Republic of the Philippines
Supreme Court
Manila

SPECIAL SECOND DIVISION

BERNALDO E. VALDEZ,
Complainant,

- versus -

ATTY. WINSTON B. HIPE,
Respondent.

A.C. No. 12443

Present:

HERNANDO, *Chairperson*
ZALAMEDA,
ROSARIO,
MARQUEZ, and
*SINGH, *JJ.*

Promulgated:

AUG 23 2023

x - x

RESOLUTION

ZALAMEDA, *J:*

Before the Court is a Sworn Statement[1] dated 14 February 2023 submitted by Atty. Winston B. Hipe (respondent) with regard to the lifting of his suspension from the practice of law.

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* Designated additional member vice then Senior Associate Justice Estela M. Perlas-Bernabe, J. [ret.] pursuant to Sec. 8, Rule 2 of the IRSC, as amended.

1 *Rollo*, pp. 89-90.

Antecedents

In a Decision[2] dated 14 March 2022, respondent was found liable for violation of the 2004 Rules on Notarial Practice. The dispositive portion thereof states:

> **WHEREFORE**, the Court finds respondent Atty. Winston B. Hipe (respondent) **GUILTY** of violating the 2004 Rules of Notarial Practice. Accordingly, he is **SUSPENDED** from the practice of law for a period of one (1) month, effective upon receipt of this Decision. Moreover, his notarial commission, if any, is hereby **IMMEDIATELY REVOKED**, and he is **DISQUALIFIED** from being commissioned as a notary public for a period of one (1) year. He is **STERNLY WARNED** that a repetition of the same offense or similar acts in the future shall be dealt with more severely.
>
> Respondent is **DIRECTED** to immediately file a Manifestation to the Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.
>
> Let copies of this Decision be furnished to: (1) the Office of the Bar Confidant to be appended to respondent's personal record as an attorney; (2) the Integrated Bar of the Philippines for its information and guidance; and (3) the Office of the Court Administrator for circulation to all courts in the country.
>
> SO ORDERED.[3]

On 23 September 2022, respondent filed a Manifestation with Motion for Reconsideration,[4] praying that the Court impose the less severe penalty of reprimand instead of a one-month suspension from the practice of law and a one-year disqualification as notary public.[5]

Subsequently, respondent filed the instant Sworn Statement dated 14 February 2023 where he alleges that he received a copy of the Court's Decision dated 14 March 2022 on 13 September 2022 and that since then, he has refrained from the practice of law. The said Sworn Statement was filed and received by the Office of the Bar Confidant (OBC) on 17 February

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2 Id. at 46-52. Penned by now retired Senior Associate Justice Estela M. Perlas-Bernabe and concurred in by Associate Justices Ramon Paul L. Hernando, Rodil V. Zalameda, Ricardo R. Rosario and Jose Midas P. Marquez; copy attached to the *rollo*.

3 Id. at 51.

4 Id. at 74-76.

5 Id. at 75-76.

2023.[6] Attached to his Sworn Statement are certifications[7] from several Regional Trial Courts of Quezon City in support thereof.

Action and Recommendation of the OBC

In a Report and Recommendation[8] dated 3 March 2023, the OBC recommended the approval of respondent's Sworn Statement and the lifting of his suspension. However, the OBC noted that respondent's disqualification from being commissioned as a notary public should remain, as it is supposed to expire on 13 September 2023.

The OBC reasoned that with this Court's Decision in *Re: Order Dated 01 October 2015 in Crim. Case No. 15-318727-34, Regional Trial Court (RTC), Branch 49, Manila, against Atty. Severo L. Brilliantes*[9] (*Brilliantes)*, submission of certifications is no longer mandatory. The sworn statement of the suspended lawyer attesting to his observance of the order of suspension is deemed sufficient.

Nonetheless, the OBC seeks clarification on the portion of this Court's ruling in *Brilliantes* stating that "[t]he order of suspension shall be **automatically lifted** upon submission by the respondent lawyer of such Sworn Statement of service of suspension." It asks whether the mere filing of the sworn statement automatically lifts the order of suspension. The OBC interprets the said pronouncement to mean that the automatic lifting of suspension still requires court confirmation.

Issue

The sole issue here is whether the mere filing of a sworn statement of compliance automatically lifts the order of disciplinary suspension without the necessity of court confirmation.

