

## **FIFTH DIVISION**

**[ CA-G.R. SP No. 125937, April 30, 2014 ]**

**JUANITO V. TORRES, PETITIONER, VS. CIVIL SERVICE  
COMMISSION AND DR. EDGARDO S.A. JAVILLONAR,  
RESPONDENTS.**

### **D E C I S I O N**

#### **CARANDANG, J.:**

This is a Petition for Review under Rule 43 of the Rules of Court seeking to reverse and set aside the Decision<sup>[1]</sup> dated 27 June 2012 of the Civil Service Commission (Commission) which affirmed the Resolution<sup>[2]</sup> dated 30 November 2010 of the Center for Health Development-Metro Manila, Department of Health (CHD-MM DOH). The Resolution of the CHD-MM DOH dismissed the administrative complaint against respondent Dr. Edgardo S.A. Javillonar (respondent) filed by the petitioner Juanito V. Torres (petitioner).

The facts, as culled from the records, are as follows:

Petitioner was a former Hansenite (leprosy) patient who was admitted at the Dr. Jose N. Rodriguez Memorial Hospital ("DJNRMH"), Tala, Caloocan City in the early 1990s. On 10 March 1999, he started working as a gratuity worker at the said hospital, the tenure of which was dependent upon his being a registered patient. On 9 November 2009, he was removed by the respondent from the roster of registered patients of DJNRMH due to his being declared as completely cured from the Hansen disease and because of his violations of certain hospital policies.<sup>[3]</sup> As a consequence, he was automatically removed as gratuity worker.

On 2 August 2010, petitioner contested his removal and filed a letter-complaint against the respondent with the CHD-MM DOH on the grounds of Oppression and Violations of DOH AO No. 2007-0042. Petitioner accused the respondent of abusing his power as hospital chief and of unduly oppressing him. He was allegedly singled out by the respondent because he was the head of the two organizations which have aired grievances against the respondent as well as the hospital administration. He stated that the discrimination against him by the respondent arose because he spearheaded a rally in his capacity as president of Tala Hansenites Council on 22 June 2009 against the conversion of food subsidies given to leprosy patients into cash subsidies. In February 2009, he also led a petition, as president of Unyon ng Manggagawang Pangkalusugan, seeking for better working conditions for gratuity workers and patient assistants.<sup>[4]</sup>

Respondent countered that the appellant was not singled out, much less discriminated against, for heading the two organizations. The discharge was primarily anchored on the fact that he was no longer infected with Mycobacterium Leprea and is free to join the society at large. In addition, respondent cited petitioner's infractions of the hospital policies. In particular, he cited the appellant's

act of leading two separate mass actions without permit which is a violation of DJNRMH Hospital Order No. 153, Series of 1988 dated 14 December 1988. Respondent averred that petitioner, without a permit, led a rally on 6 February 2009 in front of DJNRMH Emergency Room causing disruption on the ongoing medical procedures and disturbance among hospital staff and patients. In the afternoon of the same day, petitioner also led another rally in front of the main gate of the Department of Health at the San Lazaro Compound, Sta. Cruz, Manila.<sup>[5]</sup>

On 30 November 2010, the CHD-MM DOH, through Dr. Irma L. Asuncion, issued a Resolution dismissing petitioner's complaint against the respondent. Its dispositive portion reads:

"Finding no *prima facie* case to warrant the issuance of a formal charge, the dismissal of the complaint against Dr. Javillonar is in order. For lack of merit, the charges against Dr. Javillonar is hereby DISMISSED."

On 20 December 2010, petitioner filed a Motion for Reconsideration of the 30 November 2010 Resolution but it was denied by the CHD-MM DOH on 21 January 2011.

On 2 May 2011, petitioner appealed the dismissal of his complaint with the Commission which denied the same on 27 June 2012 for lack of merit. The dispositive portion of the 27 June 2012 Decision states:

"WHEREFORE, the appeal of Juanito V. Torres is hereby DISMISSED. Accordingly, the CHD-MM DOH Resolution dated November 30, 2010 dismissing Torres' complaint against Dr. Edgardo S.A. Javillonar for the offense of Oppression and Violation of DOH Administrative Order No. 2007-0042, STANDS."

