

ATTY. FIDELA Y. VARGAS, COMPLAINANT, VS. JUDGE FATIMA GONZALES ASDALA, RESPONDENT.

A.M. No. RTJ-99-1436. September 30, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5d103391497e/>

SANDOVAL-GUTIERREZ, J.:

This administrative case was instituted by “a contentious and vexatious lawyer” against “an insensitive and overbearing judge.” That is how Investigating Justice Hilarion L. Aquino,[1] in his Report and Recommendation, described the protagonists in the instant case.

The facts of this case are as follows:

Complainant Atty. Fidela Y. Vargas is single, 74 years old, a resident of Olongapo City and a member of the Integrated Bar of the Philippines (IBP), Zambales Chapter. She appeared as a “special counsel” in the following criminal cases pending before the Regional Trial Court (RTC), Branch 74, Olongapo City, presided by Judge Fatima Gonzales-Asdala, respondent herein:

1. People vs. Rolando Morales - Criminal Case No. 411-89
2. People vs. Danilo Arteta
(detained since September 20, 1996) - Criminal Case No. 727-89
(Homicide)
3. People vs. Artemio Abad - Criminal Case No. 32-92
(Homicide)
4. People vs. Eduardo Bada - Criminal Cases Nos. 410-92,
411-92 (Robbery), 412-92, and
413-92
5. People vs. James Bowman - Criminal Cases Nos. 123-93, 124-93, and 125-93 (Homicide, Robbery, and
Illegal Possession Of Firearms)
6. People vs. Abraham Bautista - Criminal Case No. 667-93
(Homicide)
7. People vs. Samuel Fortunato
(detained since August 22, 1996) - Criminal Case No. 58-94
(Homicide)
8. People vs. Joey Delos Santos
(detained since May 13, 1996) - Criminal Case No. 440-95
(Theft)
9. People vs. Reynaldo Aspiras

(detained since July 15, 1996) - Criminal Case No. 276-97

The above cases, as indicated in their docket numbers, were filed between 1989 and 1997. Only two of the cases (Criminal Cases Nos. 440-95 and 276-97) were filed after respondent judge assumed her post in Branch 74 in 1995. All the accused were detention prisoners assisted by lawyers from the Public Attorneys' Office (PAO) appointed by the trial court.

On July 9, 1996, this Court issued Administrative Order No. 78-96[2] designating respondent Judge Asdala as assisting judge of Judge Rodolfo A. Ortiz, RTC, Branch 89, Quezon City, effective immediately. In the same Administrative Order, Judge Eliodoro G. Ubiadas was deputized as acting presiding judge of RTC, Branch 74, Olongapo City (in place of respondent judge), in addition to his regular duties as presiding judge of Branch 72, same court, effective immediately.

Early in 1997, Judge Eliodoro Ubiadas suffered a stroke and was on sick leave for quite sometime. Consequently, during his ailment, all cases in Branch 72 and Branch 74 were at a stand still.

Taking the initiative of finding a solution to the inactivity of the two courts, specifically Branch 74 presided by respondent, complainant, in May 1997, wrote the Chief Justice and the Court Administrator about the delay in the hearing of cases in said Branch. She also filed with this Court a petition for mandamus (G.R. No. 130329) against the Court Administrator to compel him to immediately recall respondent judge from RTC, Branch 89, to her Olongapo City sala (Branch 74). The petition, however, was dismissed. All these actions taken by complainant were known to respondent judge.

Meanwhile, a regular judge was appointed to preside over RTC, Branch 89, Quezon City. Consequently, on February 1, 1998, respondent judge reassumed her post in RTC, Branch 74, Olongapo City.

Respondent judge could not shake off the thought that complainant was instrumental in her recall, which deprived her of the convenience of working in Quezon City, her place of residence. She could not hide her displeasure towards complainant as she issued an Order dated February 10, 1998[3] inhibiting herself from presiding over a case[4] wherein she (complainant) is the plaintiff, thus:

"It has come to the knowledge of the Presiding Judge (now respondent) that during her stint as judge-on-detail with the Regional Trial Court of Quezon City, and before she was directed by the Court Administrator to return to this station, plaintiff Atty. Fidela Y. Vargas (now complainant) had been making an issue of the Presiding Judge's detail, in various fora x x x such as a seminar conducted by the IBP Zambales Chapter and one conducted by the Office of the Court Administrator.

