

SECOND DIVISION

[A.M. No. P-99-1307, April 10, 2001]

**LORENA O. COLLADO, COMPLAINANT, VS. TERESITA G. BRAVO,
CLERK OF COURT, MUNICIPAL TRIAL COURT OF NAGUILIAN, LA
UNION, RESPONDENT.**

R E S O L U T I O N

QUISUMBING, J.:

In a complaint-affidavit dated July 14, 1997, complainant Lorena O. Collado charged respondent Teresita G. Bravo, Clerk of Court of the Municipal Trial Court (MTC) of Naguilian, La Union, with Grave Misconduct and/or Conduct Prejudicial to the Best Interest of the Service.

In her affidavit, complainant alleged that on July 11, 1997, she received through priority mail, a subpoena from the MTC of Naguilian, La Union, directing her to appear before the said court at 2:00 P.M., July 14, 1997.^[1] The subpoena was duly signed by respondent in her capacity as Clerk of Court. Before proceeding to said court, complainant sought assistance from the Office of the Governor of La Union and Mr. Arthur T. Madayag, Legal Assistant II of the Provincial Legal Office, who was detailed to accompany her to court.

Upon arriving at the MTC of Naguilian, complainant talked to respondent. When complainant asked for copies of the complaint and other details of the case, respondent replied that no complaint had been filed and her intention in issuing the subpoena was to allow a certain Perla Baterina, the labor recruiter of complainant's son, Emmanuel Collado, to talk to complainant.^[2] Complainant claimed that she felt humiliated, harassed, and experienced extreme nervousness as a result of respondent's issuance of the subpoena.

In her answer dated October 6, 1997, respondent admitted issuing the subpoena. She claimed, however, that it was done with good intentions since she only acceded to the urgent request of the spouses Rogelio and Perla Baterina who came to her office on July 7, 1997, airing their grievances against complainant. Respondent averred that her only purpose in issuing the subpoena was to enable complainant and Baterinas to settle their differences.^[3] In its Memorandum of February 8, 1999, the Office of the Court Administrator (OCA) recommended that the complaint be docketed as an administrative matter and respondent be fined Five Thousand Pesos (P5,000.00) for Grave Misconduct with a Warning that the commission of a similar act would merit a more serious penalty.

The Court required the parties to manifest whether they were willing to submit this case for decision on the basis of the pleadings already filed. Respondent agreed. Though complainant had not yet responded, and her compliance is now deemed waived, we shall now resolve her complaint.