Hence, this Petition.

Petitioner contends that the Commission gravely erred:

"I. IN RULING THAT THERE IS NO *PRIMA FACIE* CASE TO WARRANT THE ISSUANCE OF A FORMAL CHARGE OF OPPRESSION AGAINST RESPONDENT JAVILLONAR;

II. IN RULING THAT THERE IS NO *PRIMA FACIE* CASE FOR VIOLATION OF DOH ADMINISTRATIVE CURCULAR (sic) NO. 2007-0042 COMMITTED BY RESPONDENT JAVILLONAR; AND

III. IN DECLARING THAT PETITIONER HAS NO LEGAL PERSONALITY TO INTERPOSE AN APPEAL FROM THE RESOLUTION OF CHD-MM DOH."<sup>[6]</sup>

The Petition is without merit.

Before tackling the substantive issues, We discuss first the procedural issue of whether petitioner has a legal personality to interpose an appeal from an adverse decision of CHD-MM DOH. Petitioner contends that it has the legal personality to question the decision of the CHD-MM DOH because, as a private complainant, he is also a "party adversely affected by the decision" of CHD-MM DOH, citing the case *Civil Service Commission vs. Dacoycoy*.<sup>[7]</sup>

Petitioner's reliance on *Dacoycoy* is misplaced. In *Dacoycoy*, the Supreme Court abandoned the jurisprudence which held that the Civil Service Law does not contemplate review of decisions exonerating government officers or employees from administrative charges. Consequently, the High Court in that case allowed the Civil Service Commission to appeal dismissals of charges or exoneration of respondents in administrative disciplinary proceedings. It held that the phrase "party adversely affected by the decision" is not limited to a government employee against whom an administrative case is filed but also includes the government. Contrary to petitioner's contention, however, the Supreme Court in *Dacoycoy* did not give any legal personality to a private complainant to appeal a decision dismissing the complaint against a government employee. It still upheld the long standing jurisprudence that a private complainant cannot appeal the dismissal of the administrative complaint against a civil servant because such administrative case does not involve private interest. His or her role is limited to a mere witness for the government. Thus:

"Subsequently, the Court of Appeals reversed the decision of the Civil Service Commission and held respondent not guilty of nepotism. Who now may appeal the decision of the Court of Appeals to the Supreme Court? Certainly not the respondent, who was declared not guilty of the charge. **Nor the complainant George P. Suan, who was merely a witness for the government.** Consequently, the Civil Service Commission has become the party adversely affected by such ruling, which seriously prejudices the civil service system. Hence, as an aggrieved party, it may appeal the decision of the Court of Appeals to the Supreme Court." (Underscoring Ours.)

The Supreme Court in *National Appellate Board of the National Police Commission vs. P/Insp. John A. Mamauag*<sup>[8]</sup>, reiterated the ruling in *Dacoycoy* that a private complainant has no legal personality to file an appeal of a decision dismissing an administrative case against a government employee. Thus:

"***Dacoycoy*** allowed the Civil Service Commission to appeal dismissals of charges or exoneration of respondents in administrative disciplinary proceedings. However, ***Dacoycoy*** maintained the rule that the private complainant is a mere government witness without a right to appeal. **Thus, case law holding that the private complainant has no right to appeal the decision of the disciplining authority remains good law.** As explained by Justice Jose Melo in his concurring opinion in ***Floralde v. Court of Appeals***:

However, in *Civil Service Commission v. Dacoycoy* (306 SCRA 425 [1999]), which incidentally is another ponencia of Mr. Justice Pardo, the majority, with undersigned ponente dissenting, modified the above doctrine by allowing the CSC to appeal in cases where the respondent is exonerated of the charges. **Nevertheless, in both cases, the Court did not deviate from the doctrine that the complainant, being a mere witness for the government, cannot appeal the decision rendered in the administrative case.** In *Paredes*, we declared that the complainant is not the party adversely affected by the decision so that she has no legal personality to interpose an appeal to the CSC. In an administrative case, the complainant is a mere witness. No private