"Whatever is plaintiff's reason in doing so is, to the Presiding Judge, certainly tainted with malice. Plaintiff has no basis in fact and in law to question the detail, the matter having been passed upon meritoriously by the Supreme Court, and the Presiding Judge's request for detail with the Regional Trial Court of Quezon City on July 8, 1996 had justifiable reasons.

"To the mind of the Presiding Judge, her assignment in Quezon City could not have been recalled were it not for plaintiff's undue interference and meddling. Indeed, plaintiff's actuation had made a lasting impression on the Presiding Judge's mind. By reason thereof, the Presiding Judge cannot be expected to be impartial and pretend that she has no personal prejudice against the plaintiff.

"In order to avoid that situation and to disabuse both the minds of the Presiding Judge and plaintiff, the former desires to take no part in the hearing and disposition of this case where plaintiff is the real-party-in-interest, and hereby voluntarily inhibits herself from further presiding thereon.

"WHEREFORE, and by virtue of said inhibition, let the records of this case be forwarded to the Clerk of Court

for re-raffle and reassignment.

“SO ORDERED.” (Underscoring supplied)

Respondent’s antipathy towards complainant heightened when the latter entered her appearance as “special counsel” for the accused-detainees in the aforementioned nine (9) criminal cases[5] without the conformity of their respective counsel de oficio from the PAO. Thus, respondent judge rejected complainant’s “special” appearances.

Thus, on March 9, 1998, respondent issued an Order in Criminal Cases Nos. 667-93[6] & 123-93 to 125-93[7] stating therein the Manifestation of Atty. Romeo Alinea, counsel de oficio for accused Abraham Bautista, that he has not authorized any other lawyer to collaborate with or substitute for him as counsel in the said cases; and that he was not informed by complainant that she would appear as “special counsel” for his client. Accordingly, respondent judge refused to recognize the “special appearance” of complainant “unless she would present a confirmation from the counsel on record.”

In retaliation, complainant sent the Court Administrator a telegram[8] stating that since February 2, 1998, respondent judge reported to office only during Mondays, Tuesdays and Wednesdays, thereby causing further delay in the resolution of the criminal cases against her clients; and inquiring whether respondent has been given the privilege of holding office only three times a week.

Complainant then filed an Urgent Motion to Dismiss (the criminal cases) Due to Denial of Accused’s Constitutional Right to Speedy Trial.[9] The motion was signed by the accused to signify their conformity thereto. However, respondent judge, in her Order dated April 30, 1998,[10] denied the motion for lack of merit.

Undaunted, on May 22, 1998, complainant filed with the Ombudsman two complaints[11] (signed by the accused) against respondent for violation of Article 207 of the Revised Penal Code (malicious delay in the administration of justice). However, finding that respondent judge’s absences were justified, the Ombudsman dismissed the complaints.[12]

But complainant remained obstinate. On May 27, 1998, she again appeared as a “special counsel” for the same accused in an Urgent Motion for Inhibition[13] alleging that: (1) respondent judge “deliberately refused to hear/resolve” the accused’s motion to dismiss “by keeping on absenting herself, deferring the hearing of the accused’s motion, and intentionally going on a non-forfeitable leave the whole month of May 1998, in total disregard of the accused’s several years of confinement x x x; and that (2) the accused “believe the Hon. Presiding Judge is no longer in a position to exercise judicial fairness, impartiality and justice in the resolution of their motions and cases,” especially that they already filed with the Ombudsman a complaint against her. Movants thus prayed that respondent judge “immediately inhibit herself from further hearing and/or acting on the criminal cases,” and that the cases be re-raffled to another sala.

These allegations of complainant offended respondent. In her Order dated June 3, 1998[14] in Criminal Case No. 440-73, she did not only deny the Urgent Motion For Inhibition but cited complainant in direct contempt of court for (1) “making misleading, baseless and unfounded statements” which were “offensive and malicious x x x, intended not only to threaten, intimidate and embarrass the judge, but also to interfere with the Court’s functions of administering justice and exercising its judicial discretion; and (2) “representing the accused who are already duly represented in Court, without authority x x x.” Accordingly, respondent judge penalized complainant with imprisonment of ten (10) days at the City Jail, Camp Maquinaya, Olongapo City and a fine of P2,000.00. The contempt Order also directed the Camp’s Commanding Officer to detain complainant immediately.