Ruling of the Court

Administrative suspension is lifted instantly upon the filing of a sworn statement of compliance. The Court's confirmation is not

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6 Id. at 89, see stamp mark of receipt.
7 Id. at 91-146.
8 Id. at 87-88.
9 A.C. No. 11032, 10 January 2023.

required.

Indeed, the intent underlying in the Court's Decision in *Brilliantes* was to make the process of lifting disciplinary suspension from the practice of law efficient. *Brillantes* acknowledged the burden and delay which accompanies the process of securing certifications from various courts and agencies attesting to the suspended lawyer's desistance from practicing law during the period of suspension. Especially during the pandemic, restrictions forced courts and offices to halt operations from time to time, and the implementation of such requirement inadvertently resulted in unduly extending the period of suspension longer than what is ordered by the Court. Thus, We modified Our earlier ruling in *Maniago v. De Dios*[10] *(Maniago)* and issued new guidelines in the process of lifting disciplinary orders of suspension, *viz*:

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;

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 IBP, 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 of 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 re-

[10] 631 Phil. 139.

quests 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.[11] [Emphasis supplied.]

Consistent with the Court's intent in *Brilliantes* to make the process of lifting disciplinary suspensions speedy and efficient, a suspended lawyer no longer needs to await the processing and granting of certificates of compliance from courts and quasi-judicial agencies. **The lifting of a lawyer's suspension should be reckoned from the time of filing the required sworn statement. As a necessary consequence of the automatic lifting of suspension, the resumption of the practice of law is likewise deemed automatic. There is nothing in *Brillantes* which requires the Court's confirmation before the suspension may lifted or the practice of law allowed to resume.** Lawyers should not be unduly deprived of the privilege and the benefits of practicing the profession once the objectives of the disciplinary sanction have been achieved by the lapse of the period of suspension. For this purpose, this Court tasks the OBC to carefully note and record the filings of such sworn statements of compliance.

It bears to stress, however, that while the lifting of administrative suspensions has now been made faster and more efficient, this does not mean that the Court will be similarly liberal to those who would submit false certifications or otherwise exploit the process. Thus, We reiterate Our warning in *Brilliantes* that 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.

Going back to the case at bar, this Court notes that respondent submitted a Sworn Statement attesting to his desistance from the practice of law for one month. He likewise attached sworn certifications from various trial courts corroborating his Sworn Statement. Thus, this Court agrees with the OBC that there is no reason to deny or delay respondent's request to resume his practice of law.

[11] *Supra* note at 9.

WHEREFORE, premises considered, respondent Atty. Winston B. Hipe's Sworn Statement dated 14 February 2023 is hereby **NOTED** and **APPROVED**. Accordingly, he is deemed **ALLOWED to RESUME** his practice of law effective on the date of filing the said Sworn Statement on 17 February 2023 with the Office of the Bar Confidant. However, respondent remains **DISQUALIFIED** from being commissioned as a notary public until the end of his one-year period of disqualification, and upon order of the Court to lift the same.

Further, respondent Atty. Winston B. Hipe is **WARNED** that any finding or report contrary to his Sworn Statement shall be a ground for the imposition of a more severe punishment, or disbarment, as may be warranted.

For the guidance of the Bench and the Bar, this Court **REITERATES** that, pursuant to the guidelines in *Re: Order Dated 01 October 2015 in Crim. Case No. 15-318727-34, Regional Trial Court (RTC), Branch 49, Manila, against Atty. Severo L. Brilliantes,* administrative suspensions shall be instantly lifted, and the suspended lawyer shall automatically be allowed to resume practice of law upon the filing of a sworn statement of compliance to the order of suspension with the Office of the Bar Confidant.

Let copies of this Resolution be furnished to the Office of the Bar Confidant, to be appended to Atty. Winston B. Hipe's personal record as attorney. Likewise, let copies of this Resolution be furnished to the Integrated Bar of the Philippines, and the Court Administrator for circulation to all the courts in the country for their information and guidance.

SO ORDERED.

RODIL V. ZALAMEDA
Associate Justice

WE CONCUR:

RAMON PAUL L. HERNANDO
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

MARIA FILOMENA D. SINGH
Associate Justice