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Republic of the Philippines
Supreme Court
Baguio

EN BANC

RE: ORDER DATED 01 OCTOBER 2015 in CRIM. CASE No. 15-318727-34, REGIONAL TRIAL COURT (RTC), BRANCH 49, MANILA, AGAINST ATTY. SEVERO L. BRILLANTES,

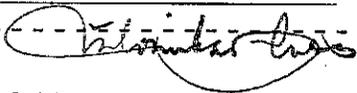
A.C. No. 11032

Present:

Respondent.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M. V.,
GAERLAN,
ROSARIO,
LOPEZ, J. Y.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:
January 10, 2023

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DECISION

ZALAMEDA, J:

Before this Court is a question on the requirements for the lifting of an administrative order of suspension from the practice of law.

Antecedents

In a Resolution¹ dated 02 March 2020, this Court found respondent

* On Leave.
¹ *Rollo*, pp. 101-106.

Atty. Severo Brillantes (respondent) liable for violations of Canons 8 and 11 of the Code of Professional Responsibility, the dispositive portion of which states:

WHEREFORE, the 26 November 2019 Letter of the IBP Commission on Bar Discipline and the 22 March 2018 Notice of Resolution of the Board of Governors of the IBP are NOTED. For violations of Canons 8 and 11 of the Code of Professional Responsibility, respondent ATTY. SEVERO L. BRILLANTES is SUSPENDED from the practice of law for a period of six (6) months. He is likewise WARNED that a repetition of the same or similar act shall be dealt with more severely.

The respondent, upon receipt of this Resolution shall immediately serve his suspension. He shall formally manifest to this Court that his suspension has started, and copy furnish all courts and quasi-judicial bodies where he has entered his appearance, within five (5) days upon receipt of this Resolution. Respondent shall also serve copies of his manifestation on all adverse parties in all cases he entered his formal appearance.

Let a copy of this Resolution be furnished to the Office of the Bar Confidant to be attached to Atty. Severo L. Brillantes' personal record. Copies of this Resolution should also be served on the IBP for its proper disposition, and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.

Respondent received the copy of this Court's resolution on 08 February 2021.² The following day, he filed a Manifestation with Plea for Mercy³ (Re: Suspension from the Practice of Law) dated 09 February 2021 requesting that his suspension be reduced to one month only. This Court denied respondent's plea for mercy in a Resolution⁴ dated 14 June 2021.

Subsequently, respondent filed a Manifestation with Motion to Lift Order Suspending Respondent from the Practice of Law,⁵ alleging that after his receipt of the copy of the Resolution dated 02 March 2020, he desisted from the practice of law. He claims that he has furnished all concerned adverse parties in the cases he has been handling, as well as the courts and quasi-judicial agencies where he has entered an appearance with copies of his Manifestation dated 09 February 2021. Moreover, he has filed his

² Id. at 108.

³ Id. at 108-109.

⁴ Id. at 113-114.

⁵ Id. at 117-118.

Withdrawal of Appearance therein, attaching copies of the emails⁶ sent as proof thereof. Citing various health problems, respondent apologizes for the delay in notifying the aforesaid parties. He also contends that he has already complied with the six-month period of suspension and thus, beseeches this Court for mercy and compassion. Allegedly, he has already learned his lesson, and his family also suffered with him for seven months. He alleges that he needs to attend to his clients' cases as soon as possible.

Recommendation of the Office of the Bar Confidant (OBC)

In a Report and Recommendation⁷ dated 12 October 2021, the OBC recommends the lifting of respondent's suspension, noting that respondent has served his suspension from the time he received notice on 08 February 2021 until 08 August 2021. It opines that while respondent has failed to submit certifications from the courts where he practices, as well as from the Integrated Bar of the Philippines (IBP) Chapter where he belongs, his sworn statement attesting to his compliance to the order of suspension should be deemed sufficient compliance to the guidelines set forth in *Maniago v. De Dios (Maniago)*.⁸

On this note, the OBC observes that over the years, there have been varying interpretations of the Court's guidelines in *Maniago* with respect to the requirements for lifting an order of suspension, specifically the statement: "[t]he Sworn Statement shall be considered as proof of respondent's compliance with the order of suspension." The OBC has noticed that some respondents in administrative cases file sworn statements of their compliance to the order of suspension, *and* certifications from 1) the courts where respondents are practicing and 2) IBP Chapter where they belong, affirming such compliance (certifications). However, there are also some who, like respondent, consider the filing of a mere sworn statement sufficient for purposes of reinstatement to practice.

