination when upon being confronted about some missing pleadings, he refused to leave the chambers and even threatened to resist any move to terminate him from the service.

On the other hand, Wong explained that he borrowed money from other people because his salary was insufficient to meet the needs of his family. He insisted that he did not borrow money from the judge although his wife used to receive money for services she rendered to the judge and her family. He claimed that filing and bookkeeping are not part of his job and that he had done his best to perform his duties.

Wong charged Judge Asdala with grave abuse of authority contending that, on September 23, 2002, the latter forced him to resign on the pretext that she was unsatisfied with his work. According to Wong, the real reason why she wanted him to resign was because he accidentally closed a book left open by the judge on her table. On September 24, 2002, the judge ordered him out of the court premises.

Wong argued that he continued reporting for work until September 26, 2002 but on September 27, 2002, Judge Asdala prohibited him from entering the court premises. On November 27, 2004^[3] the judge requested the Chief of the Security Services of the Quezon City Hall of Justice to bar him from entering the building. At the same time, she informed the Chief Security Officer that he is not an employee of good standing and has been declared AWOL since September 24, 2002.

Judge Asdala denied that she forced Wong to resign. She recalled that the only instance that she summoned Wong to her chambers was on September 11, 2002 when she reminded him of his duties and responsibilities. On the same occasion, she issued Wong a memorandum enumerating the "do's and don'ts" of his job which only reiterated the verbal instructions that were repeatedly given him by the branch clerk of court. She insisted that Wong was an inefficient and inept employee who cannot deliver even the minimum quality of work required of him.

She also alleged that because Wong is the husband of her cousin, he presumed that he enjoyed the privilege of going in and out of her chambers without permission and interfering with her things. She pointed out that she acted within the bounds of her authority when she called Wong's attention to his incompetence.

In his Consolidated Report dated November 12, 2004, Investigating Justice Jacinto found the charges for gross inefficiency leveled against Wong to be adequately substantiated. He reported that Wong's gross inefficiency is apparent from his unsatisfactory performance rating from the time he was employed until September 2002.^[4] He concluded that Wong's failure to report for work "was not of his own volition but by reason of the fact that he was no longer welcome in the office of Judge Asdala."^[5]

At the same time, he found that the charge for grave abuse of authority against Judge Asdala was not satisfactorily established as she did not directly and categorically ordered the Chief Security Officer to ban Wong from entering the court premises. Neither was it proven that the judge forced him to resign.

The Investigating Justice recommended the dismissal of Wong from the service but recommended that Wong be paid his salaries "from the time it was withheld up to the date that he is officially terminated from office."^[6]