

OCA CIRCULAR NO. 44-2014, April 01, 2014

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TO : ALL JUDGES OF THE REGIONAL TRIAL COURTS, SHARIA DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARIA CIRCUIT COURTS

SUBJECT : ORDER LIFTING THE SUSPENSION FROM THE PRACTICE OF LAW

Concern has been brought to the attention of this Office as to whether the lifting of a lawyer's suspension from the practice of law is automatic upon the end of the period stated in the Court's decision. This is very crucial considering that some practicing lawyers make their appearance to any trial court immediately after the cessation of the period suspending them from the practice of law, without securing an order from the Supreme Court lifting their suspension.

In the July 12, 2000 Resolution of the Court in A.C. No. 3066, J.K. Mercado and Sons Agricultural Enterprises, Inc. v. De Vera, and A.C. No. 4438, De Vera v. Encanto, the necessity of securing an order lifting the suspension from the practice of law is expressly stated and quoted as follows:

Anent respondent's motion to lift his suspension on the ground that he has already complied with the directive of the Court to return to complainant the money in his possession, respondent might be reminded that his suspension from, the practice of law is for at least six (6) months. The statement of the Court that his suspension stands until he would have satisfactorily shown his compliance with the Court's resolution is a caveat that his suspension could thereby extend for more than six months. The lifting of a lawyer's suspension is not automatic upon the end. of the period stated in the Court's decision, and an order from the Court lifting the suspension at the end of the period is necessary in order to enable him to resume the practice of his profession. (Emphasis supplied.)

In view of the foregoing, all concerned are DIRECTED to REQUIRE a lawyer who has been suspended from the practice of law to present an order from the Supreme Court lifting his/her suspension before he/she resumes the practice of his/her profession.

Strict compliance is enjoined.

April 1, 2014

(SGD.) JOSE MIDAS P. MARQUEZ

Court Administrator

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