The OBC states that a lot of similar motions to lift suspension have been held in abeyance pending submissions of the said certifications. It also points out that because of the COVID-19 pandemic, securing copies of such certifications has been burdensome as many courts and offices have or had been placed in temporary lockdowns. It further notes that a lot of the respondents seeking to comply with the *Maniago* guidelines are senior citizens who are at risk of contracting the disease if they personally request these certifications from various offices. Finally, it opines that the delay

⁶ Id. at 127-140.

⁷ Id. at 115-116.

⁸ 631 Phil. 139 (2010).

caused by requiring these certifications had caused an enormous economic burden to some suspended lawyers whose only source of income is their exercise of profession. Thus, the OBC recommends that the requirement on additional certifications be set aside and that the filing of a sworn statement of compliance be deemed sufficient to reinstate suspended lawyers.

Issue

This Court is tasked to determine whether respondent's submission of a sworn statement of compliance is sufficient for purposes of lifting a disciplinary order of suspension.

Ruling of the Court

One of the foundational precepts in legal ethics is that the practice of law is a privilege burdened with conditions. To enjoy the privileges of practicing law, lawyers must "adhere to the rigid standards of mental fitness, maintain the highest degree of morality, and faithfully comply with the rules of the legal profession."⁹ This Court has invoked this principle to justify various other legal and ethical rules which ensure that only qualified and competent individuals may practice law in the country. One such rule governs disciplinary orders of suspension. Thus, when a lawyer is suspended, there is no automatic resumption of practice after the expiration of the suspension period. The suspended lawyer must comply with various requirements and secure an order from this Court prior to reinstatement.¹⁰ In *Maniago*, this Court, laid down the guidelines for resumption of practice after service of suspension, *viz.*:

After a finding that respondent lawyer must be suspended from the practice of law, the Court shall render a decision imposing the penalty;

Unless the Court explicitly states that the decision is immediately executory upon receipt thereof, respondent has 15 days within which to file a motion for reconsideration thereof. The denial of said motion shall render the decision final and executory;

Upon the expiration of the period of suspension, respondent shall file a Sworn Statement with the Court, through the Office of the Bar Confidant, stating therein that he or she has desisted from the practice of law and has not appeared in any court during the period of his or her suspension;

⁹ *Lingan v. Calubaquib*, 737 Phil. 191, 209 (2014), citing *Foronda v. Atty. Guerrero*, 516 Phil. 1, 3 (2006).

¹⁰ See *Tan, Jr. v. Gumba*, 823 Phil. 116, 126-127 (2018).

Copies of the Sworn Statement shall be furnished to the Local Chapter of the IBP and to the Executive Judge of the courts where respondent has pending cases handled by him or her, and/or where he or she has appeared as counsel;

The Sworn Statement shall be considered as proof of respondent's compliance with the order of suspension;

Any finding or report contrary to the statements made by the lawyer under oath shall be a ground for the imposition of a more severe punishment, or disbarment, as may be warranted.¹¹ (Emphasis supplied.)

Maniago is categorical that the sworn statement of compliance is sufficient to prove the lawyer's service of suspension. This Court seemed to confirm this in *Reyes v. Vitan*,¹² where the Court conditioned the granting of therein respondent's petition for reinstatement to his submission of a sworn statement of compliance. In that case, the Court also affirmed the requirement of service of copies thereof to the IBP and courts, as well as the warning that any false allegation in the sworn statement shall merit a more serious punishment. The Court did not mention nor require additional certifications from third parties verifying said respondent's service during the period of suspension. This holding has been reiterated in *Tan, Jr. v. Gumba*.¹³