Unfazed, complainant filed on June 8, 1998 a Notice of Appearance[15] in Criminal Cases Nos. 440-95, 58-94,

727-89 & 276-97, again signed by the accused, stating that they requested complainant to represent them in their cases, in addition to their counsel de oficio.

Believing that complainant's appearance is improper, respondent judge, for the second time, issued an Order dated June 8, 1998[16] in Criminal Case No. 58-94, citing her in direct contempt of court and penalizing her with imprisonment for 10 days and a fine of P2,000.00, payable within 24 hours from notice. Respondent judge held:

"Firstly, and earlier on, this Court has refused to recognize Atty. Fidela Vargas' appearance as special counsel in this case. Her representation as 'special counsel' for the accused has no leg to stand on. Accused is duly represented by a Court-appointed counsel de oficio in all proceedings. The counsel de oficio has never been relieved and the Court has not named any other lawyer to act vice the designated counsel de oficio. The act of appearing as lawyer for a detained accused in a case where a counsel is already appointed by the Court without notice to and authority from the counsel on record and from the Court is, per se, a contemptuous act, and Atty. Vargas is guilty of contempt.

"Secondly, officially from July 6, 1996 to January 31, 1998, this Judge was detailed with the Quezon City Regional Trial Court and during said period, it was Judge Eliodoro G. Ubiadas, Presiding Judge of RTC Branch 72, Olongapo City, who presided over this Court in an acting capacity. The last time this case was heard by this Judge prior to her assumption of her duties in the Quezon City Regional Trial Court was on July 31, 1996. But then, the case had to be reset to August 8, 1996 since the Public Prosecutor assigned to this Court failed to show up. Thereafter, it was Judge Eliodoro G. Ubiadas who presided over this Court, as earlier pointed out, in all those instances, accused Samuel Fortunato has always been duly represented by a court appointed counsel de oficio. While trial did not take place in some dates, they were upon orders of Judge Ubiadas, the acting judge.

"The case is presently being tried and the prosecution evidence is still set on June 17, 1998, while that of the defense, on July 4, 1998 and July 15, 1998, respectively.

"There is, therefore, nothing in the record which would show, at any time, that this Judge has deliberately and intentionally disregarded accused's right to a speedy trial or has been unfair and partial to the detriment of the accused. Such unfounded accusations simply cannot be disregarded or ignored, for it is an attack not only against the person sitting on this Court but also against the Court itself. It is an accusation against this Judge of a personal wrongdoing, and disrespect to the one who sits on the bench and before whom respondent lawyer appears and on the whole, a clear discourtesy to the Court. All the allegations of wrongdoing to this Judge, while camouflaged with the words 'her honor,' are but sarcasm and obvious disrespect and manifestations of contempt.

"To this court, respondent's actuation of assailing this Judge and attributing to her unbecoming acts in the performance of her official duties, ascribing to this Judge faults, by deliberately falsifying and twisting the truth is a serious misconduct, designed to bring the authority of the Court, the administration of justice into disrepute, and ultimately to impede the administration of justice. Simply wanting this Court to dismiss this case when the Court is in the middle of receiving evidence, is obstructing the Court's administration of justice.

"This Court would not believe that respondent's allegations in the subject pleading is in good faith. Subject lawyer has, in more than one instance, demonstrated contemptuous conduct, which the Court previously ignored in the hope that she would realize what she was doing. This time, the dignity of the Court and this judge has to be upheld. The lawyer's accusations have to be curtailed x x x to set an example and for the public good, but more importantly, to see to it that Courts and Judges are not irresponsibly maligned and ridiculed." (Underscoring supplied)

To prevent the implementation of the contempt Order, complainant posted with the RTC, Branch 75, Olongapo City a cash bond of P2,000.00 which was approved.

On June 11, 1998, respondent judge issued an Order in Criminal Case No. 440-95[17] cancelling complainant's cash bond on the grounds that: (a) only her court (Branch 74) can fix and accept the cash bond; (b) she has not received a copy of complainant's petition for certiorari and prohibition supposedly filed with the Court of Appeals questioning her contempt orders; and (c) what is required by the Rules of Court is a performance bond, not a cash bond.

