

## EN BANC

[ A.M. No. P-93-956, October 30, 1996 ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ARTURO A. ALAGABAN, CASH CLERK II, OFFICE OF THE CLERK OF COURT, MTCC, DAVAO CITY AND EDUARDO A. ALAGABAN, CLERK III, MTCC, BRANCH 3, DAVAO CITY, RESPONDENTS.**

### DECISION

#### PER CURIAM:

This is an administrative complaint for mental incapacity against the brothers Arturo A. Alagaban, Clerk II of the Office of the Clerk of Court and Eduardo A. Alagaban, Clerk III, of Branch 3, both of the Municipal Trial Court in Cities at Davao City.

The case originated from an anonymous letter received by the Office of the Court Administrator on July 14, 1993 which in part read:

"Please include in your investigation the Clerk of Court of MTCC Branch VII in Davao City, by the name of Mrs. Adela Alfelor Geverola. Mrs. Geverola has under employ two of his nephews, sons of Judge Anita Alfelor Algaban, who are both NOT mentally fit for the job, being drug addicts. These two nephews of hers are sometime admitted in rehabilitation centers but their DTRs have no absences, since these are all signed by Mrs. Geverola. The presence of this nephews, cause great demoralization to the other employees of this office."<sup>[1]</sup>

Accordingly, the Court Administrator directed Executive Judge Augusto Brea of the Regional Trial Court of Davao City to conduct a discreet investigation of the matter. On April 13, 1993, Judge Brea submitted his report,<sup>[2]</sup> based on the testimonies of employees of the Davao court, in which he stated that the brothers are habitual absentees and known in the court to be drug addicts, have extremely poor concentration and displayed queer behavior. It is said that they could not carry on a normal conversation, avoided the gaze of the persons speaking to them, and sometimes drooled as they spoke. The witnesses also said there were rumors that the brothers would periodically be confined in hospitals due to their addiction, which accounted for their frequent absences.

The witnesses said they had observed that Eduardo's case was milder than his brother's and had minimized his absences to three to five days a month unlike previously when he would be absent for weeks at a time. Judge Brea reported that Eduardo's absences were faithfully reflected in his daily time records. Eduardo also was more productive than Arturo, who was completely useless in the office. They believed that Eduardo had been rehabilitated, but relapsed whenever he drunk or smoked and that he manifested this by staring blankly at the ceiling or "distorting his face grotesquely at nobody." Judge Brea disclosed that Eduardo is assigned to

Branch 3 of the MTCC, which is presided by Judge Eldipolo Sarabia. On the other hand, Judge Sarabia's son, Eldipolo, Jr., is assigned to the Clerk of Court's, i.e., Atty. Adela Alfelor Geverola's office. However, Eduardo swapped places with Edipolo, Jr., with the result that Eduardo is now working under his aunt, Atty. Adela Alfelor Geverola, while Edipolo, Jr., is now working under his father, Judge Elipolo Sarabia.

Due to the seriousness of the charge, Judge Brevia recommended that the NBI be made to investigate the matter further. Accordingly, the matter was indorsed on May 7, 1993 to the National Bureau of Investigation (NBI) for investigation.

The NBI report disclosed that respondents are brothers, sons of Judge Anita Alagaban, RTC, Branch 13 of the same court. They were then both working under the direct supervision of Clerk of Court Adela Alfelor Geverola, who is the sister of Judge Alagaban.

Arturo was observed by the other employees of the court to have extremely poor concentration, that he had trouble accomplishing his DTR's which took him two days to finish, that he would talk and laugh by himself and pick fights with his officemates for no reason. The report affirmed Judge Brevia's report that Arturo could not carry on a normal conversation and avoided looking into the eyes of other people and sometimes saliva drooled out his mouth as he talked. He was irregular in reporting for work. Later, from February 5, 1993, he completely stopped going to work although he continued receiving his paychecks. Discreet inquiries disclosed that Arturo was at the time confined at the De la Rosa Clinic along J.P. Laurel Avenue, Bajada, Davao City. He was diagnosed to be suffering from schizophrenia, a mental disorder characterized by "loss of contact with reality, personally disintegration, and often hallucination."<sup>[3]</sup> This was not the first time he had been confined in the clinic, as, in fact, he was released only April 14, 1993 after being confined there for about two months.

