



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 99-2021**

**TO : THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'AH DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'AH CIRCUIT COURTS, THE OFFICE OF THE CHIEF PROSECUTOR, PUBLIC ATTORNEY'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES**

**SUBJECT : EN BANC RESOLUTION DATED 2 MARCH 2021 IN A.C. NO. 5054 AND A.C. NO. 6484 ON THE NEW CLEMENCY GUIDELINES FOR REINSTATEMENT TO THE BAR**

In the Resolution dated 2 March 2021 in **A.C. No. 5054**, titled "*Soledad Nuñez, represented by Anamias B. Co, Attorney-in-Fact for Complainant vs. Atty. Romulo L. Ricafort*" and **A.C. No. 6484**, titled "*Adelita B. Llunar vs. Atty. Romulo L. Ricafort*," the Court *En Banc* laid down the **new clemency guidelines for reinstatement to the Bar**, thus:

1. A lawyer who has been disbarred cannot file a petition for judicial clemency within a period of **five (5) years** from the effective date of his or her disbarment, *unless* for the most compelling reasons based on extraordinary circumstances, a shorter period is warranted.

**For petitions already filed at the time of this Resolution**, the Court may dispense with the five (5)-year minimum requirement and instead, in the interest of fairness, proceed with a preliminary evaluation of the petition in order to determine its *prima facie* merit.

2. Upon the lapse of the said five (5)-year period, or earlier if so permitted by the Court, a disbarred lawyer becomes eligible to file a **verified petition** for judicial clemency.

The petition, together with its supporting evidence appended thereto, must show on its face that the following criteria have been met:

(a) The petitioner has fully complied with the terms and conditions of all prior disciplinary orders, including orders for restitution, as well as the five (5)-year period to file, unless he or she seeks an earlier filing for the most compelling reasons based on extraordinary circumstances;

(b) The petitioner recognizes the wrongfulness and seriousness of the misconduct for which he or she was disbarred. For petitions already filed at the time of this Resolution, it is required that the petitioner show that he or she genuinely attempted in good faith to reconcile with the wronged private offended party in the case for which he or she was disbarred (if any), or if such is not possible, the petitioner must explain with sufficient reasons as to why such attempt at reconciliation could not be made; and

(c) Notwithstanding the conduct for which the disbarred lawyer was disciplined, the disbarred lawyer has the requisite integrity and competence to practice law.

3. Upon the filing of the verified petition for clemency, together with its attachments, the Court shall first conduct a **preliminary evaluation and determine if the same has prima facie merit based on the criteria above-stated.**
4. If the petition has *prima facie* merit based on the above-criteria, the Court shall **refer** the petition to the OBC<sup>1</sup> (or any other fact-finding body the Court so designates) in order to verify the details and the authenticity of the statements made and the evidence attached to the clemency petition.

If the petition fails to show any *prima facie* merit, it should be denied.

---

<sup>1</sup> Office of the Bar Confidant

5. After its investigation, the OBC (or such other fact-finding body designated by the Court) shall submit its fact-finding report to the Court, which shall ultimately resolve the clemency petition **based on the facts established in the said report**. The threshold of evidence to be applied is **clear and convincing evidence** since it is incumbent upon the petitioner to hurdle the seriousness of his or her established past administrative liability/ies, the gravity of which had warranted the supreme penalty of disbarment.
  
6. Unless otherwise resolved by the Court sitting *En Banc*, these guidelines and procedure shall apply to pending petitions for judicial clemency, as well as to those filed after the promulgation of this Resolution.

Any prior circular from the Office of the Court Administrator on this matter which is contrary to the foregoing is hereby superseded.

For your information, guidance, and strict compliance.

16 July 2021

  
**JOSE MIDAS P. MARQUEZ**  
Court Administrator