



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 December 2020** which reads as follows:*

**“A.M. No. 2020-05-SC (Re: Alleged Assault upon Mr. Nilo S. Esparas by Mr. Dhavid John V. Javier, Utility Worker II, Production Planning Section, Printing Services).** – This administrative case stemmed from a Letter-Complaint<sup>1</sup> filed by Nilo S. Esparas (*Esparas*) against Dhavid John V. Javier (*Javier*), Utility Worker II, Production Planning Section, Printing Services, for alleged assault committed on December 27, 2019.

Javier was appointed to his position on October 28, 2019.

On March 11, 2020, the Office of the Chief Justice (*OCJ*) received a letter-complaint from Esparas, wherein he alleged that Javier wounded and knocked him unconscious by hitting him with a metal chair on the left side of his head. Esparas alleged that on December 27, 2019, the Homeowners Association of Gardenville Subdivision in Carsadang Bago, Imus City, Cavite held its annual Christmas party at the covered area inside the subdivision. After the festivities, some of the officers, including Esparas, stayed for a drinking videoke session. While Esparas’ group was having fun, Javier, who was also in a drinking session with a different group inside the same covered court, approached them to complain of the noise. Esparas responded that the videoke machine will be turned off once the queued songs have finished playing. After wrapping up their videoke session, one of Esparas’ companions, Ruben L. Del Monte (*Del Monte*), switched off the covered court spotlight in the multi-purpose room; however, what he inadvertently turned off instead was the switch for the street light which caused the whole covered court to go dark. This prompted Javier’s group to confront Esparas’ group. Esparas was allegedly pushed off his chair by Javier’s mother, then punched in the rib

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<sup>1</sup> *Rollo*, p. 46.

by Odon Balani, Jr.<sup>2</sup> (*Balani*). Esparas stood up and warned Javier's group, but Javier responded with "*ikaw ang namumuro, putang-ina mo. Papatayin kita*" while holding a metal chair. Gina Balmes (*Balmes*) tried to grasp Javier's shoulder to prevent him from hitting Esparas, but Javier was still able to strike the left side of Esparas' head when Balmes was pushed aside. When Del Monte turned the light back on, he saw Esparas' head oozing with blood. Esparas was immediately taken to the hospital. As a consequence of this incident, there is an ongoing preliminary investigation for frustrated homicide against Javier, his mother, and Balani.<sup>3</sup>

The OCJ indorsed the letter-complaint to the Complaints and Investigation Division (*CID*), Office of Administrative Services for investigation.<sup>4</sup>

On March 12, 2020, the CID issued a Memorandum<sup>5</sup> directing Javier to submit a written explanation to the allegations in the letter-complaint.

As compliance to the Memorandum, Javier submitted a copy of the Counter Affidavit<sup>6</sup> he filed in the preliminary investigation proceedings for frustrated homicide pending with the City Prosecutor's Office in Imus, Cavite. Javier denied that he was part of any drinking session and alleged that he was at a friend's house. He claimed that he only went to the covered court to request Esparas to turn off the videoke machine because it was already late and people were already resting in preparation for the following work day. Thereafter, he went back home. He ate and stepped out of their house, then noticed that the streets lights were out but the lights in the covered court were still on. He went back to the covered court to ask Esparas why the street lights were turned off, to which Del Monte replied that Esparas was annoyed when he complained of the noise and thus ordered the street lights to be turned off. His mother, sibling, and Balani followed him to the covered court to intervene and stop the tension between the parties. Javier alleged that Esparas cursed them, "*mga putang ina niyo, di niyo ba ako titigilan?*" then stood up holding a beer bottle. However, as Esparas stood to face Javier's group, he lost his balance and fell to the ground due to intoxication, at which moment the lights in the covered court went out.<sup>7</sup> To support his claim, Javier submitted statements from residents of Gardenville Subdivision who have had unpleasant encounters with Esparas.<sup>8</sup>

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<sup>2</sup> Son of another Supreme Court employee.

<sup>3</sup> *Rollo*, pp. 1-2, photographs of Esparas' head injury, medical records, and the scene of the incident showing chairs and the floor covered in blood were also submitted by Esparas.

<sup>4</sup> *Id.* at 45.

<sup>5</sup> *Id.* at 44.

<sup>6</sup> *Id.* at 8-11.

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.* at 4.

In a Memorandum<sup>9</sup> dated October 29, 2020, Deputy Clerk of Court and Chief Administrative Officer Maria Carina M. Cunanan (*Deputy Clerk of Court Cunanan*) found Javier guilty of conduct unbecoming of a court employee amounting to Simple Misconduct and recommended his suspension for three (3) months without pay. According to Deputy Clerk of Court Cunanan, the mere denial of Javier cannot prevail over the positive declarations of Esparas and Balmes. It was observed that the photographs presented by Esparas showing his severe head injury and the amount of blood on the chairs and floor in the scene of the incident show that the injury could not be of his own doing as claimed by Javier. She also noted how the incident transpired barely two months into Javier's appointment to a permanent position in the Supreme Court. Deputy Clerk of Court Cunanan explained that Javier's comportment fell short of the exacting standards of morality and decency expected of court employees, and the behavior he exhibited was contrary to the ideal provided in the Code of Conduct for Court Personnel<sup>10</sup> and Code of Ethics for Public Officials and Employees.<sup>11</sup> Given these circumstances, Deputy Clerk of Court Cunanan found substantial evidence demonstrating Javier's liability for Simple Misconduct and recommended the medium of the penalty, there being no mitigating nor aggravating circumstances to consider.<sup>12</sup>

### *The Court's Ruling*

This Court adopts the findings of Deputy Clerk of Court Cunanan and accepts the recommendation of suspension for three months without pay, as penalty.