On the other hand, it appears that there is also a contrary stream of cases where this Court specifically required independent proof of compliance to the order of suspension. In *Miranda v. Carpio*,¹⁴ this Court instructed therein respondent "to file his sworn statement with motion to lift order of suspension **with certification to that effect**, from the IBP Local Chapter where he is affiliated, and from the Office of the Executive Judge of the courts where he practices his legal profession, to affirm that he has fully served his six (6) months suspension." Similar certifications were likewise required or submitted, in addition to the sworn statement of compliance in the cases of *Miranda, Jr. v. Alvarez, Sr.*,¹⁵ and *Ko v. Uy-Lampasa*.¹⁶

Due to the apparent inconsistency in the implementation of *Maniago*, this Court deems it proper to note and accept the OBC's recommendation. We now clarify and set the uniform rule that for purposes of requests for

¹¹ Supra note 8 at 145-146.

¹² 642 Phil. 1 (2010).

¹³ Supra note 10.

¹⁴ A.C. No. 6281, 15 January 2020.

¹⁵ 839 Phil. 416 (2018), citing *Ladim v. Ramirez*, Minute Resolution in A.C. No. 10372, 01 August 2016.

¹⁶ A.C. No. 11584, 21 June 2021.

lifting of the suspension, submission of a sworn certification of service of suspension shall be deemed sufficient compliance to *Maniago*. While lawyers are neither prohibited nor discouraged to attach supporting certifications from their local IBP chapters, and from courts and quasi-judicial agencies where they practice, their requests to resume practice will not be held in abeyance on account of their non-submission.

This Court is cognizant of the effects of requiring lawyers to submit these certifications. Verily, applying and processing of requests for certifications from various sources may have resulted in prolonging the suspension more than the periods set by the Court. This is because the respondents would have to wait for these offices to act on their requests. While temporary loss of the privilege to practice law is a necessary offshoot of an administrative transgression, this Court did not, certainly, intend to cause additional economic burdens to suspended lawyers by dragging out the period of their suspension. As the OBC has noted, for most of the suspended lawyers, if not all, their only source of income is derived from the exercise of their profession.

Likewise, the occurrence of the COVID-19 pandemic may have further outstretched the time to secure these certifications from various offices. Verily, the Court is not oblivious to the "new norm" where courts and offices intermittently close their offices or regulate their operations in compliance with health restrictions. To require all suspended lawyers, even those senior citizens, or immunocompromised to get these certifications will not only cause delay but will also unnecessarily put them at risk of contracting the COVID-19 virus. Thus, the *Maniago* guidelines should be interpreted liberally, in that a suspended lawyer's submission of a sworn statement of compliance shall be deemed sufficient to lift a previously issued order of suspension.

In any case, this Court finds that there are procedural safeguards in place to address the probability of abuse. Every order of suspension imposed against a member of the Bar will still be furnished to the: (1) OBC to be appended to respondent's personal record as an attorney; (2) the IBP for its information and guidance; and, (3) the Office of the Court Administrator (OCA) for circulation to all courts in the country. Further, as *Maniago* dictates, a lawyer who submits a false or untruthful sworn statement shall be subject to applicable criminal and /or administrative punishment.

By making the process of lifting suspensions more efficient, this Court is not waiving its authority to discipline erring lawyers or tolerating professional indiscretions but is merely balancing its regulatory duty with



practical considerations. Delaying and making the process of lifting disciplinary sanctions disproportionately burdensome, albeit inadvertently, achieves no further noble objective. Indeed, while the Court will not hesitate to discipline an erring lawyer, it should, at the same time, also ensure that a lawyer may not be deprived of the freedom and right to exercise his profession unreasonably.¹⁷

In this case, this Court notes that herein respondent's suspension ended at the time the country was just starting to gain control of the pandemic through the administration of vaccines. As this Court has recognized, it may not have been feasible to physically request and promptly obtain certifications at that time. Nonetheless, in addition to his sworn statement of compliance to the order of suspension, said respondent also submitted copies of email communications he sent to the private adverse parties, concerned courts, and quasi-judicial agencies, notifying them of his suspension. Given the circumstances, respondent's efforts suffice, and this Court does not see any merit in prolonging the lifting of his suspension, subject to the procedural safeguards discussed above.

WHEREFORE, premises considered, respondent Atty. Severo Brillantes' Manifestation with Motion to Lift Order Suspending Respondent from the Practice of Law is hereby **GRANTED**. Accordingly, he is hereby **ALLOWED to RESUME** his practice of law effective immediately.