On the same day, respondent judge issued another Order in Criminal Case No. 58-94[18] directing complainant to show cause, within 48 hours from notice, why she should not be cited for indirect contempt of court for posting her bond with a co-equal Branch.

Upon cancellation of her cash bond, complainant was arrested in her office in the morning of June 11, 1998 and was brought to respondent's court for the purpose of detaining her in jail.[19]

The raging lawyer-judge controversy became widely known in the locality. It was prominently published in the newspapers of general circulation. Thus, the Tempo,[20] People's Journal,[21] Manila Bulletin,[22] and Manila Standard[23] carried, respectively, these news items: "Lady judge jails lady lawyer;" "Lawyer cited for contempt;" "Judge justifies order;" "Lady judge defends action on lady lawyer;" and "Lawyer, 74, jailed for her impatience."

Challenging the legality of her incarceration, complainant, on June 15, 1998, filed with the Court of Appeals a Petition For Habeas Corpus and/or Certiorari and Prohibition with Application for a Writ of Preliminary Injunction or Temporary Restraining Order. Impleaded as respondents were respondent judge, the People of the Philippines and the Commanding Officer/Warden of the Olongapo City Jail, docketed as CA-G.R. SP No. 4800.[24] This case, still pending, was treated as a petition for certiorari and prohibition.[25]

On June 16, 1998, the Manila Standard had this news story on the controversy: "Judge calls jailed lawyer 'malicious'." A copy of this news item was posted at the door of respondent's courtroom.[26] This prompted complainant to file with the Office of the Chief Justice the instant affidavit-complaint for serious misconduct against respondent judge, docketed as OCA IPI No. 98-585-RTJ. The affidavit-complaint alleges that immediately after her arrest on June 11, 1998, complainant was brought to respondent's sala between 9:00 and 10:00 o'clock in the morning for the purpose of detaining her in jail. When complainant was entering the courtroom, respondent, who was then conducting court session, suddenly pointed her finger at her and shouted, "Guards, guards, arrest that woman (referring to complainant), a lunatic, and confine her in an asylum!" Such utterance, done "in total disregard of her judicial function and decorum and abusing her judicial powers," deeply humiliated complainant. According to her, respondent is liable for grave oral defamation.

The affidavit-complaint also alleges that the posting of the Manila Standard news item, "Judge calls jailed lawyer 'malicious'," at the door of respondent's courtroom, which constitutes libel, brought dishonor and great embarrassment to complainant as she was the "jailed lawyer" being referred to.

Then Court Administrator Alfredo L. Benipayo directed respondent to comment on the affidavit-complaint.

In her comment,[27] respondent denied complainant's allegations. She countered that she did not write or supply the statements in the news item and that she does not know who posted it outside her courtroom.

Upon the Court Administrator's recommendation, the affidavit-complaint was re-docketed as an administrative matter and was referred to Justice Hilarion L. Aquino of the Court of Appeals (now retired) for investigation, report and recommendation.[28]

After trial, Justice Aquino submitted his Report, recommending that the complaint be dismissed for insufficiency

of evidence.[29]

Justice Aquino's recommendation is well taken.

At the outset, let it be stressed that we are not concerned with the "hate relationship" between the parties arising from complainant's motions to inhibit and respondent's contempt orders as well as her disgust for the former's "special appearances." These matters have been the subject of complainant's petition for certiorari and prohibition filed with the Court of Appeals. We will only delve on the instant administrative charge of serious misconduct (grave oral defamation and libel).

It is not disputed that on June 11, 1998, between 9:00 and 10:00 o'clock in the morning, respondent was hearing a case wherein the opposing lawyers were Atty. Hector Rodriguez from Manila and Atty. Oscar Karaan from Olongapo City. Complainant then appeared at the door of the courtroom. Upon seeing her, respondent stopped the proceedings and called her Branch Clerk of Court, Atty. Roel Samonte. As to what happened next, the parties herein are in serious disagreement.

According to complainant, when respondent saw her standing by the door of the courtroom, she (respondent) immediately pointed her finger at her and shouted, "Guards, guards, arrest that woman, a lunatic, and confine her in an asylum." [30] This was allegedly witnessed by Nida Suarez, a court stenographer of another court.

