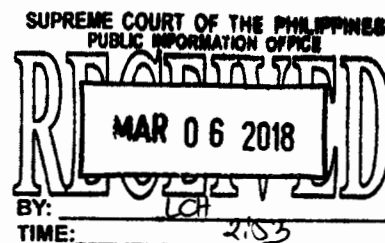




Republic of the Philippines  
**Supreme Court**  
 Manila

**SPECIAL FIRST DIVISION**



**ATTY. BENIGNO T. A.C. No. 10783**  
**BARTOLOME,**

Complainant,

Present:

- versus -

**ATTY. CHRISTOPHER A.**  
**BASILIO,**

Respondent.

SERENO, *C.J.*, Chairperson,  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PERLAS-BERNABE, and  
 TIJAM, *\* JJ.*

Promulgated:

**JAN 31 2018**

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**RESOLUTION**

**PERLAS-BERNABE, J.:**

For resolution are the Motion to Lift Suspension<sup>1</sup> dated July 19, 2017 filed by respondent Atty. Christopher A. Basilio (Basilio), as well as the Report and Recommendation<sup>2</sup> dated September 13, 2017 of the Office of the Bar Confidant (OBC), recommending that: (a) Basilio be meted with an additional penalty of fine in the amount of ₱10,000.00 for his failure to immediately comply with the Court's order of suspension from the practice of law, as mandated in the Decision<sup>3</sup> dated October 14, 2015 of the Court; and (b) the lifting of the order of suspension be held in abeyance pending the payment of the fine.

\* Designated member per A.M. No. 17-03-03-SC dated March 14, 2017.

<sup>1</sup> Rollo, pp. 201-202.

<sup>2</sup> Id. at 210.

<sup>3</sup> Id. at 129-136. See also *Bartolome v. Basilio*, 771 Phil. 1 (2015).

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### The Facts

In the October 14, 2015 Decision<sup>4</sup> (the Decision), the Court suspended Basilio from the practice of law for one (1) year, revoked his incumbent commission as a notary public, and prohibited him from being commissioned as a notary public for two (2) years, *effective immediately*, after finding him guilty of violating the 2004 Rules of Notarial Practice and Rule 1.01, Canon 1 of the Code of Professional Responsibility. He is further warned that a repetition of the same offense or similar acts in the future shall be dealt with more severely.<sup>5</sup>

The Decision was circulated to all courts for the information and implementation of the order of suspension.<sup>6</sup> Basilio, thru his counsel, Atty. Edward L. Robea (Robea), claimed to have received a copy of the Decision on December 2, 2015,<sup>7</sup> hence, his suspension from the practice of law, as well as the revocation of his notarial commission and prohibition from being commissioned as a notary public should have all effectively commenced on the same date. In a Resolution<sup>8</sup> dated April 20, 2016, the Court denied with finality Basilio's motion for reconsideration<sup>9</sup> of the Decision.

However, in a letter<sup>10</sup> dated June 9, 2016, Atty. Sotero T. Rambayon (Rambayon) inquired from the Court about the status of Basilio's suspension, alleging that the latter still appeared before Judge Venancio M. Ovejera of the Municipal Trial Court of Paniqui, Tarlac on April 26, 2016. The letter was subsequently referred to the OBC for appropriate action.<sup>11</sup> In a letter-reply<sup>12</sup> dated July 25, 2016, the OBC informed Rambayon that the Decision had already been circulated to all courts for implementation, and that Basilio's motion for reconsideration had been denied with finality by the Court.

Consequently, in a Report and Recommendation<sup>13</sup> dated July 27, 2016, the OBC recommended that Basilio be required to show cause why he should not be held in contempt of court for not immediately complying with the Court's order of suspension upon receipt of the Decision. He was further required to file a sworn statement, with certifications from the Office of the Executive Judge of the court where he practices his legal profession and

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<sup>4</sup> See *Bartolome v. Basilio*, id.

<sup>5</sup> Id. at 11.

<sup>6</sup> *Rollo*, p. 158.

