

## EN BANC

**[ A.M. No. RTJ-06-1974 [Formerly A.M. OCA IPI  
No. 05-2226-RTJ], March 19, 2013 ]**

**CARMEN P. EDAÑO, COMPLAINANT, VS. JUDGE FATIMA  
GONZALES-ASDALA AND STENOGRAPHER MYRLA DEL PILAR  
NICANDRO, RESPONDENTS.**

### RESOLUTION

**SERENO, C.J.:**

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.

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 letter<sup>[1]</sup> 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 letter<sup>[2]</sup> 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.<sup>[3]</sup>

Treating the 17 August 2007 letter as a Motion for Reconsideration, the Court issued its 11 September 2007 Resolution<sup>[4]</sup> 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.

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."<sup>[5]</sup>

On 16 November 2007, the office of Chief Justice Puno received a Memorandum<sup>[6]</sup> 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 letter<sup>[7]</sup> 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 P80,000.00 (inclusive of pre-imposed fine in RTJ-05-1916 (?40,000); RTJ-00-1546 (P2,000) from the cash equivalent of my 302.941 leave credits."

In a Resolution dated 11 December 2007,<sup>[8]</sup> this Court granted respondent's request that P80,000 of the money equivalent of her accrued leave credits be retained by the OCA.

On 13 October 2011, another letter<sup>[9]</sup> 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 Reconsideration<sup>[10]</sup> praying that this Court