Upon the other hand, respondent judge denied having uttered such statement. Her denial was confirmed by Attys. Hector Rodriguez and Oscar Karaan who were then present.[31]

Investigating Justice Aquino accorded credence to respondent's version since it was corroborated by no less than the two (2) lawyers present at the time. Justice Aquino explained:

"The clashing testimonies of Atty. Vargas and the respondent judge on this charge of grave oral defamation cannot be given much credence because in a general sense, they are self-serving in nature. x x x.

"The relatively disinterested witnesses were court stenographer Nida Suarez and the two lawyers, Attorneys Hector Rodriguez and Oscar Karaan. Stenographer Suarez (of another court) testified that the respondent judge uttered the words quoted above, but the two lawyers said they did not hear the judge saying so. Between the testimony of the stenographer and the two lawyers, the latter command greater respect not only because they emanated from officers of the court but also because they are lawyers in a better position to observe the respondent judge and hear her utterances. The two lawyers were inside the courtroom and, in fact, not more than three (3) meters away from the respondent judge, while the stenographer was outside the court and in the corridor of the Hall of Justice.

"Consequently, the undersigned finds no substantial evidence to support the charge of Oral Defamation. This conclusion dovetails with the finding of the Ombudsman that there was no probable cause on the same charge of Oral Defamation."

We observed that complainant did not even allege in her affidavit-complaint that respondent judge was the one who posted the newspaper clipping at the door of the courtroom. Obviously, that she was ridiculed and humiliated by the news item could not have been caused by respondent judge. It bears emphasis that complainant's imputation that respondent posted such news item is based on pure and simple speculation. Moreover, there is no indication that respondent judge was the source of the statements published in the newspaper. If at all, the facts stated therein are entirely hearsay and have no evidentiary value.[32]

As accurately stated by Justice Aquino in his Report:

"There is no evidence at all that respondent judge committed a misconduct for the posting of the newspaper clipping at the door of the courtroom. There is no evidence that she posted said clipping or that she ordered its

posting. She was not the writer of the news item nor is there a showing that she supplied what was written thereon. Like the Ombudsman, the undersigned finds no evidence of respondent judge's culpability on this charge."

In fine, we agree with Justice Aquino that complainant failed to substantiate her charges.

WHEREFORE, the instant administrative complaint is hereby DISMISSED.

SO ORDERED.

Panganiban, (Chairman), Corona, and Carpio-Morales, JJ., concur.

[1] Associate Justice of the Court of Appeals, now retired.

[2] Rollo at 367.

[3] Exhibit "B," Rollo at 6.

[4] Civil Case No. 186-0-97, entitled "Fidela Y. Vargas, Plaintiff, vs. Sps. Salvacion Yap-Lee, et al., Defendants".

[5] Exhibit "Y", Folder of Exhibits for Complainant.

[6] Exhibit "7", Folder of Exhibits for Respondent.

[7] Exhibit "22", id.

[8] Exhibit "J", Folder of Exhibits for Complainant.

[9] Exhibit "X", id.

[10] Exhibit "N", id.

[11] Omb. Cases Nos. 1-98-1188 and 1-98-1189.

[12] Report and Recommendation of Investigating Justice Hilarion L. Aquino at 9.

[13] Exhibit "G", Rollo at 19-20.

[14] Exhibit "C", id. at 7.

[15] Exhibit "S", Folder of Exhibits for Complainant.

[16] Exhibit "D", Rollo at 8-10.

[17] Rollo at 114-116.

[18] Exhibit "E", Rollo at 11-12.

[19] See Exhibit "E-1", Rollo at 13-14; Exhibit "A", Rollo at 5.

[20] Exhibit "10", Folder of Exhibits for Respondent.

[21] Exhibit "11", id.

[22] Exhibit "13", id.

[23] Exhibit "9", id.

[24] Exhibit “I”, Folder of Exhibits for Complainant.

[25] Report and Recommendation of Investigating Justice Hilarion Aquino at 16, Rollo at 401.

[26] Exhibit “W”, Rollo at 21.

[27] Rollo at 35-36.

[28] Resolution dated March 17, 1999, Rollo at 160.

[29] Rollo at 401.

[30] TSN, June 14, 1999 at 41-62.

[31] TSN, July 23, 1999 at 6-13.

[32] People vs. Aguel, No. L-36554, May 19, 1980, 97 SCRA 795, 808; see also Regalado, Remedial Law Compendium, Vol. II, seventh revised edition, at 604.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.