<sup>7</sup> As shown on the registry return receipt signed by Robea; id. at 128 (see dorsal portion). See also id. at 139 and 181. The OBC, however, indicated in its reports that Basilio, through his counsel, received the Decision on November 3, 2015 (see id. at 137, 158, and 210).

<sup>8</sup> Id. at 152.

<sup>9</sup> Basilio filed his motion for reconsideration before the OBC on January 22, 2016. Id. at 139-143.

<sup>10</sup> The letter was addressed to the Office of the Chief Justice (OCJ). Id. at 161.

<sup>11</sup> See letter of the OCJ dated June 29, 2016; id. at 160.

<sup>12</sup> Id. at 169.

<sup>13</sup> Id. at 158-159.

from the Integrated Bar of the Philippines' (IBP) Local Chapter where he is affiliated with, affirming that he has ceased and desisted from the practice of law, has not appeared in court as counsel, and has not practiced his notarial commission during the mandated period.

In another letter<sup>14</sup> dated August 22, 2016, Rambayon informed the Court that in the schedule of cases before Judge Bernar D. Fajardo of the Regional Trial Court (RTC) of Paniqui, Tarlac, Branch 67, there were five (5) cases<sup>15</sup> where the litigants were supposedly represented by Basilio.

In a Resolution<sup>16</sup> dated October 5, 2016, the Court, among others, noted Rambayon's letter dated August 22, 2016 and further required Basilio to: (a) show cause within ten (10) days from notice why he should not be held in contempt of court for not immediately complying with the order of suspension upon receipt of the Decision; and (b) file a sworn statement with certifications affirming that he has fully served his penalty of suspension.

Complying<sup>17</sup> with the show cause order, Basilio explained that he did not immediately comply with the suspension order because he believed that his suspension was held in abeyance pending resolution of his motion for reconsideration of the Decision, following the guidelines in *Maniago v. De Dios*<sup>18</sup> (*Maniago*), wherein it was stated that “[u]nless the Court explicitly states that the decision is immediately executory upon receipt thereof, respondent has [fifteen (15)] days within which to file a motion for reconsideration thereof. The denial of said motion shall render the decision final and executory.”<sup>19</sup> On this score, he maintained that what was immediately executory was only the revocation of his notarial commission and the two (2)-year prohibition of being commissioned as a notary public.<sup>20</sup>

In a Resolution<sup>21</sup> dated March 15, 2017, the Court noted Basilio's compliance, and referred the case to the OBC for evaluation, report, and recommendation. In a Report and Recommendation<sup>22</sup> dated June 22, 2017, the OBC recommended that the directives in the Court's October 5, 2016

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<sup>14</sup> The letter was addressed to the OCJ. See *id.* at 170-171.

<sup>15</sup> These cases are: (1) Criminal Case No. 2024, *People v. Arnold Obcena*, Frustrated Murder, as Private Prosecutor; (2) Civil Case No. 022-15, *Adona Gregorio v. Rogelio Gozum*, For Declaration of Nullity of Marriage, as lawyer for petitioner; (3) Special Proceedings No. 045-15, Petition for Judicial Declaration of Abandonment and Adoption, as counsel for petitioners; (4) Land Case No. 002-15-B, Petition for Cancellation of Second Owner's Duplicate Copy of OCT No. 22030, as lawyer for petitioner; and (5) Land Case No. 052-15, Petition for Cancellation of Encumbrance Entry No. 14-13265 in TCT No. 63931, as counsel for petitioner. See *id.* at 170.

<sup>16</sup> *Id.* at 176-177.

<sup>17</sup> See Compliance to the Show Cause Order Dated October 5, 2016 filed before the OBC on January 26, 2017; *id.* at 180-184.

<sup>18</sup> 631 Phil. 139 (2010).

<sup>19</sup> *Id.* at 146.

<sup>20</sup> See *rollo*, pp. 182-183.

<sup>21</sup> *Id.* at 198-199.

<sup>22</sup> *Id.* at 200.

Resolution be reiterated, *i.e.*, the filing of a sworn statement with certifications attesting to his compliance with the full service of suspension, and require Basilio to comply with the same within ten (10) days from notice.

