

[ADMINISTRATIVE ORDER NO. 77, July 11, 1988]

**SUSPENDING DONATO T. JIMENEZ, ASSISTANT FISCAL OF
ILAGAN, ISABELA**

This is an administrative case for immorality against Donato T. Jimenez, Assistant Fiscal of Ilagan, Isabela.

In her letter-complaint of April 28, 1985, Ruth P. Macarubbo charged respondent fiscal with immorality, alleging that: a) in 1982, while she was employed as private secretary of respondent, then a private practitioner, she was asked to accompany him to several places; b) during these trips, respondent succeeded in having carnal relations with her and, thereafter, she "occasionally cohabited with him at our house at Gosi, Tuguegarao, Cagayan from then on and up to February 14, 1985 when the promise to share me one half of his earnings was only partially fulfilled;" and c) "as a result of this illicit relationship we begot a son named Rudon Macarubbo Jimenez on February 2, 1984."

To substantiate her claim, complainant presented two letters from respondent which the latter sent to her while he was in the United States.

In his answer of June 27, 1985, respondent denied complainant's allegations and endeavoured to show that Macarubbo was a woman of ill-repute. While he admitted to having sent the two letters and the sum of money indicated therein, respondent claimed that the same "was given because of humanitarian consideration when Ms. Macarubbo pleaded and begged to send money because she was in financial distress and in bad need of money."

After due investigation, the provincial fiscal of Isabela recommended that the case against respondent be dismissed and considered closed.

Upon review, however, the Secretary of Justice found that, although the imputed immoral acts commenced when respondent was still a law practitioner, "his letter dated September 6 and October 9, 1984 suggests quite plaintively that he still felt some degree of affection for complainant." Consequently, in his memorandum to the President, dated February 1, 1988, the Justice Secretary recommended that respondent be suspended for thirty (30) days, stating that:

" . . . there exists a dire necessity for a high and unswerving sense of morality that should pervade public office especially where the thrust of this government is to infuse high moral and ethical standards in the public service. Any cloud of suspicion on the moral and professional integrity of a public officer must be dispelled. Although in cases of this nature, direct evidence to substantiate the charge, is as a general rule, wanting, we cannot however disabuse ourself of the suspicion that