

****Title:**** In Re: Lifting the Order of Suspension from the Practice of Law – Atty. Severo L. Brillantes [AC No. 15-318727-34]

****Facts:****

Atty. Severo L. Brillantes, herein respondent, was found liable for violations of Canons 8 and 11 of the Code of Professional Responsibility. On March 2, 2020, the Supreme Court suspended him from the practice of law for a period of six months and directed him to immediately serve his suspension. Upon receiving the Court’s resolution on February 8, 2021, Atty. Brillantes filed a Manifestation with Plea for Mercy, requesting his suspension be reduced to one month. The Court denied this plea on June 14, 2021.

Atty. Brillantes then filed a Manifestation with Motion to Lift Order Suspending Respondent from the Practice of Law, claiming compliance with the suspension order. He mentioned his ceased practice, notification of courts, quasi-judicial bodies, and adverse parties of his suspension, and provided copies of emails sent as proof. Citing health concerns and hardship experienced by his family during the seven-month suspension, he requested to resume practicing law as soon as possible.

The Office of the Bar Confidant (OBC) recommended lifting Atty. Brillantes’ suspension noting his compliance. However, the OBC recognized a discrepancy in the Court’s guideline application from *Maniago v. De Dios*, especially on the sufficiency of a sworn statement as compliance for lifting a suspension. The recommendation took into account challenges posed by the COVID-19 pandemic, such as difficulties in securing certifications from courts and the increased risk for senior lawyers.

****Issues:****

1. Whether Atty. Brillantes’ sworn statement of compliance is sufficient for lifting his order of suspension?
2. Need for a uniform guideline clarifying the requirements for lifting an administrative suspension from the practice of law.

****Court’s Decision:****

The Court ruled that Atty. Brillantes’ sworn statement is sufficient for lifting the order of suspension. It emphasized the practice of law as a privilege with conditions and acknowledged the need for compliance with orders of suspension. However, resumption of practice doesn’t require extra certifications from local IBP chapters or courts where lawyers practice. The Court acknowledged the process to request certifications could unduly extend

suspensions, and the COVID-19 pandemic had made obtaining such certifications burdensome.

The Court clarified the guidelines for lifting suspension: submission of a sworn statement of service suffices; lawyers are not prohibited from attaching further certifications but are not required to do so. The ruling ensured that the lifting of suspensions should not be overly burdensome, stating any findings contrary to compliance stated under oath could result in more severe punishment.

****Doctrine:****

The Court clarified the application of guidelines for lifting administrative suspensions. It established that a sworn statement of having served the suspension is sufficient unless contrary evidence is provided. The decision further expands upon the principle that the practice of law is a privilege that comes with strict compliance to ethical standards.

****Class Notes:****

- The practice of law is a privilege with conditions.
- Administrative suspensions require compliance and a formal process for reinstatement.
- A sworn statement is considered sufficient proof to lift a suspension.
- Additional certifications from local IBP chapters or courts are not mandated.
- False statements under oath concerning suspension compliance can lead to severe consequences.

****Historical Background:****

This case reflects the Supreme Court's balancing act between the strict regulation of legal ethics and the practical realities faced by lawyers, especially amid the COVID-19 pandemic. The pandemic added logistical and health safety complexities to legal processes, prompting the Court to adapt and clarify procedural requirements to streamline the reinstatement of lawyers who have served their suspensions. The decision can be seen as part of the Court's broader efforts to maintain the integrity of the legal profession while being responsive to changing circumstances.