As for Eduardo, the NBI found that he also reported for work irregularly, averaging three to five absences a month. The NBI agent said that he personally spoke with Eduardo and found him to be "loquacious, energetic and at times incoherent."<sup>[4]</sup>

The NBI found no evidence of drug addiction apart from the rumors among the employees of the court, and the fact that the Dela Rosa Clinic is a known rehabilitation center for drug addicts, but suggested that the brothers' behavior could be indicative of drug addiction.

On September 7, 1993, Deputy Court Administrator Juanito A. Bernad filed a formal complaint against respondents, attaching thereto the anonymous letter and the reports of Judge Augusto Brevia and the NBI.

On September 29, 1993, the Court issued a Resolution referring the case to Second Vice Executive Judge of the RTC of Davao City Jesus Quitain (Branch 15) for investigation, report and recommendation, in lieu of the First Vice Executive Judge who is the mother of respondents.

On January 14, 1994, Judge Quitain submitted a report stating that there is no documentary evidence that the brothers are drug addicts. There were likewise no records in the NARCOM and government hospitals of previous arrests or

hospitalization of the brothers relating to prohibited drugs. Dr. Nicolas Dela Rosa of the Dela Rosa Psychiatric Clinic denied that the brothers are drug addicts. He confirmed, however, that the two had been going to the clinic for psychiatric treatment; that they "are not permanently insane, but their capacity to withstand pressures, stresses and problems are very much lower than the ordinary person."<sup>[5]</sup> They became moody ("sumpungin" in the vernacular) whenever they were under stress or had problems in the home or in the office because of their low threshold for pressure. These were, not signs of drug addiction, although they could be easily mistaken as such, but symptoms of acute depression. The "trigger" for respondents, according to the report, was the shouting matches between their parents whenever the two would quarrel.

Judge Quitain added that Eduardo is a cum laude graduate of the Ateneo de Davao University, while Arturo has a Bachelor of Science in Commerce degree from the University of Mindanao, and both are Civil Service eligibles.

Judge Quitain did not make any recommendation in his report.

On March 2, 1995, Deputy Court Administrator (DCA) Reynaldo T. Suarez submitted a memorandum reporting that per the personnel records, the appointment of Arturo was recommended by Atty. Adela Alfelor Geverola herself, and recommending the revocation of Arturo's appointment. Because of this, Arturo's appointment was revoked by the Court on March 20, 1995 on the ground of nepotism. His motion for reconsideration was denied with finality on June 26, 1995.

As for the charges against Eduardo Alagaban, the Deputy Court Administrator recommended that Eduardo undergo a psychiatric examination so that the Court Administrator could make an informed recommendation, as well to comply with the requirements of due process.

Consequently, Eduardo was sent to the Psychiatric Unit of the Department of Health at Davao City for complete psychological and psychiatric examination on April 19, 1995. Dr. Ma. Lythia Dela Cerna-Cervera, Medical Officer IV, made the following report on May 9, 1995:

#### "MENTAL STATUS EXAMINATION

On mental status examination, patient was noted to be wearing checkered long sleeves with maong pants and blank [sic] shoes. He holds himself erect with psychomotor retardation. During the interview, patient was tense, anxious with a suspicious look. However, became warm and friendly during the later part of the interview. His answers were relevant and spontaneous, although he kept on talking about his adventure with women and fear of losing his job. He admits being depressed because of an existing administrative case filed against him. Affect was blunted. He claimed to have had difficulty in initiating and maintaining sleep. Vehemently denies delusions nor hallucinations. No suicidal nor homicidal potential noted. General sensorium, intellectual status and insight were intact.

On succeeding interview dated April 24, 1995, patient was normoactive. Although still tense and suspicious to the interviewer. Furthermore he

voluntarily claimed that he had good night sleep after taking his medicine. He still denied hallucinations and delusions.

Psychological study revealed negative trait which could mean previous psychotic trauma.

