



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:

JULY 28, 2021

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RESOLUTION

Moreno, J.:

For resolution is the *Compliance*¹ filed by Atty. Jose Ventura Aspiras, counsel for accused Yusop H. Jikiri, dated July 5, 2021 in connection with this Court's Resolution dated June 22, 2021, which, among others, required him (Atty. Aspiras) to explain "why he filed a motion for reconsideration on behalf of his client Jikiri despite having received prior information on the latter's death."²

In his *Compliance*, Atty. Aspiras apologized for the improvident filing of the motion for reconsideration (MR), and admitted that it was a "poor judgment call" on his part. He explained that the motion for reconsideration was filed "on some notion that some kind of civil liability might attach in spite of Jikiri's death."³ Atty. Aspiras added that the conviction was a blemish on Jikiri's legacy, and that he moved for a reconsideration "as a last gesture of respect to Jikiri" whom he had known and been friends with since the 1990s. Atty. Aspiras additionally claimed that he did not intend to offend this Court by the said filing of the said MR.

OUR RULING:

We find the explanation submitted by Atty. Aspiras to be well-taken.

As between the lawyer and the courts, a lawyer owes candor, fairness and good faith to the court. He is an officer of the court exercising a privilege which is indispensable in the administration of justice. Candidness, especially towards the courts, is essential for the expeditious administration of justice. Courts are entitled to expect only complete honesty from lawyers appearing and pleading before them.⁴

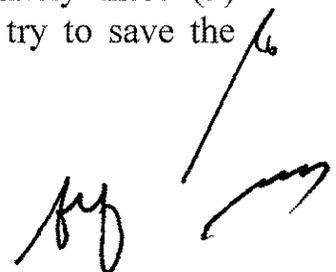
In the present case, Atty. Aspiras was able to sufficiently explain that his filing of a motion for reconsideration had not been in any way tainted with bad faith: he was of the impression – albeit wrongly – that filing a motion for reconsideration would serve the best interest of his client since some kind of civil liability might still attach despite the latter's death. We likewise found no reason to doubt the veracity of Atty. Aspiras' claim that he and Jikiri have known each other for more approximately three (3) decades already. Accordingly, Atty. Aspiras' intention to try to save the

¹ Record, vol. II, pp. 683-685.

² *Id.* at 680.

³ *Id.* at 684.

⁴ See *Prado v. Atty. Acosta*, A.C. No. 11824, February 6, 2018.

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legacy of his deceased friend via the filing of the motion for reconsideration is understandable.

We note, too, that Atty. Aspiras apologized for his improvident filing of the motion for reconsideration. This gesture, at the very least, showed Atty. Aspiras' respect to this Court and its processes.

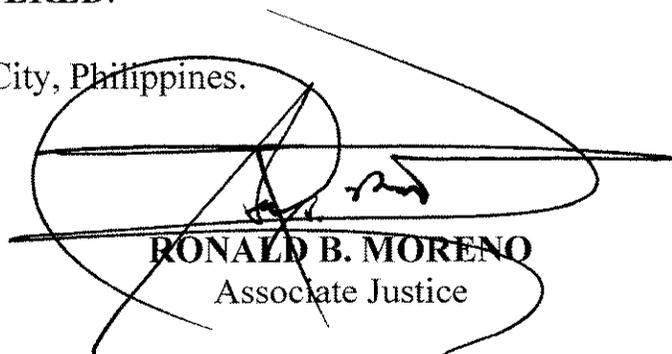
At any rate, considering that Atty. Aspiras has been a lawyer for a long time already, we advise him to be *more judicious* in exercising his so-called 'judgment call' in matters being brought before the Court. It bears emphasizing that a lawyer is the vanguard of the legal system, and thus has to observe and maintain the rule of law as well as be an exemplar worthy of emulation by others.

WHEREFORE, in light of all the foregoing, the Court:

- (1) **NOTES** the present *Compliance* dated July 5, 2021 filed by Atty. Jose Ventura Aspiras, and consider it sufficient compliance with the Court's directive of June 22, 2021; and
- (2) **DIRECTS** Atty. Aspiras to be more **CIRCUMSPECT** in his future dealings with the Court.

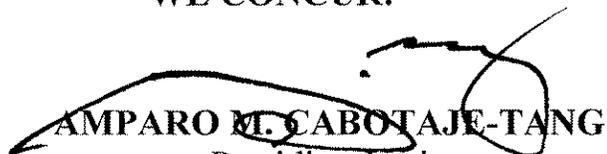
SO ORDERED.

Quezon City, Philippines.

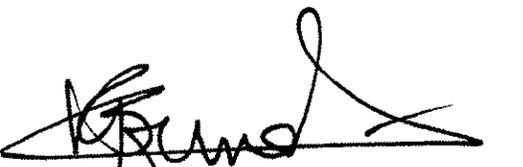


RONALD B. MORENO
Associate Justice

WE CONCUR:



AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson



BERNELITO R. FERNANDEZ
Associate Justice