



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

Crim. Case No.  
**SB-18-CRM-0334 and  
0335**

*For: Violation of Section  
3(e), R.A. No. 3019, as  
amended; Malversation of  
Public Funds or Property,  
defined and penalized  
under Article 217 of the  
Revised Penal Code*

-versus-

**YUSOP HUSSIN JIKIRI,  
ET AL.,**  
*Accused.*

Present:

Cabotaje-Tang, A.M., *PJ,*  
*Chairperson*  
Fernandez, B.R., *J.* and  
Moreno, R.B. *J.*

PROMULGATED:

JUNE 22, 2021

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## RESOLUTION

**Moreno, J.:**

For resolution is the *Compliance and Motion*<sup>1</sup> filed by Atty. Jose Ventura Aspiras, counsel for accused Yusop H. Jikiri, dated March 3, 2021 in connection with this Court's Resolution of February 18, 2021, which, among others, required him (Atty. Aspiras) to "explain why no sanction shall be imposed upon him for making a manifestation with the Court regarding the death of accused Yusop Hussin Jikiri when the truth is said accused is still very much alive."<sup>2</sup>

In his *Compliance x x x*, Atty. Aspiras maintained that he did not blatantly misrepresent to this Court that Jikiri was dead. According to Atty. Aspiras, he relayed to this Court during the promulgation of the present case that "he had been informed of Mr. Jikiri's death".<sup>3</sup> He also disclosed on that day that he had no direct contact with Jikiri's relatives; and suggested that the Civil Registrar of Indanan, Sulu be subpoenaed to submit Jikiri's certificate of death.

Atty. Aspiras likewise pointed out that the national press reported Jikiri's death; and also claimed that he had contacted several persons to help him establish this fact.

### OUR RULING:

Per the Court's Order<sup>4</sup> of November 27, 2020, Atty. Aspiras manifested to the Court during the scheduled promulgation of judgment on that day that his client (Jikiri) had died. Accordingly, we directed Atty. Aspiras "to file a formal motion with the Court regarding the alleged fact of death of accused Jikiri and to submit a copy of his death certificate duly issued by the appropriate Local Civil Registrar and to specifically indicate the place and date of death of the said accused."<sup>5</sup>

To be sure, the Court has not received from Atty. Aspiras any formal motion and/or Jikiri's certificate of death in connection to our November 27, 2020 Order. At any rate, Atty. Aspiras himself stated in the present Compliance that even before the scheduled promulgation on November 27, 2020, he already got wind of Mr. Jikiri's death, and that he contacted persons to help him establish this fact.

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<sup>1</sup> Record, vol. II, pp. 645-658.  
<sup>2</sup> *Id.* at 624.  
<sup>3</sup> *Id.* at 646.  
<sup>4</sup> *Id.* at 472-473.  
<sup>5</sup> *Id.* at 473.

Handwritten signature and initials, possibly 'JF' and 'A', in black ink.

x-----x

Surprisingly, and in spite of the information on the death of his client, Atty. Aspiras still filed a *Motion for Reconsideration*<sup>6</sup> to this Court (received through mail on February 1, 2021), with the following prefatory:

*“Accused Yusop H. Jikiri, by counsel, respectfully moves for reconsideration of the Honorable Court’s Decision convicting him and accused Oscar Parawan of violation of Section 3(e) of RA 3019 and Art. 217 of the Revised Penal Code, x x x”*<sup>7</sup>

To the Court’s mind, the import of this statement is that Atty. Aspiras was moving for the reconsideration of the Court’s Decision with the imprimatur of Jikiri. The implication to us is that the motion was filed with the consent or upon the instruction of Jikiri. Significantly, Atty. Aspiras did not mention in this motion anything on the death or possible demise of his client, or any information about any effort to secure information on such fact. The prayer, in fact, asks this Court to reconsider our judgment of conviction, and issue a new one acquitting the accused. Verily, we find it unusual for Atty. Aspiras to seek Jikiri’s acquittal when he already received prior information on his death. If reports in various newspapers were to be believed that Jikiri indeed died on October 17, 2020, and Atty. Aspiras – per his own claim - got wind of this Information even before the date of promulgation on November 27, 2020, then Atty. Aspiras could not have gotten in touch with his client from the date of promulgation until the filing of the motion for reconsideration.

Considering that Canon 10 of the Code of Professional Responsibility provides that “[a] lawyer owes candor, fairness and good faith to the Court,” we are giving Atty. Aspiras five (5) days from receipt of this resolution to explain why he still filed a motion for reconsideration on behalf of Jikiri after already having received information on the latter’s death. Failure to comply with this directive, the Court will be constrained to act accordingly.

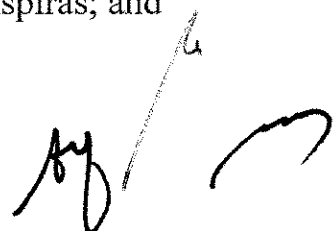
We recall that our directive to Atty. Aspiras in our February 18, 2021 Resolution is for him to explain why no sanction shall be imposed upon him for making a manifestation with the Court regarding the death of accused Jikiri. We find his explanation on this matter sufficient.

**WHEREFORE**, premises considered, the Court:

(1) **NOTES** the present *Compliance and Motion* re: Resolution dated 18 February 2021 filed by Atty. Jose Ventura Aspiras; and

<sup>6</sup> *Id.* at 567-572; dated December 16, 2020.

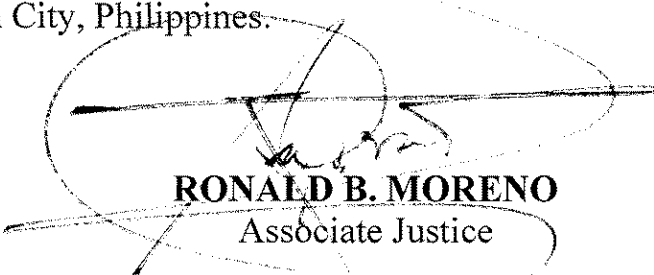
<sup>7</sup> *Id.* at 567 (emphasis in the original).



(2) **DIRECTS** Atty. Aspiras to **EXPLAIN** within five (5) days from receipt of this resolution why he filed a motion for reconsideration on behalf of his client Jikiri despite having received prior information on the latter's death.


**SO ORDERED.**

Quezon City, Philippines.

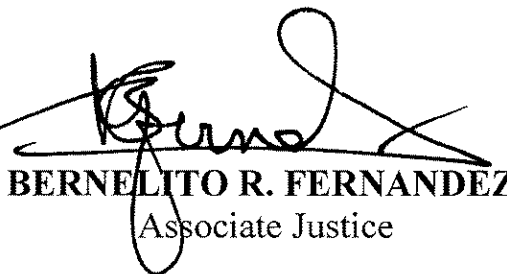


**RONALD B. MORENO**  
Associate Justice

**WE CONCUR:**



**AMPARO M. CABOTAJE-TANG**  
Presiding Justice  
*Chairperson*



**BERNELITO R. FERNANDEZ**  
Associate Justice