

[ADMINISTRATIVE ORDER NO. 135, September 13, 1989]

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hearing officer found no probable cause to hold respondent administratively liable for the reason that complainant had withdrawn from the case and has refused to testify, and that moreover, the evidence submitted failed to prove that respondent and Yvonne Tan were having an illicit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

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.