Before the Court could act on the OBC's June 22, 2017 Report and Recommendation, Basilio filed a Motion to Lift Suspension (Motion)<sup>23</sup> on July 25, 2017, attaching an Affidavit of Cessation/Desistance from Practice of Law or Appearance in Court.<sup>24</sup> In his motion, Basilio stated that he "has commenced to serve his penalty on July 9, 2016 and continue to serve his penalty until the present upon his receipt of the Order of the [Court] denying his Motion for Reconsideration."<sup>25</sup> He further mentioned that he "immediately ceased and desisted from the practice of his notarial commission on December 2, 2015 until the present."<sup>26</sup> Basilio likewise attached to his Motion the following: (a) Certification<sup>27</sup> dated July 12, 2017 from the IBP-Tarlac Chapter, affirming that Basilio "has not appeared in court beginning July 9, 2016 to July 9, 2017" and "has not practiced his notarial commission as notary public from December 2, 2016 [up to] the present"; (b) Certification<sup>28</sup> dated July 14, 2017 from the RTC of Paniqui, Tarlac, Branch 67, attesting that Basilio has ceased and desisted from the practice of law and has not practiced his notarial commission from December 2, 2016 up to the present; and (c) Certifications<sup>29</sup> dated July 17, 2017, from the RTC of Camiling, Tarlac, Branch 68 and July 20, 2017, from the RTC of Tarlac City, Branch 64, both affirming that Basilio did not appear as counsel in said courts from July 9, 2016 up to the present.

### **The Action and Recommendation of the OBC**

In a Report and Recommendation<sup>30</sup> dated September 13, 2017, the OBC recommended that Basilio be meted with an additional penalty of a fine in the amount of ₱10,000.00 for his failure to immediately comply with the Court's order of suspension from the practice of law, as mandated in the Decision. Likewise, it recommended that the lifting of the order of suspension from the practice of law be held in abeyance pending his payment of the fine.

The OBC maintained that Basilio, through his counsel, Robea, received the Decision on November 3, 2015. Hence, the one (1)-year suspension order from the practice of law imposed upon him commenced from the said date should end on November 3, 2016. On the other hand, the two (2)-year order of revocation of notarial commission and prohibition

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<sup>23</sup> Dated July 19, 2017. Id. at 201-202.

<sup>24</sup> Dated July 24, 2017. Id. at 203.

<sup>25</sup> Id. at 201.

<sup>26</sup> Id. at 203.

<sup>27</sup> Id. at 205.

<sup>28</sup> Id. at 207.

<sup>29</sup> See id. at 208 and 206, respectively.

<sup>30</sup> Id. at 210.

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from being commissioned as a notary public should end on November 3, 2017. However, the OBC observed that Basilio served his suspension order from the practice of law beginning only on July 9, 2016 and desisted from his notarial practice on December 2, 2015, as shown by the attached Certifications; hence, the recommended fine.

### The Issue Before the Court

The essential issues for the Court's resolution are: (a) whether or not Basilio's suspension should now be lifted, and (b) whether or not he should be fined for his failure to immediately comply with the order of the Court.

### The Court's Ruling

The dispositive portion of the Decision explicitly states that the penalties imposed on Basilio for violation of the 2004 Rules of Notarial Practice and Rule 1.01, Canon 1 of the Code of Professional Responsibility – namely: (a) suspension from the practice of law for a period of one (1) year; (b) revocation of his incumbent commission as a notary public; and (c) prohibition from being commissioned as a notary public for two (2) years, were all “**effective immediately**”, viz.:

**WHEREFORE**, the Court finds Atty. Christopher A. Basilio **GUILTY** of violating the 2004 Rules of Notarial Practice and Rule 1.01, Canon 1 of the Code of Professional Responsibility. Accordingly, the Court hereby **SUSPENDS** him from the practice of law for one (1) year; **REVOKES** his incumbent commission as a notary public, if any; and **PROHIBITS** him from being commissioned as a notary public for two (2) years, *effective immediately*. He is **WARNED** that a repetition of the same offense or similar acts in the future shall be dealt with more severely.<sup>31</sup> [Emphasis, italics, and underscoring supplied]

Accordingly, Basilio's compliance with the order of suspension, as well as all the other penalties, should have commenced on the day he received the Decision.

