

**ROMAGOS, Vilma E.**

Re: Dropping from the Rolls;  
CSCRO No. VII Decision;  
Appeal

X-----X

**RESOLUTION No. 01-0713**

Vilma E. Romagos, former employee, Metropolitan Cebu Water District (MCWD), M. C. Briones-P. Burgos Sts., Cebu City, appeals the decision dated June 23, 2000 of the Civil Service Commission Regional Office (CSCRO) No. VII, denying her motion for reconsideration of its previous decision dated February 9, 2000.

The letter-appeal dated August 28, 2000, of Romagos reads, in part, as follows:

*“We respectfully submit that the Regional Office grievously erred:*

*“i. In considering evidence not disclosed to the appellant in its Decision thereby violating her right to administrative due process;*

*“ii. In affirming the MCWD’s decision to drop appellant from the rolls;*

*“iii. In holding that no prior notice or opportunity to contest the alleged unauthorized*

*absences so included as ground in the separation letter is required;*

*“iv. In finding no bad faith on the part of Editha D. Luzano and Dulce M. Abanilla”.*

In lieu of the required comment, the CSCRO No. VII adopted its Decision dated June 23, 2000, the pertinent portions of which read, as follows:

*“This treats the motion for reconsideration of Ms. Vilma I. Romagos through counsel, of our dismissal of her appeal earlier filed before CSCRO7, questioning the action of the MCWD management in dropping her from the rolls effective January 1, 2000, on the ground of mental incapacity.*

*“X X X*

*“Relevant to the issue at hand is Section 2.3 letter c, Rule XII, CSC MC No. 40, s. 1998, which reads as follows:*

*“X X X*

*“The MCWD management has satisfactorily established that, indeed, appellant Romagos has been and was, at the time of her separation from the service, suffering some kind of mental illness diagnosed by doctors as Major Depression with Psychotic features. The complete historical and medical report submitted by the MCWD management duly supported by annexes showed that this mental illness was first observed sometime in the last part of 1989; and, this has been noted to have recurred on various periods even until the time when she was first notified of the plan to drop her from the rolls x x x.” Although the separation letter dated December 1, 1999 mentioned of two (2) specific incidents, the*

*historical and medical report however shows that there have been other times when appellant has been observed by co-workers to be behaving abnormally. In fact, the Inter-office Memorandum dated January 25, 1999 sent by the OIC of the Human Resources Department to the MCWD General Manager partly states as follows:*

*'On January 25, 1999 Ms. Vilma Romagos' behaviour became unstable again, she began talking to herself and started scolding other people in the HRD office. Her actions caused anxieties to the other employees, thus disturbing their work. Since December, 1998, she has been behaving like this.*

*'This is also not the first time that this happened. Since October 19, 1989 she started to complain of palpitation, poor appetite and poor sleep and this problem has been recurring. On November 8, 1989 she was referred to a psychiatrist who found out that she was suffering from major depression (please find attached medical records). Afterwards, her condition continued to recur especially if beset with problems x x x.'*

*“X X X*

*“Moreover, we note the different letters and reports/studies/researches penned by the appellant clearly manifesting her mental disorder. Her reports/studies submitted to General Manager Abanilla dated December 27, and 29, 1999 are incomprehensible, incoherent, muddled and so disorganized that we can't help but conclude that indeed appellant is not in her right frame of mind. This observance also holds true when we examine and read the papers and letters written and prepared by the appellant x x x.*

*“X X X*

*“As regards the contention that appellant should have been accorded prior notice and opportunity to contest the alleged unauthorized absences, we hold that there is no need for the observance of such procedure. The appellant is not separated from the service by virtue of a decision in a disciplinary case but through the non-disciplinary action of dropping her from the rolls x x x.*

*“On the Second Ground*

*“We do not subscribe to the imputation of bad faith on the part of Ms. Editha Luzano, MCWD HRD Officer-in-Charge and Dulce M. Abanilla, MCWD General Manager. Said accusation are belied by the obvious concern and attention the management has shown the appellant.*

*“In fact, as related by GM Abanilla in her letter-comment to CSC Director Ireneo A. Morales dated November 6, 1996, MCWD management had reassigned appellant to other departments where she was tasked to perform duties involving less mental work and pressure in due consideration of her mental condition. Good faith on the part of the MCWD management is also manifested in its monitoring of appellant’s condition from the onset of her mental illness and onwards.”*

Records show that on December 1, 1999, General Manager Dulce M. Abanilla issued a letter, dropping Romagos from the rolls of the Metropolitan Cebu Water District effective January 1, 2000. The said letter reads, in part, as follows:

