

FIRST DIVISION

[A.M. No. 2019-08-SC, January 15, 2020]

RE: INCIDENT REPORT ON THE ALLEGED IMPROPER CONDUCT OF ALLAN CHRISTER C. CASTILLO, DRIVER I, MOTORPOOL SECTION, PROPERTY DIVISION, OFFICE OF ADMINISTRATIVE SERVICES.

D E C I S I O N

PERALTA, C.J.:

Before Us is an administrative complaint for simple misconduct against Allan Christer C. Castillo, Driver I of the Motorpool Section, Property Division, Office of Administrative Services.

In the afternoon of June 14, 2019, while the Supreme Court is celebrating its anniversary, a personnel of the Security Division reported that in the vicinity of the Supreme Court gate at the corner of Padre Faura Street and Taft Avenue, Castillo slapped Andrew Alojacin, a 16-year-old he per and nephew of Emelinda V. Taotao, a concessionaire selling food at stall space number 85.^[1]

Per on-site investigation conducted by the Security Division, Ms. Taotao alleged that Castillo, who appeared to be under the influence of liquor, was ordering a sausage when he seemingly got annoyed at her nephew's laughter while the latter was having a happy conversation with another person. Castillo then slapped her nephew and threatened them with the words "*Kahit magsumbong pa kayo sa taas,*" while gesturing towards the upper side of the Supreme Court Centennial Building.^[2]

On the other hand, in the July 1, 2019 explanation letter^[3] of Mr. Castillo, he stated tht he was looking at items at the stalls in the area when he noticed two (2) women laughing at him. Moments later, one of them called Mr. Alojacin, who drew close to him and placed his face next to his while simultaneously bursting into laughter. The latter then called the attention of another boy and shouted "*Huy, kamukha mo oh!*" while continuing to laugh.

He said that while he was insulted by these antics, he did not strike Mr. Alojacin. He only rebuffed him saying "*hindi kita kabiruan ha?*" while pointing his right index finger at him, and coincidentally touching the latter's forehead while doing so.^[4]

The said incident was recorded by a Supreme Court CCTV camera monitoring the area at the time.

As shown by the CCTV recording, occupants of stall 85 did not engage in any kind of banter or horseplay as claimed by the respondent, but were merely selling their wares. Instead, it was respondent who was the aggressor, contrary to his