

THIRD DIVISION

[A.M. NO. P-07-2313, April 27, 2007]

ZELINDA G. NICOPIOR, COMPLAINANT, VS. JOSE RENE C. VASQUEZ, RESPONDENT.

DECISION

NACHURA, J.

In a letter dated June 21, 2004^[1] and complaint-affidavit^[2] dated June 22, 2004, Zelinda G. Nicopior charged Jose Rene C. Vasquez, Interpreter III, RTC Branch 42, Bacolod City for *Conduct Unbecoming of a Government Employee*. It was docketed as OCA-I.P.I. No. 04-1967-P.

As alleged in the complaint, on May 12, 2004, while the complainant was standing near the stairs at the ground floor of the Hall of Justice Building, the respondent suddenly came and intentionally bumped complainant, hitting her left breast. She grappled with him to prevent him from further hitting her. However, the respondent boxed her, hitting again her left breast. The complainant further claimed that the respondent was heavily drunk at that time.

The respondent denied the charge. He admitted that he bumped the complainant but claimed that it was unintentional. He explained that when he accidentally bumped her, the complainant punched and scratched him, so he extended his right foot to prevent her from hitting him. He denied boxing or kicking her. He also denied being under the influence of liquor at that time.

Per Resolution dated January 24, 2005, this Court referred the complaint to the Executive Judge of the Regional Trial Court of Bacolod City for investigation, report and recommendation.^[3]

After hearings were conducted, the investigating Judge rendered his Report and Recommendation^[4] on April 7, 2006, recommending that respondent be reprimanded with warning.

On September 6, 2006, the investigating Judge's Report and Recommendation was referred to the Office of the Court Administrator for evaluation, report, and recommendation.

On December 6, 2006, the Court Administrator issued a Memorandum sustaining the recommendation of the investigating Judge, thus:

The investigating Judge's recommendation is well founded. Based on the investigation, it was respondent who was the aggressor in the subject incident. He purposely bumped the complainant, and when the latter "fiercely fought back", he kicked her. Although complainant is a big and