*“Please be informed that effective January 1, 2000, you are hereby considered dropped from the rolls because of mental incapacity as evidenced by the following:*

*“X X X*

*“Sec. 2.3 of Rule XII of the Omnibus Rules x x x .*

*“To recall, this office, after all efforts for your treatment proved futile, wrote a letter to your husband, Mr. Montano Romagos dated October 7, 1999 x x x advising him of your present mental condition, the need for an intensive psychiatric treatment and the consequences if you remain to be in such condition. You were given one (1) month or until November 8, 1999 to decide between treatment which requires you to take a leave of absence or early retirement/separation. Since you remain defiant to our call for treatment, we cannot also allow for your continued employment with the water district in the best interest of the service.”*

Renato D. Obra, Medical Specialist I, Department of Psychiatry of Southern Islands Medical Center, Central Visayas Regional Health Office No. 7, Department of Health (DOH) certified on August 10, 1999 that, *“Mrs. Vilma E. Romagos x x x is one of our patients. She is diagnosed as having Major Depression. At present, she is still under treatment. She may go back to work provided that she will come back for check up as scheduled.”*

Subsequently, Romagos appealed the said decision to the CSCRO No. VII. However, the said Regional Office dismissed the said appeal in its Decision dated June 23, 2000. The motion for reconsideration of Romagos was also dismissed on July 26, 2000.

Hence, this appeal.

The sole issue to be resolved is whether or not the dropping of Romagos from the rolls is in order.

Relevant to the issue is **Section 2 (2.3-c), Rule XII of the Civil Service Commission-Memorandum Circular No. 40, series of 1998 (REVISED OMNIBUS RULES ON APPOINTMENTS AND OTHER**

**PERSONNEL ACTIONS**), which reads, as follows:

*“Sec.2. Dropping from the Rolls. Officers and employees who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically and mentally unfit to perform their duties may be dropped from the rolls subject to the following procedures:*

*“X X X*

*“2.3 Physically and Mentally Unfit*

*“X X X*

*“c. An officer or employee who is behaving abnormally for an extended period which manifests continuing mental disorder and incapacity to work as reported by his co-workers or immediate supervisor and confirmed by the head of office, may likewise be dropped from the rolls.*

*“For the purpose of the three (3) preceding paragraphs, notice shall be given to the employee containing a brief statement of the nature of his incapacity to work.”*

As culled from the records, several incidents (as evidenced by the reports submitted by several officials and employees) occurred showing the abnormal behavior of the appellant, two (2) of which are, as follows:

1. Incident Report dated January 25, 1999 of Mrs. Samuela M. Susan, Senior Industrial Relations Development Officer A, the pertinent portion of which states, *“I was stunned when the next thing I knew, she was already behind me at a very close range and bombarded me with insensible statements. I remained silent and intentionally observed what would be her next*

*move while she was at the height of her outburst of deep seated anger and suspicion. She addressed to me all her sentiments telling me about corruption, illegal practices, unfair practices in a loud, emotionally charged voice.”*

2. Inter-Office Memorandum dated January 25, 1999 of Editha D. Luzano, Officer-in-Charge of the Human Resources Department of the said agency, to wit, *“On January 25, 1999, Ms. Vilma Romagos’ behavior became unstable again. She began talking to herself and then started scolding other people in the HRD office. Her actions caused anxieties to the other employees, thus disturbing their work. Since December 1998, she has been behaving like this.”*

Hence, the continuous abnormal behavior of Romagos cannot be denied. The Commission is convinced that the dropping of the appellant from the rolls is justified.

On the issue of due process, the Commission is not convinced that the right of Romagos to due process was violated. As specifically provided in **Section 2, Rule XII of the Rules** abovementioned, *“notice shall be given to the employee containing a brief statement of the nature of his incapacity to work, and moreover, the said notice of separation shall be signed by the appointing authority or head of office.”* A perusal of the Notice dated December 1, 1999, sent to Romagos reveals that these requirements were strictly followed.

**WHEREFORE**, the appeal of Vilma E. Romagos is hereby dismissed. Accordingly, the Decision dated June 23, 2000 of the CSCRO No. VII upholding the dropping of appellant from the rolls, stands.

Quezon City, **March 29, 2001**

**(SIGNED)**

**J. WALDEMAR V. VALMORES**

Commissioner

**(SIGNED)**

**KARINA CONSTANTINO-DAVID**

Chairman

**(SIGNED)**

**JOSE F. ERESTAIN, JR.**

Commissioner

Attested by:

**(SIGNED)**

**ARIEL G. RONQUILLO**

Director III

CPS/AGR/pvp/cm07-2001

*Romagos*/NDC-00-1000