Diagnosis: Brief Psychotic Disorder with Marked Stressor"

These findings of the DOH Psychiatric Unit were later referred to the Chief of the Medical and Dental Services Division of this Court, Dr. Cecilia C. Villegas, for evaluation. Dr. Villegas, however, felt that the information given was insufficient to make the proper evaluation. She requested that she be allowed to examine Eduardo personally. This request was granted in the resolution of August 30, 1995.

On October 10, 1995, Eduardo submitted himself to diagnostic psychological testing and evaluation. On the basis of such examination, Beatriz O. Cruz, Psychologist III, submitted a report on October 18, 1995, the pertinent portion of which states:

"Tests Administered:

Wechsler Adult Intelligence Scale  
Bender Gestalt Test  
Machover Figure Drawing Test  
Rorschach Psychodiagnostic Test  
Sentence Completion Test  
Thematic Apperception Test

Test Results & Evaluation:

The following summarizes Mr. Alagaban's IQ level: Verbal IQ is 92, Performance IQ is 74 and Full Scale IQ IS 83. His intelligence function is below average. Premorbid IQ could have at least been in the average range. His concentration, independent thinking process and concept formation appear to be within acceptable limit but can easily be affected by mobilized anxiety. However, grasp of simple, conventional judgment is maintained by seemingly good front. Marked discrepancy (18 points) is noted bringing down overall efficiency level to a minimum by appearance of impaired sensitivity and object relations.

Edward wants to put everything in a favorable light. To start with, he is very conscious of his appearance while holding on to the idea that what he is projecting is the ideal self. Young, good-looking and attractive person. Stretching this point, he further represses his tendency for impulsiveness by becoming essentially calm and relaxed in every situation possible. How good it can be for him to wrap himself with pleasant attributes and completely belies the underlying real feeling of dependency, immaturity, depressed and generally weak personality. But conflict arises when he goes out in the environment of personally attend to and fulfill his goal in an acceptable manner. To effect warmth and natural camaraderie by reaching out is shallow and superficially induced. Source of empathy is being blocked by inflexibility, forcing him to retract and isolate from any emotional reactivity and, relies heavily on wishful

thinking and make-belief. Intellectualization being one of his defensive attempts, is maintained to forestall anxiety over crippling sense of inadequacy.

Tracing back, this disturbing adjustment is a result of poor emotional transaction and confused identification. Getting him unconsciously off the track by the father figure, Edward turned to the loving, supportive arms of the mother. Yet her seeming dominance and authority over him begets ambivalent feeling which coincidentally parallels with his wish for autonomy to build his real self image. While keeping intact the image of the mother he nevertheless, has to be what the society dictates. Hence, the possibility of an oedipal conflict (?). He is upset when confronted with sexual material because some sexual overtones trigger guilt which becomes a source of his current problem. And what he does now is to maintain cleanliness in a compulsive way to free him of remorse. Furthermore, a phobic reaction (fear of heights) might dig a deeper and traumatic experience in childhood.

As Edward faces everyday activity, confidence now is low with actual bearings on his resources (not enough) that create financial difficulty. But false optimism is being pursued to cloak insecurities. Contrary to some efforts he has installed to thwart disturbed behavior, perceptual distortion is uncovered to add up to ongoing psychotic process."

On October 24, 1995, Dr. Villegas submitted the psychiatric report on both Eduardo and Arturo, excerpts from which are reproduced below:

### **"PSYCHIATRIC REPORT**

#### **Brief Anamnestic Data:**

Father is 69 years old, a Commerce graduate and used to be a DBP employee in Davao. After he was by-passed in a promotion, he retired in 1979 after 33 years of service, latest position held was an asset acquired supervisor. He was a heavy drinker and said to be bad when drunk. After retirement at 53 years old, he became withdrawn and isolated, staying at home most of the time, doing household chores and occasionally going to their farm.

Mother is 68 years old, presently working as an RTC Judge of Branch 13, Davao City. She has a long government service and rose from the rank. She is described as domineering and has a stronger personality than her husband. She denied any behavioral and emotional problems of both Arturo & Eduardo and presented them as "two bright boys." She is the second of 9 living children, all of whom are professionals. They used to have good family relationships, but after the death of their father in 1991, family feud started, due to inheritance problems. With this, they were divided into 2 factions and several cases were filed in court against her and her younger sister, by her eldest brother.

They have 5 children of 4 boys and a girl.