

**ARMANDO R. CANILLAS, COMPLAINANT, VS. CORAZON V. PELAYO,
CLERK OF COURT, MUNICIPAL TRIAL COURT, ROSALES,
PANGASINAN, RESPONDENT.**

A.M. No. P-02-1575. August 01, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On March 22, 2000, the Office of the Court Administrator (OCA) received an Affidavit-Complaint[1] from Armando R. Canillas, an Associate Professor of Pangasinan State University, charging Corazon V. Pelayo, Clerk of Court, Municipal Trial Court, Rosales, Pangasinan with Grave Abuse of Authority.

Complainant avers that on March 8, 2000 he received a subpoena served by ordinary mail, commanding him to appear before the Municipal Trial Court of Rosales, Pangasinan on March 24, 2000 at 10:00 o'clock in the morning. However, the portions in the subpoena indicating the name of the accused, the case number and the nature of the case were merely marked "x x x." It bore the embossed seal presumably of the court and was duly signed by respondent Corazon Pelayo.

On March 14, 2000, complainant verified the subpoena from the court of origin. A court employee informed him that the subpoena was sent merely to compel him to settle his obligation with a certain Salome Jacob. Complainant asked for the I.S. docket number of the case against him, but he was told that the complaint has been prepared and will be filed if he does not settle his obligation. Complainant was not able to confront the respondent since the latter was already out for lunch although it was only about 11:00 in the morning then.

Subsequently, on April 13, 2000, complainant wrote a Letter[2] to the Court Administrator manifesting that he is no longer interested in pursuing the instant administrative complaint and, thus, he is withdrawing the same.

When asked to comment,[3] respondent stated that the subpoena was actually intended as an invitation to a mediation conference. Respondent maintains that she was motivated by an honest desire to give complainant the opportunity to settle his obligation with Ms. Jacob, who is about to file seventeen (17) complaints for violation of B.P. 22 against complainant, and spare the latter the rigors of a court litigation.

Respondent likewise averred that she has apologized to complainant for sending a subpoena instead of an invitation letter. In fact, after her explanation, complainant decided to withdraw the complaint against her. Respondent assured this Court that she will not commit the same mistake again.

Upon evaluation, the OCA found the respondent Clerk of Court guilty of Grave Abuse of Authority. The OCA opined that respondent's act of sending a subpoena instead of an invitation letter violated Rule 21, Section 1 of the Rules of Court which defines a subpoena as "a process directed to a person requiring him to attend and to testify at the hearing or trial of an action, or at any investigation conducted by competent authority, or for the taking of his deposition." The subpoena sent by respondent to complainant was not for the latter to attend or testify at the hearing of a case or for an investigation since no case has yet been filed in court, but merely as an

invitation to a mediation conference. Correspondingly, the OCA recommended that the respondent Clerk of Court be fined in the amount of P1,000.00 with a stern warning that the commission of similar acts in the future shall be dealt with more severely.

We agree with the recommendation of the OCA.

At the outset, it must be emphasized that the withdrawal of a complaint for lack of interest of a complainant does not necessarily warrant the dismissal of an administrative complaint.[4] Administrative actions cannot depend on the will or pleasure of a complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of a complainant in a matter relating to its disciplinary power[5] since complainants in administrative cases against court personnel are, in a real sense, only witnesses.

Respondent's excuse that she was motivated solely by an honest desire to give complainant the opportunity to settle his obligation to Salome Jacob and to spare him from court litigation cannot justify her infraction. Any mistake of this sort, once committed, by court employees, more so by clerks of court, creates a stigma that cannot just be expunged from the eyes of the people who look up to the courts as sacred places where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Although there is no showing that she benefited from such arrangement, her integrity was placed in serious doubt when she irregularly prepared and caused the subpoena to be sent to complainant. As an officer of the court, she should have conducted herself in a manner that would not have cast any suspicion or doubt on her integrity.[6] That clerks of court ought to live in the strictest standard of honesty, integrity and uprightness in the conduct of their affairs has been echoed in the recent case of *Reyes-Domingo v. Morales*,[7] where this Court held that:

A Clerk of Court is essential and a ranking officer of our judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice. A Clerk of Court's Office is the nucleus of activities both adjudicative and administrative, performing, among others, the functions of keeping the records and seal, issuing processes, entering judgments and orders and giving, upon request, certified copies from the records.

Owing to the delicate position occupied by Clerks of Court in the judicial system, they are required to be persons of competence, honesty and probity since they are specifically imbued with the mandate of safeguarding the integrity of the court and its proceedings, to earn and preserve respect therefor, to maintain loyalty thereto and to the judge as superior officer, to maintain the authenticity and correctness of court records and to uphold the confidence of the public in the administration of justice.

x x x. Those involved in the administration of justice must live up to the strictest standards of honesty and integrity in the public service, much more so Clerks of Court who play a key role in the complement of the court and, thus, can not be permitted to slacken their jobs under one pretext or another.

Time and again, we have emphasized that the conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the sheriff and to the lowliest clerk should be circumscribed with the heavy burden of responsibility.[8] Every court personnel must be constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided.[9] They should always be an example of integrity, uprightness and honesty.

WHEREFORE, in view of the foregoing, the Court finds respondent Corazon V. Pelayo, Clerk of Court of the Municipal Trial Court of Rosales, Pangasinan, guilty of Grave Abuse of Authority and imposes on her a FINE of One Thousand Pesos (1,000.00) with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Kapunan, and Austria-Martinez, JJ., concur.

[1] Rollo, pp. 2-5.

[2] Ibid., p. 8.

[3] Ibid., pp. 10-11.

[4] Lapeña v. Pamarang, 325 SCRA 440 (2000).

[5] Enojas, Jr. v. Gacott, Jr., 322 SCRA 272 (2000).

[6] Martinez v. Rimando, 328 SCRA 699 (2000).

[7] 342 SCRA 6 (2000).

[8] Merilo-Bedural v. Edroso, 342 SCRA 593 (2000).

[9] Office of the Court Administrator v. Cabe, 334 SCRA 348 (2000).

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