

RE: REPORT OF EXECUTIVE JUDGE SOLIVER C. PERAS, REGIONAL TRIAL COURT OF CEBU CITY (RTC), BRANCH 10, ON THE ACTS OF INSUBORDINATION OF UTILITY WORKER I CATALINA Z. CAMASO, OFFICE...*A.M. No. 15-02-47-RTC. March 21, 2018*

Ponente: PERLAS-BERNABE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-15-02-47/>**PERLAS-BERNABE, J.:**

This administrative matter stemmed from a Complaint for Gross Insubordination (With a Request for Psychiatric Evaluation)[1] dated November 5, 2014 filed before the Office of the Court Administrator (OCA) by Executive Judge Soliver C. Peras (Judge Peras) of the Regional Trial Court of Cebu City (RTC), Branch 10, against Catalina Z. Camaso (Camaso), Utility Worker I, Office of the Clerk of Court, RTC.

The Facts

In his complaint, Judge Peras alleged that on September 10, 2014, he issued a Memorandum[2] temporarily detailing Camaso to Branch 10 to assist in the filing, delivery, and mailing of letters and correspondences in the said court.[3] As Camaso neither reported to the same branch nor proffered an explanation therefor, Judge Peras sent her two (2) subsequent memoranda[4] directing her to explain in writing such non-compliance; however, Camaso ignored such directives.[5] Further, Judge Peras averred that Camaso has been acting and behaving "strangely and abnormally," as exhibited by the latter's following acts: (a) claiming that she will not retire upon reaching the age of 65, citing that she is a "national employee;" and (b) sitting on top of the backrest of a chair and resting her feet on the seat of the same chair, placing herself in danger of falling.[6] In view of the foregoing, Judge Peras requested the OCA to conduct a psychiatric evaluation on Camaso to determine her fitness to work. Further, should the evaluation yield normal results, he requested the conduct of an administrative investigation against Camaso on the ground of gross insubordination.[7]

On the basis of Judge Peras's allegations, the OCA issued a Memorandum[8] dated September 10, 2015 recommending that the matter be referred to Dr. Prudencio P. Banzon, Jr. (Dr. Banzon), Senior Chief Staff Officer of the Court's Medical and Dental Services, for the conduct of a neuro-psychiatric evaluation on Camaso and a report be submitted thereafter.[9] Subsequently, Dr. Banzon submitted a letter[10] dated April 28, 2016, attaching thereto the Neuro-Psychiatric Evaluation Report,[11] as well as the Psychological Report[12] of Camaso. In the said letter, Dr. Banzon stated that the examinations done on Camaso indicate that she is suffering from Delusional Disorder, Mixed Type (Grandiose and Persecutory), and that in the absence of psychiatric management, she will be unable to maintain good inter-personal relationships with her co-workers.[13] In light thereof, the OCA issued a Memorandum[14] dated January 23, 2017 recommending that Camaso be required to comment on why she should not be dropped from the rolls for being mentally unfit.[15]

In her handwritten Letter-Comment,[16] Camaso averred that she was just following a certain administrative order which provides that employees of the lower court are not required to be assigned to any office outside of

their job description. She further maintained that Judge Peras's imputation of gross insubordination has no basis, contending that Judge Peras has no jurisdiction over her as she is assigned to the RTC Library, which is under the supervision of the OCA.[17]

The OCA's Report and Recommendation

In a Memorandum[18] dated December 6, 2017, the OCA recommended that Camaso be dropped from the rolls without forfeiture of any benefits due her, for being mentally unfit to perform her duties.[19]

Giving credence to the findings of the psychologist and psychiatrist who examined Camaso, the OCA found that the latter's mental incapacity impairs her efficiency and usefulness in the workplace and her ability to relate to her fellow employees. In this regard, the OCA opined that her situation would adversely affect the performance of her co-employees and that it would be unfair to them, to other deserving applicants, and to the public if Camaso is allowed to continue her employment in the name of mercy and compassion.[20]

The Issue Before the Court

The essential issue in this case is whether or not Camaso should be dropped from the rolls for being mentally unfit to perform her duties.

