



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

HEIRS OF DAMASO OCHEA,
 represented by **MIGUEL**
KILANTANG,

Complainant,

A.M. No. P-16-3604

[Formerly OCA I.P.I. No. 14-4245-P]

Present:

CARPIO,* *J., Chairperson,*
 PERALTA,**
 MENDOZA,
 LEONEN, and
 MARTIRES, *JJ.*

- versus -

ATTY. ANDREA P. MARATAS,
 Branch Clerk of Court, Branch 53,
 Regional Trial Court, Lapu-Lapu
 City, Cebu,

Respondent.

Promulgated:

28 JUN 2017

Atty. Cabalag

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DECISION

PERALTA, J.:

This is a Complaint which Miguel Kilantang filed against Atty. Andrea P. Maratas, Branch Clerk of Court, Regional Trial Court (RTC) of Lapu-Lapu City, Cebu, Branch 53, for unreasonable neglect of duty, nonfeasance, and failure to perform her mandated duty.

The factual antecedents of the case are as follows:

Kilantang stated that he represented the plaintiffs in the case of *Heirs of Damaso Ochea, et al. v. Leoncia Dimay, et al.*, Civil Case No. 2936-L, which was raffled to then Presiding Judge Benedicto Cobarde. In the RTC Order dated August 4, 1997, the trial court ordered the parties to submit their respective memoranda within thirty (30) days, after which the case shall be

* On wellness leave.

** Acting Chairperson, per Special Order No. 2445 dated June 16, 2017.

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deemed submitted for decision. However, Judge Cobarde failed to render a decision despite the plaintiffs' several motions to render judgment. Kilantang claimed that the plaintiffs even made personal follow-ups with Atty. Maratas, inquiring if the trial court had acted on their motions to render judgment since the defendants had already acknowledged plaintiffs' ownership over the disputed property by way of paying the monthly rentals. Atty. Maratas assured them that Judge Cobarde would decide the case before his retirement from the service since he had already prepared a draft decision. Yet, despite the Court's directive for Judge Cobarde to comply and even after his compulsory retirement on December 20, 2010, Civil Case No. 2936-L remained undecided. Kilantang alleged that the failure of Atty. Maratas to indorse the records of the case or to at least apprise Judge Mario O. Trinidad, then designated assisting judge, regarding the pendency of said case, further contributed to the delay.

Atty. Maratas vehemently denied the accusations against her. She asserted that their legal researcher had prepared a draft decision which had already been submitted to Judge Cobarde. When she talked to the plaintiffs about the status of their case, it was based on her personal belief that Judge Cobarde would act on it before his retirement. She averred that she, likewise, indorsed the case to Judge Trinidad, evidenced by the trial court's monthly reports for September to December 2011 and for February, March, May, and June 2012. She extended her apologies to the plaintiffs for the undue delay in the disposition of their case, but maintained that the same could not be attributed to her because she was never remiss in the performance of her duties.

After a careful study and review of the case, the Office of the Court Administrator (*OCA*), on August 22, 2016, found Atty. Maratas guilty of Simple Neglect of Duty and recommended that she be fined the amount of ₱5,000.00, with a stern warning that a repetition of the same or any similar infraction shall be dealt with more severely.¹

The Court's Ruling

The Court finds no compelling reason to deviate from the findings and recommendation of the *OCA* that Atty. Maratas is liable for Simple Neglect of Duty.

Neglect of duty is the failure of an employee to give one's attention to a task assigned to him. Gross neglect is such neglect which, depending on the gravity of the offense or the frequency of commission, becomes so serious in its character as to endanger or threaten the public welfare. The

¹ *Rollo*, pp. 27-31.

term does not necessarily include willful neglect or intentional official wrongdoing.² Simple neglect of duty,³ on the other hand, has been defined as the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.⁴ It is classified as a less grave offense which is punishable by suspension for one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.

Here, while Atty. Maratas submitted several documents reflecting Civil Case No. 2936-L in the alleged list of cases submitted to then Assisting Judge Trinidad for decision, none of which would prove that she indeed properly indorsed said cases so the assisting judge could take the appropriate action. Neither was there any evidence showing that Atty. Maratas actually made a proper turnover of those cases which had been submitted for decision before Judge Cobarde's compulsory retirement.

Moreover, upon investigation, it was found that Atty. Maratas failed to present the court's complete monthly reports for the fourteen (14) years following the time when Civil Case No. 2936-L had been submitted for decision. As the Branch Clerk of Court, it is the responsibility of Atty. Maratas to take the necessary steps to ensure that cases are acted upon by the judge. She should keep a daily record of the trial court's activities in a Court Journal, wherein entries of cases tried and heard, as well as their status, shall be made daily. She should likewise prepare the calendar of the cases submitted for decision to be given to the Presiding Judge, noting the exact day, month, and year when the ninety (90)-day period for deciding a case is to expire.

Section 1, Canon IV of the Code of Conduct for Court Personnel commands court personnel to perform their official duties properly and with diligence at all times. Since the image of the courts as the administrators and dispensers of justice is not only reflected in their decisions, resolutions, or orders, but also mirrored in the conduct of their court staff, it is incumbent upon every court personnel to observe the highest degree of efficiency and competency in his or her assigned tasks. Failure to meet these standards warrants the imposition of administrative sanctions.⁵

Atty. Maratas' failure to do her duties as a clerk of court contributed to the undue delay in the resolution of Civil Case No. 2936-L which already reached sixteen (16) years. Indubitably, she should be held liable for Simple Neglect of Duty. However, since this is Atty. Maratas' first administrative

² *Clemente v. Bautista*, 710 Phil. 10, 17 (2013).

³ Rule 10, Section 46(D)(1) of the Revised Uniform Rules on Administrative Cases in the Civil Service.

⁴ *Angat v. GSIS*, G.R. No. 204738, July 29, 2015, 764 SCRA 285, 301.

⁵ *OCA v. Atty. Gaspar*, 659 Phil. 437, 442 (2011).



offense, and taking into consideration her length of service in the Judiciary, a fine, instead of suspension, will suffice as an appropriate penalty.

WHEREFORE, PREMISES CONSIDERED, the Court finds Andrea P. Maratas, Branch Clerk of Court, Regional Trial Court of Lapu-Lapu City, Cebu, Branch 53, **GUILTY** of Simple Neglect of Duty and **ORDERS** her to pay the **FINE** in the amount of ₱5,000.00, with a **STERN WARNING** that a repetition of the same or any similar infraction shall be dealt with more severely by the Court.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson, Second Division

WE CONCUR:

On wellness leave
ANTONIO T. CARPIO
Associate Justice
Chairperson



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



SAMUEL R. MARTIRES
Associate Justice