

Republic of the Philippines
Supreme Court
Manila

SPECIAL THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 11, 2015**, which reads as follows:

**G.R. Nos. 178701 and 178754 – ZAFIRO L. RESPICIO, Petitioner,
v. PEOPLE OF THE PHILIPPINES, Respondents.**

On October 13, 2006, the Sandiganbayan found petitioner Zafiro L. Respicio guilty beyond reasonable doubt of the offenses of violation of Section 3(e) of Republic Act No. 3019 and falsification of official document under Article 171, paragraph 4 of the *Revised Penal Code* for having signed the self-deportation order involving the 11 Indian nationals who had been charged with the unlawful manufacture of regulated drugs as defined and punished by Section 14-A of Republic Act No. 6425 as amended by Republic Act No. 7659.¹

On September 4, 2007, Respicio appealed,² contending that his conviction was not in accord with jurisprudence, and was based on insufficient evidence; and that the Sandiganbayan did not take into consideration vital facts and circumstances that, if given their proper perspective and significance, negated the finding of guilt.³

In the decision promulgated on June 6, 2011,⁴ the Court denied the petition for review, and affirmed the conviction of Respicio, to wit:

¹ *Rollo*, pp. 35-101; penned by Associate Justice Teresita V. Diaz-Baldos, with Associate Justice Ma. Cristina Cortez-Estrada (retired) and Associate Justice Roland B. Jurado concurring.

² *Id.* at 7-31.

³ *Id.* at 19-20.

⁴ *Id.* at 218-240.

WHEREFORE, the petition is **DENIED**. The Decision and Resolution of the Sandiganbayan in Criminal Case Nos. 21545 and 21546 are, in light of the foregoing discussions, **AFFIRMED**.

SO ORDERED.

On July 18, 2011, Respicio moved for reconsideration,⁵ seeking the reversal of the June 6, 2011 decision on the ground that the Court did not address his argument that the pendency of the preliminary investigation did not bar the self-deportation order in light of Memorandum Order No. 04-92 (*Rules of Procedure to Govern Deportation Proceedings*); that no bad faith or manifest partiality could be imputed to him because he had acted in good faith in interpreting Memorandum Order No. 04-92; that assuming that he misinterpreted Memorandum Order No. 04-92, the same only amounted to bad judgment, not bad faith; that the Court did not recognize the fact that DOJ Undersecretary Ramon Esguerra had endorsed the request for the self-deportation of the Indian nationals; and that the Court did not take into consideration that he, as the head of the agency, could rely on the representations of his subordinates.

In its comment,⁶ the State countered that Respicio's motion for reconsideration should be denied because, contrary to his claim, the Court categorically found that there was manifest partiality and evident bad faith on his part because of his stance that he had been unaware of the case filed in court against the Indian nationals; that under the established facts of the case, his act could not be taken as his mere interpretation of the meaning of Memorandum Order No. 04-92; that the Court did not err in finding that he had untruthfully stated that there was no indication in the records that the Indian nationals had been the subject of any written complaints in any government agency or before any private person; that his insistence that he could rely on the representations of his subordinates was misplaced; that his argument about the endorsement of the self-deportation request by the Department of Justice did not suffice to overturn his conviction; and that the motion for reconsideration did not raise matters that compelled the reconsideration of his convictions.

In his reply,⁷ Respicio reiterated the arguments embodied in his motion for reconsideration.

On June 16, 2014,⁸ the Court directed Atty. Jose F. Salonga as Respicio's counsel of record to inform the Court on the reported demise of Respicio, and should the report be true to submit a certified true copy of his death certificate.

⁵ Id. at 242-252.

⁶ Id. at 275-289.

⁷ Id. at 311-317.

⁸ Id. at 320.

On July 24, 2014, Atty. Salonga submitted his compliance, submitting therewith a certified true copy of Respicio's death certificate.⁹ In that regard, the death certificate reported that Respicio had died on March 10, 2014.

Considering that the death of Respicio occurred during the pendency of the appeal, albeit at the stage of the deliberation of his motion for reconsideration of the decision affirming his conviction, his criminal liability in the two criminal cases was thereby extinguished pursuant to Article 89, *Revised Penal Code*, which provides:

Article 89. *How criminal liability is totally extinguished.* —
Criminal liability is totally extinguished:

1. **By the death of the convict, as to the personal penalties, and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment.**

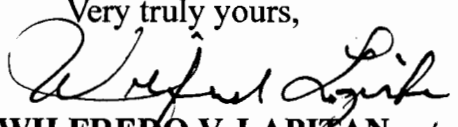
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ACCORDINGLY, the Court **DECLARES** that the criminal liability of petitioner **ZAFIRO L. RESPICIO** for the violation of Section 3(e) of Republic Act No. 3019 and the falsification of official document under Article 171, paragraph 4 of the *Revised Penal Code* is **EXTINGUISHED**.

This appeal is **CLOSED** and **TERMINATED**.

SO ORDERED.

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court *WFL*

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⁹ Id. at 321-323.