EN BANC

[A.C. No. 11444 [Formerly CBD Case No. 17-5464]. February 18, 2026]

ANDY DELA VICTORIA CANONOY, *COMPLAINANT*, VS. ATTY. JOSE B. GUIBONE, *RESPONDENT*.

R E S O L U T I O N

INTING, J.:

Before the Court is a Manifestation[1] dated June 25, 2025, filed by Atty. Jose B. Guibone (respondent), praying that he be allowed to resume practicing law on January 30, 2026, on the claim that he allegedly ceased from the practice of law on January 30, 2024, prior to the Court's Resolution imposing upon him the penalty of suspension.[2]

The Antecedents

Andy Dela Victoria Canonoy (complainant) and his five siblings, as heirs of the late Angelita Dela Victoria Canonoy, charged respondent with notarizing a falsified *Extrajudicial Settlement and Partition of Estate* dated September 22, 2015, despite their alleged non-appearance and the forged signatures appearing therein. Evidence showed that the heirs were in different locations in the Philippines and abroad at the time of the purported notarization.[3]

The investigation further revealed that respondent maintained multiple notarial offices, allowed his staff to sign documents on his behalf, used multiple notarial seals, and notarized documents upon the presentation of only a community tax certificate. Respondent admitted committing these acts.[4]

The Court's Resolution dated February 25, 2025

In an unsigned Resolution[5] dated February 25, 2025, the Court En Banc found respondent guilty of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility and Accountability, and imposed the following sanctions:

> FOR THESE REASONS, the Court finds respondent Atty. Jose B. Guibone GUILTY of violating the 2004 Rules on Notarial Practice and the Code of Professional Responsibility and Accountability. Accordingly, the Court imposes the following sanctions against respondent Atty. Jose B. Guibone:

(1) for violation of the 2004 Rules on Notarial Practice in bad faith, Atty. Jose B. Guibone is hereby SUSPENDED from the practice of law for a period of one year, the notarial commission of Atty. Jose B. Guibone, if existing, is REVOKED, and Atty. Jose B. Guibone is DISQUALIFIED from being commissioned as a notary public for a period of two years, effective immediately;

(2) for another violation of the 2004 Rules on Notarial Practice in bad faith, Atty. Jose B. Guibone is meted out a fine in the amount of PHP 100,001.00; and

(3) for making untruthful statements in an affidavit that was submitted. as evidence in court, he is SUSPENDED from the practice of law for another period of one year.

The Court likewise STERNLY WARNS respondent Atty. Jose B. Guibone that a repetition of the same or similar offense shall be dealt with more severely.

Respondent Atty. Jose B. Guibone 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 Resolution be furnished to the Office of the Bar Confidant to be appended to respondent Atty. Jose B. Guibone's personal record as an attorney, the Integrated Bar of the Philippines, both its national office and local chapter to which Atty. Jose B. Guibone belongs, for its information and guidance, and the Office of the Court Administrator for circulation to all courts in the country.[6]

Respondent received the unsigned Resolution on May 13, 2025.[7] Thereafter, respondent filed the present Manifestation claiming that he voluntarily ceased practicing law on January 30, 2024, upon receipt of a Notice of Resolution from the Integrated Bar of the Philippines (IBP). On this basis, he now seeks to resume the practice of law on January 30, 2026.[8]

Complainant filed a Comment[9] dated July 17, 2025, opposing the Manifestation and arguing that the period of suspension should be reckoned only from respondent's receipt of the Court's Resolution imposing the penalty, and not from receipt of an IBP Resolution, which is merely recommendatory and does not attain finality absent action by the Court.[10]

Complainant further alleged that respondent continued to engage in the practice of law during 2024 and 2025, including by serving as Legal Unit Head and Regional Legal

Officer of the Department of Education–CARAGA, as purportedly shown by official publications, memoranda, and public postings.[11]

The Issue

The sole issue to be resolved by the Court is whether respondent's alleged voluntary cessation from the. practice of law on January 30, 2024, sufficed to be credited as service of the penalty of suspension from the practice of law.

The Ruling of the Court

The relief prayed for in respondent's Manifestation is denied.

