

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 135

SUSPENDING ASSISTANT PROVINCIAL FISCAL RAMON P. VELASCO
OF NEGROS ORIENTAL FROM OFFICE FOR ONE (1) YEAR
WITH FORFEITURE OF PAY AND ALLOWANCES.

This is an administrative case against Assistant Provincial Fiscal Ramon P. Velasco of Negros Oriental for alleged disgraceful and immoral conduct, conduct prejudicial to the best interest of the service, and dishonesty filed by his wife Norma Velasco.

In her sworn complaint-affidavit of March 22, 1988, complainant alleged, among other things, that she is the lawful wife of respondent; that respondent and a certain Yvonne D. Tan are having an illicit relationship; that on March 16, 1988, complainant, together with Josephine Tingoba and Norlynne Villanueva, unexpectedly caught respondent with Miss Tan alone inside the Red Palm Cottage No. 6, El Oriente Beach Resort, Dumaguete City; that an altercation ensued between complainant and respondent; that an hour later, two policemen came and accompanied them to the police station; that during the police interrogation, respondent admitted that he and Miss Tan begot a child; and that the incident and respondent's aforesaid admission were recorded in the police logbook.

To substantiate her allegations, complainant submitted a certified xerox copy of pages 57 and 58 of the police logbook and the affidavits of Josephine Tingoba, Bernie Cuadra and Liwayway Arabe.

Acting thereon, the Chief State Prosecutor, in a 1st Indorsement of April 6, 1988, required respondent to submit his Answer to the charges against him.

In his Answer of April 25, 1988, respondent admitted that he was inside the cottage with Yvonne Tan, but averred that they were not doing any illicit act. Respondent likewise admitted that he, his wife, Miss Tan, and some witnesses were brought to the police station for interrogation, but denied having admitted that he and Yvonne Tan have a four (4)-month old child.

After due investigation, the hearing officer found no probable cause to hold respondent administratively liable for the reason that complainant had withdrawn from the case and has refused to testify, and that moreover, the evidence submitted failed to prove that respondent and Yvonne Tan were having an illicit relationship.

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Upon review, however, the Secretary of Justice, in his memorandum to this Office of April 14, 1989, disagreed with the findings of the hearing officer and found respondent guilty of "disgraceful and immoral conduct prejudicial to the best interest of the service." Accordingly, the Justice Secretary recommended that respondent fiscal be suspended from the service for a period of two (2) months, with forfeiture of pay and allowance.

After going over the records of the case, I concur with the Secretary of Justice that respondent is guilty of disgraceful and immoral conduct prejudicial to the interest of the service.

The evidence incontrovertibly shows that, on March 16, 1988, respondent and Yvonne Tan were caught by complainant inside a beach cottage, which was witnessed by several persons, and that they were brought to the police station. During the police interrogation, respondent admitted that he and Miss Tan begot a child. Although said admission was denied by respondent in his Answer, such disavowal will avail him no comfort, since there is no showing that he protested against the entry of such derogatory statement in the police logbook, which is expected of him as a lawyer and prosecutor. The fact that respondent was caught by his wife inside a beach cottage in the company of a young woman, coupled with his admission that he had begotten her child, cannot but create the impression that they have an illicit relation, his subsequent protestation to the contrary notwithstanding.

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As Assistant Provincial Fiscal, respondent occupies an exalted position which can directly influence the morality of the community. Owing to the nature of his duties as prosecutor, the Government expects respondent to hew strictly to a high standard of decency and integrity. As such, and respondent being a married man at that, he ought to be discreet in the conduct of his public as well as private affairs. Respondent's indiscretion casts serious doubts on his sense of morality, which is likely to affect his relations with people in the community where he is assigned.

Accordingly, respondent having dismally failed to conduct himself in an irreproachable manner befitting a public official who should, at all times, set the tone of morality, apart from being a paradigm of virtuousness, the penalty recommended by the Secretary of Justice of suspension for two (2) months should be, as it is hereby, modified to make it commensurate with the offense committed by the respondent.

WHEREFORE, Assistant Provincial Fiscal RAMON P. VELASCO of Negros Oriental is hereby SUSPENDED from office for ONE (1) YEAR without pay and allowances, effective upon receipt of a copy hereof.

Done in the City of Manila, this 13th day of September , in the year of Our Lord, nineteen hundred and eighty-nine.

Ramon P. Aquino

By the President: ,

Catalino Macaraig, Jr.
CATALINO MACARAIG, JR.
Executive Secretary

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