

Title: **Mary Jane Abanag v. Nicolas B. Mabute, Administrative Complaint for Disgraceful and Immoral Conduct** 2011. (Case Brief / Digest)

Facts:

- **September 19, 2003**: Mary Jane Abanag, a 23-year-old unmarried woman, filed a verified letter-complaint against Nicolas B. Mabute, a Court Stenographer I in the Municipal Circuit Trial Court (MCTC) of Paranas, Samar.
- **Allegations**: Abanag alleged that Mabute courted her and promised to marry her, leading her to live with him and become pregnant. During her pregnancy, Mabute supposedly tried to force her to take abortive drugs and later abandoned her, leading to her depression and miscarriage. Abanag also claimed she had to stop her schooling due to the humiliation.
- **Respondent's Defense**: Mabute denied the allegations, stating they were baseless and fabricated, intended to harass him and tarnish his reputation. He suggested that another employee, Norma Tordesillas, who resented him for professional reasons, was behind the complaint.
- **Reply**: Abanag refuted Mabute's claims, insisting she wrote the letter-complaint herself, not Tordesillas.
- **July 29, 2005**: The Supreme Court referred the complaint to the Acting Executive Judge Carmelita T. Cuares for investigation.
- **Inhibition and Reassignments**: Mabute alleged bias, and the case was eventually handled by successive judges: Judge Esteban V. dela Peña followed by Judge Agerico A. Avila.
- **June 7, 2010**: Executive Judge Avila submitted a Report/Recommendation after conducting hearings. Abanag and Mabute provided testimonies confirming their relationship. Mabute's defense included a proposal of marriage that was opposed by Abanag's mother. He also denied attempting to cause an abortion, attributing the miscarriage to Abanag's epileptic condition.

Issues:

1. **Whether Mabute's actions constituted disgraceful and immoral conduct warranting administrative sanctions.**

Court's Decision:

1. **Issue - Disgraceful and Immoral Conduct**:
  - **Analysis**: The Court examined the nature of the relationship and the circumstances surrounding the pregnancy and abortion allegations. The Investigating Judge noted that the

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relationship was consensual and involved two unmarried individuals engaging in voluntary intimate relations. The evidence did not support the claim that Mabute forced Abanag to attempt an abortion.

- **Resolution**: The Court concluded that Mabute's actions, being part of a consensual relationship and not conclusively proved to involve deceit or coercion, did not amount to disgraceful or grossly immoral conduct.

#### Doctrine:

- **Immoral Conduct**: Defined as willful, flagrant, and shameless behavior showing moral indifference to community opinion. To warrant sanctions, the conduct must be grossly immoral.

- **Consensual Adult Intimacy**: Voluntary sexual relations between unmarried, consenting adults, without deceit or other aggravating circumstances, do not constitute grounds for administrative sanctions.

#### Class Notes:

- **Key Elements/Concepts**:

- Immoral conduct in administrative law: Acts that are willful, flagrant, shameless, and show moral indifference.

- Grossly immoral conduct: Criminal acts or acts so unprincipled or disgraceful as to be reprehensible to a high degree.

- **Relevant Statute**: Code of Professional Responsibility - Judicial employees must adhere strictly to moral conduct, both in official and private life.

- **Application**: This case illustrates that mere consensual intimate relationships between adults, wherein no force or deceit is involved, do not generally give rise to administrative sanctions for immoral conduct.

#### Historical Background:

- **Context**: The case reflects judicial standards for personal conduct of court employees and delineates boundaries between private consensual relationships and professional responsibilities. The decision underscores the necessity for public employees, especially those in the judiciary, to maintain a standard of morality in both professional and personal capacities, while also balancing the need to respect personal freedoms.