

SPECIAL FIRST DIVISION

[A.C. No. 10783, January 31, 2018]

**ATTY. BENIGNO BARTOLOME, COMPLAINANT, V. ATTY.
CHRISTOPHER A. BASILIO, RESPONDENT.**

R E S O L U T I O N

PERLAS-BERNABE, J.:

For resolution are the Motion to Lift Suspension^[1] dated July 19, 2017 filed by respondent Atty. Christopher A. Basilio (Basilio), as well as the Report and Recommendation^[2] 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 P10,000.00 for his failure to immediately comply with the Court's order of suspension from the practice of law, as mandated in the Decision^[3] 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.

The Facts

In the October 14, 2015 Decision^[4] (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.^[5]

The Decision was circulated to all courts for the information and implementation of the order of suspension.^[6] Basilio, thru his counsel, Atty. Edward L. Robea (Robea), claimed to have received a copy of the Decision on December 2, 2015,^[7] 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^[8] dated April 20, 2016, the Court denied with finality Basilio's motion for reconsideration^[9] of the Decision.

However, in a letter^[10] 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.^[11] In a letter-reply^[12] 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^[13] 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 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^[14] 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^[15] where the litigants were supposedly represented by Basilio.

In a Resolution^[16] 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^[17] 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*^[18] (*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."^[19] 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.^[20]

In a Resolution^[21] 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^[22] dated June 22, 2017, the OBC recommended that the directives in the Court's October 5, 2016 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)^[23] on July 25, 2017, attaching an Affidavit of Cessation/Desistance from Practice of Law or Appearance in Court.^[24] 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."^[25] He further mentioned that he "immediately ceased and desisted from the practice of his notarial commission on December 2, 2015 until the present."^[26]

Basilio likewise attached to his Motion the following: (a) Certification^[27] 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^[28] 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^[29] 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^[30] dated September 13, 2017, the OBC recommended that Basilio be meted with an additional penalty of a fine in the amount of P10,000.00 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 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