

Title:

In Re: Atty. Winston B. Hipe - Lifting of Suspension from the Practice of Law

Facts:

Atty. Winston B. Hipe was suspended from the practice of law for one month, effective upon receiving the Supreme Court's Decision dated 14 March 2022, for violating the 2004 Rules on Notarial Practice. His notarial commission was immediately revoked, and he was disqualified from being commissioned as a notary public for one year. Hipe was also warned that repetition of the offense or similar acts would be dealt with more severely.

Following the suspension, Hipe filed a Manifestation with Motion for Reconsideration on 23 September 2022, seeking a less severe penalty. He later submitted a Sworn Statement dated 14 February 2023 to the Office of the Bar Confidant (OBC), claiming he refrained from practicing law since receiving the Court's Decision and included certifications from various Regional Trial Courts of Quezon City as evidence. The OBC recommended the approval of this submission and lifting of Hipe's suspension, maintaining his disqualification from notary public duties until 13 September 2023. The OBC also sought clarification on certain procedural aspects regarding the lifting of suspension based on prior Court decisions.

Issues:

The central issue was whether the filing of a sworn statement of compliance automatically lifts the order of disciplinary suspension without requiring court confirmation.

Court's Decision:

The Supreme Court clarified that administrative suspension is instantly lifted upon the filing of a sworn statement of compliance, without needing the Court's confirmation. This decision aimed at making the procedure for lifting disciplinary suspension more efficient by acknowledging the undue burden and delays caused by securing certifications from various entities—a process exacerbated by periodic operational halts due to the pandemic. The Court reiterated the guidelines issued in the case of Atty. Severo L. Brilliantes, outlining the streamlined process for lifting orders of suspension, emphasizing the sole requirement of filing a sworn statement with the Court through the OBC.

Doctrine:

This resolution establishes the doctrine that the order of disciplinary suspension from the practice of law is automatically lifted upon the respondent lawyer's submission of a sworn

statement of compliance to the Supreme Court through the Office of the Bar Confidant. It eliminates the need for court confirmation, thus expediting the process of resuming legal practice post-suspension.

Class Notes:

- ****Key Concept:**** The automatic lifting of a lawyer’s suspension upon submitting a sworn statement of compliance.
- ****Critical Statutory Provision:**** 2004 Rules on Notarial Practice
- ****Application:**** Lawyers suspended for disciplinary reasons must submit a sworn statement declaring their compliance with the suspension order to be able to resume practice immediately after the suspension period ends. Supporting certifications from courts or quasi-judicial bodies are not mandatory.
- ****Potential Pitfall:**** Any false statement or act contrary to the declarations made under oath in the compliance statement may lead to a more severe punishment or even disbarment.

Historical Background:

This case reflects ongoing efforts by the Philippine Supreme Court to streamline administrative procedures relating to the practice of law, particularly in the context of disciplinary actions against lawyers. By eliminating the need for court confirmation upon the lifting of a lawyer’s suspension, the Court addresses logistical and procedural challenges—including those amplified by the pandemic—thus facilitating a more efficient legal system.