

## SECOND DIVISION

**[ A.M. No. P-16-3604 [Formerly OCA I.P.I. No. 14-4245-P], June 28, 2017 ]**

**HEIRS OF DAMASO OCHEA, REPRESENTED BY MIGUEL KILANTANG, COMPLAINANT, VS. ATTY. ANDREA P. MARATAS, BRANCH CLERK OF COURT, BRANCH 53, REGIONAL TRIAL COURT, LAPU-LAPU CITY, CEBU, RESPONDENT.**

### 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 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