At the outset, it bears emphasis that resolutions of the IBP are merely recommendatory in nature and do not attain finality without the Court's imprimatur.[12]

In *Re: Order dated 01 October 2015 in Criminal Case No. 15-318727-34 against Atty. Brillantes*,[13] the Court laid down clear guidelines governing the commencement and lifting of suspensions from the practice of law. The Court clarified that suspension takes effect only upon the lawyer's receipt of the decision or resolution imposing the penalty of suspension.[14] The Court further held that the lifting of the suspension is not automatic, but is effected only upon the lawyer's submission of the required sworn statement of compliance to the proper offices, attesting that the period of suspension has been fully served and that the lawyer has desisted from the practice of law during the entire duration thereof.[15]

In *Calixto v. Atty. Balleros*,[16] the Court stressed that lawyers may not benefit from their own acts or omissions in a manner that would allow them to escape disciplinary action. The commencement of the penalty must be placed beyond the power of the erring lawyer and may not be made dependent on his or her convenience.[17]

Applying these guidelines, the relief sought in respondent's Manifestation cannot be granted.

Respondent's claim that he voluntarily ceased from the practice of law on January 30, 2024, cannot be given legal effect. As consistently held by the Court, the service of the penalty of suspension is reckoned only from the lawyer's receipt of the Court's decision or resolution imposing the penalty. A lawyer's unilateral cessation from the practice of law does not constitute service of the penalty.

Neither may respondent rely on the receipt of a resolution of the IBP to fix the commencement of his suspension. IBP resolutions are recommendatory in nature and do not attain finality absent action by the Court. Until the Court acts and the lawyer is duly notified thereof, no penalty of suspension may be deemed to have commenced.

Accordingly, respondent's suspension from the practice of law began only upon his receipt of the Court's Resolution dated February 25, 2025, on May 13, 2025. The period of suspension cannot be reckoned from any earlier date.

Moreover, the lifting of a suspension from the practice of law is not automatic. It is effected only upon the lawyer's submission of a sworn statement of compliance, attesting that the full period of suspension has been served and that the lawyer has desisted from the practice of law during the entire duration thereof. Absent compliance with these requirements, the lawyer remains suspended.

In view of the foregoing, respondent has not yet fully served the penalty of suspension imposed by the Court. His Manifestation seeking to resume the practice of law on January 30, 2026, therefore, lacks basis.

As a final note, the Court reiterates its pronouncement in *Valdez v. Atty. Hipe*[18] that administrative suspension is lifted instantly upon the filing of a sworn statement of compliance, and that no further confirmation from the Court is required. For this purpose, the Court tasked the Office of the Bar Confidant to carefully note and record the filings of such sworn statements of compliance. Further, any finding or report contrary to the statements made by suspended lawyers under oath shall constitute a ground for the imposition of a more severe punishment, or even disbarment.[19]

ACCORDINGLY, the Manifestation dated June 25, 2025, and the Comment thereon dated July 17, 2025, are **NOTED**.

The request of Atty. Jose B. Guibone that his alleged voluntary cessation from the practice of law on January 30, 2024, be credited as service of the penalty of suspension from the practice of law is **DENIED**.

SO ORDERED.

Gesmundo, C.J., Leonen, Caguioa, Hernando, Lazaro-Javier, Zalameda, Gaerlan, Rosario, Lopez, Dimaampao, Marquez, Kho, Jr., Singh, and *Villanueva, JJ.*, concur.

---

[1] *Rollo*, pp. 756-759.

[2] *Id.* at 758.

[3] *Id.* at 351.

[4] *Id.* at 374.

[5] *Id.* at 729-742.

[6] *Id.* at 741-742.

[7] *Id.* at 756.

[8] *Id.* at 757.

[9] *Id.* at 790-810.

[10] *Id.* at 791, 795.

[11] *Id.* at 796.

[12] **Katipunan, Jr. v. Atty. Carrera**, 871 Phil. 169, 176 (2020) [Per J. Lazaro-Javier, First Division].

[13] 932 Phil. 724 (2023) [Per J. ZaJameda, *En Banc*].

[14] *Id.* at 731.

[15] *Id.* at 731-732.

[16] 947 Phil. 1 (2023) [Per J. Lopez, J., *En Banc*].

[17] *Id.* at 20.

[18] 946 Phil. 301 (2023) [Per J. Zalameda, Special Second Division].

[19] *Id.* at 303-305.

Source: Supreme Court E-Library | Date created: May 20, 2026
This page was dynamically generated by the E-Library Content Management System