For the guidance of the Bench and the Bar, the following guidelines shall govern the lifting of the penalty of suspension imposed against members of the Bar:

1. After a finding that the respondent lawyer must be suspended from the practice of law, the Court shall render a decision or resolution imposing the appropriate penalty;
2. The order of suspension shall be immediately executory upon receipt thereof by the respondent lawyer;
3. Every order of suspension imposed against a member of the Bar shall be furnished to the: (1) Office of the Bar Confidant to be appended to respondent's personal record as an attorney; (2) Integrated Bar of the Philippines for its information and guidance; and (3) Office of the Court Administrator for circulation to all courts in the country;

¹⁷ Supra note 8.



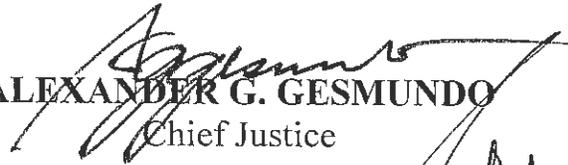
4. Upon the expiration of the period of suspension, the respondent lawyer shall file a Sworn Statement with the Court, through the Office of the Bar Confidant, stating therein that he or she has desisted from the practice of law, has not appeared in any court during the period of his or her suspension and has complied with all other directives of the Court relative to the order of suspension;
5. Copies of such Sworn Statement shall be furnished to the Local Chapter of the Integrated Bar of the Philippines, the Executive Judge of the courts, or any quasi-judicial agencies where the respondent lawyer has pending cases handled by him or her, and/or where he or she has appeared as counsel;
6. The order of suspension shall be automatically lifted upon submission by the respondent lawyer of such Sworn Statement that he or she has completed the service of suspension;
7. While respondent lawyers are neither prohibited nor discouraged to attach supporting certifications from their local IBP chapters, and from courts and quasi-judicial agencies where they practice, their requests to resume the practice of law will not be held in abeyance on account of their non-submission; and,
8. Any finding or report contrary to the statements made by the respondent lawyer under oath shall be a ground for the imposition of a more severe punishment, or even disbarment, as may be warranted.

Let copies of this Decision be furnished to the Office of the Court Administrator for dissemination to all courts, Office of the Bar Confidant and the Integrated Bar of the Philippines for their information and guidance. The Office of the Bar Confidant is also **DIRECTED** to append a copy of this Decision to the record of respondent Atty. Severo Brillantes as member of the Bar.

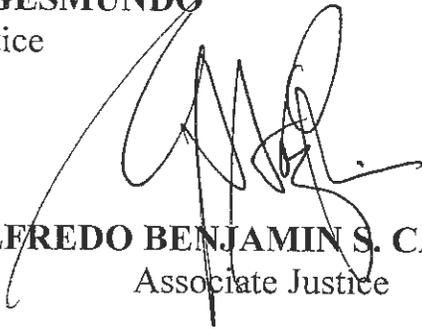
SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

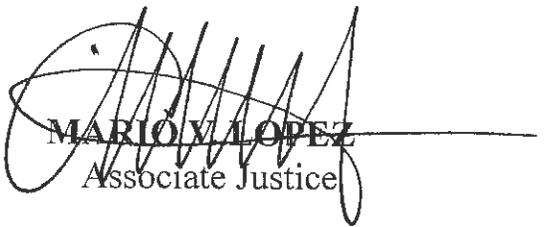

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(On Leave)
RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

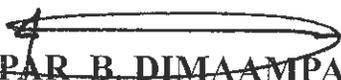

HENRI JEAN PAUL B. INTING
Associate Justice

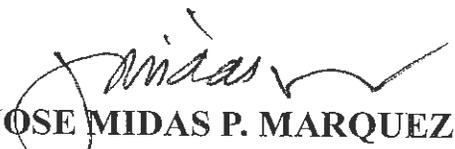

MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice

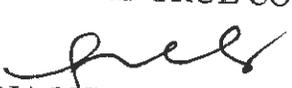

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JOSE MIDAS P. MARQUEZ
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ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFIED TRUE COPY

MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court