The Court's Ruling

The Court adopts the findings and the recommendations of the OCA.

Section 93 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS)[21] authorizes and provides the procedure for the dropping from the rolls of employees who, inter alia, are no longer fit to perform his or her duties. Portions of this provision pertinent to this case read:

Section 93. Grounds and Procedure for Dropping from the Rolls. — Officers and employees who are x x x shown to be physically and mentally unfit to perform their duties may be dropped from the rolls subject to the following procedures:

c. Physically Unfit

x x x x

3. An officer or employee who is behaving abnormally and manifests continuing mental disorder and incapacity to work as reported by his/her co-workers or immediate supervisor and confirmed by a competent physician, may likewise be dropped from the rolls.

4. For the purpose of the three (3) preceding paragraphs, notice shall be given to the officer or employee concerned containing a brief statement of the nature of his/her incapacity to work.

In this case, Judge Peras received reports from Camaso's colleagues regarding the latter's strange and abnormal behavior, thus, prompting the OCA to recommend that Camaso be subjected to a series of tests to evaluate her neuro-psychiatric well-being.[22] After conducting such tests, the psychologist found that there are already: (a) deterioration in almost all facets of Camaso's mental functioning; and (b) distortion in her perception of things, making a limited grasp of reality.[23] These findings are then corroborated by the psychiatrist, who found Camaso to be suffering from a psychological impairment, i.e., Delusional Disorder, Mixed Type (Grandiose and Persecutory), which gives her a distorted view of reality that affects her social judgment, planning, and decision-making.[24] Worse, when asked to comment on this case, Camaso not only failed to refute such findings against her, but also exhibited her impaired mental cognition and deteriorating mental health.

In view of the foregoing, the Court is constrained to drop Camaso from the rolls. At this point, the Court deems it

worthy to stress that the instant case is non-disciplinary in nature. Thus, Camaso's separation from the service shall neither result in the forfeiture of any benefits which have accrued in her favor, nor in her disqualification from re-employment in the government service.[25]

WHEREFORE, the Court resolves to:

(a)

DROP FROM THE ROLLS the name of Catalina Z. Camaso (Camaso), Utility Worker I, Office of the Clerk of Court, Regional Trial Court of Cebu City, Branch 10 for being mentally unfit to perform her duties. However, she is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government;

(b)

DECLARE as VACANT the position held by Camaso; and

(c)

INFORM Camaso of her separation from the service or dropping from the rolls at her last known address appearing in her 201 file.

SO ORDERED.

Carpio,[*] (Chairperson), Peralta, Caguioa, and Reyes, Jr., JJ., concur.

[*] Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

[1] Rollo, pp. 1-2.

[2] Id. at 3.

[3] Id.

[4] See Memoranda dated September 17, 2014 (id. at 4) and October 2, 2014 (id. at 5).

[5] See id. at 1.

[6] Id. at 2.

[7] Id.

[8] Id. at 6-7. Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

[9] Id. at 7. See also Court Resolution dated December 2, 2015; id at 8-9

[10] Id. at 10.

[11] Dated April 10, 2016, signed by Psychiatrist Georgina Gozo-Oliver; id. at 11-13.

[12] Dated April 5, 2016, signed by Psychologist III Beatriz O. Cruz; id at 14-16

[13] Id. at 10.

[14] Id. at 20-23.

[15] Id. at 23. See also Court Resolution dated March 15, 2017; id at 24.

[16] Id. at 25.

[17] See id. See also id. at 32.

[18] Id. at 29-34.

[19] Id. at 34.

[20] Id.

[21] The 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) took effect on August 17, 2017. However, since the instant case was instituted sometime in late 2014 to early 2015, or during the effectivity of the RRACCS, the latter rule should apply in this case.

[22] Rollo, p. 33.

[23] Id. at 15.

[24] Id. at 13.

[25] See Section 96 of the RRACCS.

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