

## FIRST DIVISION

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

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

### R E S O L U T I O N

**YNARES-SANTIAGO, J.:**

On March 22, 2000, the Office of the Court Administrator (OCA) received an Affidavit-Complaint<sup>[1]</sup> 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<sup>[2]</sup> 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,<sup>[3]</sup> 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.