

LINDA M. SACMAR, COMPLAINANT, VS. JUDGE AGNES REYES-CARPIO, REGIONAL TRIAL COURT, BRANCH 261, PASIG CITY, RESPONDENT.

A.M. No. RTJ-03-1766 [OCA-IPi No. 00-979-RTJ]. March 28, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

An affidavit-complaint[1] was filed by Mrs. Linda Sacmar charging Judge Agnes Reyes-Carpio for knowingly rendering an unjust judgment pursuant to Article 204 of the Revised Penal Code and for violation of Section 3(e) of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

Complainant is the private complainant in Criminal Case No. 17941 entitled “People of the Philippines v. Zoren Legaspi” for Grave Threats before the Metropolitan Trial Court of Pasig City.

After trial on the merits, accused Zoren Legaspi was convicted of the crime of Grave Threats, and sentenced to a straight penalty of four (4) months of *arresto mayor* and to pay complainant the sum of twenty thousand pesos (P20,000.00) by way of moral damages.[2]

Accused Legaspi appealed his conviction to the Regional Trial Court of Pasig City. The case was subsequently raffled to Branch 261, presided by respondent Judge Agnes Reyes-Carpio.

On February 21, 2000, respondent judge rendered a decision[3] affirming with modification the decision of the Metropolitan Trial Court. Accused Legaspi was found guilty only of Other Light Threats under Article 265 of the Revised Penal Code, and was sentenced to a straight penalty of thirty (30) days of *arresto menor* and to pay complainant the amount of P10,000.00 by way of moral damages.

Complainant claims that respondent judge wittingly afforded unwarranted benefits to the accused which caused undue injury to her as private complainant in the case. She likewise avers that respondent judge exhibited manifest partiality towards the accused when she disregarded the evidence on record in modifying the decision of the Metropolitan Trial Court by downgrading the conviction of accused Legaspi from “Grave Threats” to “Other Light Threats” thereby reducing the criminal and civil liabilities of accused Legaspi.

In her Comment,[4] respondent judge vehemently denied all the charges against her. She averred that the attendant facts and circumstances of the case, in her view, called for a modification of the conviction of the accused therein. She claimed that she “rendered her decision in good faith, without malice, and without any conscious and deliberate intent to favor a movie actor whom [she does not] even know.”[5]

Respondent judge further informed the Court that the assailed judgment is now pending review before the Court of Appeals.

In her Reply,[6] complainant pointed out that respondent judge, in her Comment, failed to explain why she unilaterally downgraded the conviction of accused Legaspi. In effect, respondent judge has impliedly admitted the

charges against her when she failed to specifically challenge these charges. Complainant assailed the claim of respondent judge that the downgrading of the offense was rendered in good faith and without malice.

After several exchanges of pleadings between the parties, Court Administrator Presbitero J. Velasco, Jr. rendered the opinion that this administrative matter is not a proper subject of an administrative investigation. He pointed out that, pursuant to the rule in *Wingarts v. Mejia*,^[7] complainant failed to show beyond reasonable doubt that the assailed judgment was unjust and that respondent judge consciously and deliberately intended to do injustice to her by rendering such unjust judgment. Accordingly, on October 31, 2001, the Office of the Court Administrator recommended the dismissal of the instant administrative complaint against respondent judge.

We agree with the findings and recommendations of the Office of the Court Administrator.

As a rule, the acts of a judge which pertain to his judicial functions are not subject to disciplinary power unless they are committed with fraud, dishonesty, corruption or bad faith.^[8] To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.^[9]

A perusal of the records, particularly the assailed decision of respondent judge, hardly show that respondent judge has indeed knowingly and deliberately rendered an unjust judgment. Complainant failed to satisfactorily show that respondent judge acted in bad faith, with malice or in willful disregard of her right as a litigant. Although the application and interpretation of the law by respondent judge differed from that of the judge of the Metropolitan Trial Court, complainant cannot sweepingly claim that respondent judge knowingly rendered an unjust judgment. For a charge of knowingly rendering an unjust judgment to prosper, it must be shown that the judgment was unjust, and not that the judge merely committed an error of judgment or took the unpopular side of a controversial point of law. He must have known that his judgment was indeed unjust.^[10] The failure of a judge to correctly interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable.^[11]

The ruling of the Court in *Basa Air Base Savings & Loans Association, Inc. v. Judge Gregorio G. Pimentel, Jr.*,^[12] is instructive:

A charge of knowingly rendering an unjust judgment constitutes a criminal offense. The keyword in said offense is “knowingly.” Thus, the complainant must not only prove beyond reasonable doubt that the judgment is patently contrary to law or not supported by the evidence but that it was also made with deliberate intent to perpetrate an injustice. A judge’s mere error in the interpretation or application of the law per se will not warrant the imposition of an administrative sanction against him for no one is infallible. Good faith and absence of malice, corrupt motives or improper consideration are sufficient defenses that will protect a judicial officer from the charge of rendering an unjust decision.

At any rate, complainant is not left without any remedy to question the soundness of the decision of respondent judge. Unfortunately, the records of this case do not reveal that complainant has utilized such avenues to seek a review of the penalty imposed by respondent judge. Only accused Zoren Legaspi elevated the matter before the Court of Appeals. The filing of this administrative case would not have the effect of setting aside or modifying the penalty imposed on accused Zoren Legaspi in the assailed judgment.

In *Nelson Rodriguez and Ricardo Camacho v. Judge Rodolfo Gatdula*,^[13] we had occasion to reiterate the ruling enunciated in *In Re: Joaquin T. Borromeo*,^[14] to wit:

An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by his erroneous order or judgment. Administrative remedies are neither alternative nor cumulative to judicial review where such review is available to the aggrieved parties and the

same has not yet been resolved with finality. For until there is a final declaration by the appellate court that the challenged order or judgment is manifestly erroneous, there will be no basis to conclude whether respondent judge is administratively liable. (*Italics ours*)

WHEREFORE, based on the foregoing, the complaint filed by Linda M. Sacmar against Judge Agnes Reyes-Carpio of the Regional Trial Court of Pasig City, Branch 261, is DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Vitug, and Azcuna, JJ., concur.
Carpio, J., took no part. Related by affinity to respondent.

[1] Rollo, pp. 1-11.

[2] *Ibid.* at 13-22.

[3] *Ibid.* at 99-104.

[4] *Ibid.* at 160-164.

[5] *Ibid.* at 162.

[6] *Ibid.* at 173-179.

[7] 312 Phil. 518, 530 [1995].

[8] *Frani v. Pagayatan*, A.M. No. RTJ-01-1626, 28 August 2001, 363 SCRA 707, 713.

[9] *Atty. Datuin, Jr. v. Judge Soriano*, A.M. No. RTJ-01-1640, 15 October 2002, citing *Santos v. Orlino*, 357 Phil. 102, 109 [1998].

[10] Regalado, Florenz D., *CRIMINAL LAW PROSPECTUS* 409 (1st ed. 2000).

[11] *Mina v. Judge Gatdula*, A.M. No. MTJ-00-1264, 4 February 2002.

[12] A.M. No. RTJ-01-1648 (formerly OCA IPI No. 01-1232-RTJ), 22 August 2002.

[13] A.M. No. MTJ-00-1252, 17 December 2002.

[14] 311 Phil. 441 [1995].

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