According to the OBC, Basilio received the Decision on November 3, 2015. However, records show that Basilio, through Robea, actually received the Decision on December 2, 2015, as per the Registry Return Receipt, and that the same was merely mailed on November 13 (not 3), 2015.<sup>32</sup> The OBC – albeit still inaccurately – must have thought that this latter date was to be considered as the date of receipt. In fact, Basilio, in his motion for reconsideration and compliance to the Court's October 5, 2016 Resolution,<sup>33</sup>

<sup>31</sup> *Bartolome v. Basilio*, supra note 3, at 11.

<sup>32</sup> *Rollo*, p. 128 (see dorsal portion).

<sup>33</sup> *Id.* at 139 and 181.

has repeatedly maintained that he received the Decision on December 2, 2015. This averment appears to be consistent with the documents on record and hence, ought to prevail.

This notwithstanding, Basilio himself admitted that he served his suspension only on July 9, 2016, proffering that he believed that what was immediately executory was only the revocation of his notarial commission and the two (2)-year prohibition against being commissioned as a notary public. Unfortunately, the Court cannot accept such flimsy excuse in light of the Decision's unequivocal wording.

Irrefragably, the clause "effective immediately" was placed at the end of the enumerated series of penalties to indicate that the same pertained to and therefore, qualified all three (3) penalties, which clearly include his suspension from the practice of law. The immediate effectivity of the order of suspension – not just of the revocation and prohibition against his notarial practice – logically proceeds from the fact that all three (3) penalties were imposed on Basilio as a result of the Court's finding that he failed to comply with his duties as a notary public, in violation of the provisions of the 2004 Rules of Notarial Practice, and his sworn duties as a lawyer, in violation of Rule 1.01, Canon 1 of the Code of Professional Responsibility. Thus, with the Decision's explicit wording that the same was "effective immediately", there is no gainsaying that Basilio's compliance therewith should have commenced immediately from his receipt of the Decision on December 2, 2015. On this score, Basilio cannot rely on the *Maniago* ruling as above-claimed since it was, in fact, held therein that a decision is immediately executory upon receipt thereof if the decision so indicates, as in this case.

All told, for his failure to immediately serve the penalties in the Decision against him upon receipt, Basilio acted contumaciously,<sup>34</sup> and thus should be meted with a fine in the amount of ₱10,000.00,<sup>35</sup> as recommended by the OBC. Pending his payment of the fine and presentation of proof thereof, the lifting of the order of suspension from the practice of law is perforce held in abeyance.

**WHEREFORE**, the Court hereby **FINDS** respondent Atty. Christopher A. Basilio **GUILTY** of indirect contempt. He is hereby **FINED** in the amount of Ten Thousand Pesos (₱10,000.00) and **STERNLY WARNED** that a repetition of the same or similar infractions will be dealt with more severely. The lifting of the order of suspension from the practice

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<sup>34</sup> "A person guilty of disobedience of or resistance to a lawful order of a court or commits any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice may be punished for indirect contempt." (*Capitol Hills Golf and Country Club v. Sanchez*, 728 Phil. 58, 69 [2014].)

<sup>35</sup> See Notice of Resolution in *Santos Ventura Hocorma Foundation, Inc. v. Funk*, A.C. No. 9094, January 13, 2014.


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of law is **HELD IN ABEYANCE** pending his payment of the fine and presentation of proof thereof.

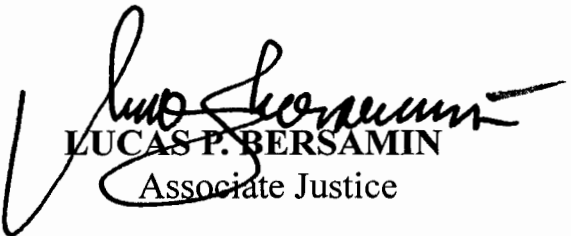
**SO ORDERED.**


  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**NOEL GIMENEZ TIJAM**  
Associate Justice