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.<sup>13</sup> The same goes with administrative cases disciplining for a grave offense court employees or magistrates. The evidence against the respondent should be competent and should be derived from direct knowledge.<sup>14</sup>

The records establish that there is indeed substantial evidence of Javier's guilt for conduct unbecoming of a court employee amounting to Simple

<sup>9</sup> Id. at 1-7.

<sup>10</sup> A.M. No. 03-06-13-SC (2004).

<sup>11</sup> Republic Act No. 6713. Section 4(c) provides:

(c) Justness and sincerity. — Public officials and employees x x x shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. x x x.

<sup>12</sup> *Rollo*, pp. 4-7.

<sup>13</sup> *Office of the Court Administrator v. Bucoy*, 305 Phil. 640, 645 (1994).

<sup>14</sup> *Re: Letter of Lucena Ofendoreyes Alleging Illicit Activities of a Certain Atty. Cajayon Involving Cases in the Court of Appeals, Cagayan De Oro City*, 810 Phil. 369, 374 (2017).

Misconduct. Esparas' and Balmes' statements recounting Javier's act of violently hitting Esparas in the head with a metal chair, along with the photographs presented by Esparas, overwhelmingly substantiate the claim against Javier.

The acts of Javier of lashing out and striking Esparas constitute the administrative offense of conduct unbecoming of a court employee amounting to Simple Misconduct, which has been defined as any scandalous behavior or act that may erode the people's esteem for the Judiciary.<sup>15</sup>

The 2017 Rules on Administrative Cases in the Civil Service<sup>16</sup> provide that Simple Misconduct may be penalized by one (1) month and one (1) day to six (6) months suspension for the first offense<sup>17</sup> and that the medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present.<sup>18</sup> As such, this Court finds the recommended penalty of three months suspension without pay appropriate.

Deputy Clerk of Court Cunanan correctly remarked that Javier "should be more circumspect in how he conducts himself in and outside the office" as "he does not stop becoming a judiciary employee once he steps outside the gates of the Supreme Court."<sup>19</sup> His acts, whether part of his official duties or in his private capacity, reflect upon the Court as an institution.<sup>20</sup> Employees of the Judiciary, being engaged in government service which is people-oriented, are expected to accord respect to the person and rights of others. Their every act and word must be marked by prudence, restraint, courtesy, and dignity.<sup>21</sup>

**WHEREFORE**, Dhavid John V. Javier, Utility Worker II, Production Planning Section, Printing Services is found **GUILTY** of conduct unbecoming of a court employee amounting to Simple Misconduct. He is hereby **SUSPENDED** for three (3) months without pay and **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely.

This Resolution takes effect immediately.

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<sup>15</sup> See *Re: Incident Report on the Alleged Improper Conduct of Allan Christer C. Castillo, Driver I, Motorpool Section, Property Division, Office of the Administrative Services*, A.M. No. 2019-08-SC, January 15, 2020.

<sup>16</sup> CSC Resolution No. 1701077.

<sup>17</sup> Rule 10, Section 50(D)(2).

<sup>18</sup> Rule 10, Section 54(c).

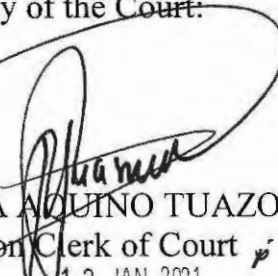
<sup>19</sup> *Rollo*, p. 5, citing *Dela Cruz v. Zapico*, 587 Phil. 435 (2008).

<sup>20</sup> *Supra* note 15.

<sup>21</sup> *Re: Fighting Incident Between Two (2) SC Shuttle Bus Drivers, Namely, Messrs. Idulsa and Romero*, 610 Phil. 253, 259 (2009).

**SO ORDERED.** (Rosario, *J.*, designated additional member per Special Order No. 2797 dated November 5, 2020)”

By authority of the Court:



TERESITA AQUINO TUAZON  
 Division Clerk of Court *p 112*  
 13 JAN 2021

**COURT ADMINISTRATOR**

Hon. Jose Midas P. Marquez (x)

**DEPUTY COURT ADMINISTRATOR**

Hon. Raul B. Villanueva (x)

Hon. Jenny Lind Aldecoa-Delorino (x)

Hon. Leo T. Madrazo (x)

**ASSISTANT COURT ADMINISTRATOR**

Hon. Lilian C. Baribal-Co (x)

Hon. Maria Regina Adoracion

Filomena M. Ignacio (x)

Legal Office (x)

Court Management Office (x)

Fiscal Management Office (x)

Docket & Clearance Division (x)

Office of Administrative Services (x)

Office of the Court Administrator

Supreme Court, Manila

NILO S. ESPARAS (reg)

Complainant

Blk. 16, Lot 3, Dahlia St.

Gardenville Subd., Pag-asa 2

Imus City, Cavite

DHAVID JOHN V. JAVIER (reg)

Respondent

Blk. 5, Lot 1, Everlasting St.

Gardenville Subd., Pag-asa 2

Imus City, Cavite

and/or

Production Planning Section (x)

Printing Services

Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)

LIBRARY SERVICES (x)

[For uploading pursuant to A.M. No. 12-7-SC]

OFFICE OF THE CHIEF ATTORNEY (x)

OFFICE OF THE REPORTER (x)

Supreme Court, Manila

*Please notify the Court of any change in your address.*

AM No. 2020-05-SC. 12/09/2020(212[b])URES