

EDUARDO P. DIEGO, COMPLAINANT, VS. JUDGE SILVERIO Q. CASTILLO, REGIONAL TRIAL COURT, DAGUPAN CITY, BRANCH 43, RESPONDENT.

A.M. No. RTJ-02-1673. August 11, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is an administrative complaint against Regional Trial Court Judge Silverio Q. Castillo for allegedly knowingly rendering an unjust judgment in a criminal case and/or rendering judgment in gross ignorance of the law.

The facts and circumstances of the criminal case are summarized, as follows:

- a) On January 9, 1965, accused Lucena Escoto contracted marriage with Jorge de Perio, Jr., solemnized before then Mayor Liberato Reyna of Dagupan City. The couple were both Filipinos. In the marriage contract, the accused used and adopted the name Crescencia Escoto, with a civil status of single;
- b) In a document dated February 15, 1978, denominated as a “Decree of Divorce” and purportedly issued to Jorge de Perio as petitioner by the Family District Court of Harris County, Texas (247th Judicial District), it was “ordered, adjudged and decreed, that the bonds of matrimony heretofore existing between Jorge de Perio and Crescencia de Perio are hereby Dissolved, Cancelled and Annulled and the Petitioner is hereby granted a Divorce.”
- c) Subsequently, on June 4, 1987, the same Crescencia Escoto contracted marriage with herein complainant’s brother, Manuel P. Diego, solemnized before the Rev. Fr. Clemente T. Godoy, parish priest of Dagupan City. The marriage contract shows that this time, the accused used and adopted the name Lucena Escoto, again, with a civil status of single.[1]

After trial of the criminal case for bigamy, respondent Judge promulgated a decision, on February 24, 1999, the dispositive part of which stated:

WHEREFORE, for failure of the STATE to prove accused’s guilt beyond whisper of doubt, the COURT hereby orders her ACQUITTAL with costs de oficio.

SO ORDERED.[2]

The decision states that the main basis for the acquittal was good faith on the part of the accused. Respondent Judge gave credence to the defense of the accused that she acted without any malicious intent. The combined testimonial and documentary evidence of the defense was aimed at convincing the court that accused Lucena Escoto had sufficient grounds to believe that her previous marriage to Jorge de Perio had been validly dissolved by the divorce decree and that she was legally free to contract the second marriage with Manuel P. Diego.

In rendering the decision, respondent Judge reasoned, thus:

While it is true that in our jurisdiction the matrimonial bond between Jorge de Perio and the accused are not yet annulled, it remains undisputed that cessation of the same was decreed in the Family District Court of Harris County, Texas, 247[th] Judicial District, effective February 15, 1978.

x x x

The CHARGE filed against the accused is categorized as Mala en se (sic) which requires the indispensable presence of criminal intent/dolo.

The felony on BIGAMY as defined and penalized by the Revised Penal Code explicitly mandates that it must be committed with criminal intent. In other words, there must be an unquestionable demonstration on the part of the perpetrator that he/she criminally, willfully and unlawfully contracted a second marriage despite knowledge that his/her first marriage is still existing.

As borne out by the evidence adduced, the accused contracted the second marriage after she was informed and furnished of the Divorce Decree which was granted by the Family District Court of Harris County Texas in her favor.

As an ordinary laywoman accused being a recipient of a divorce decree, she entertains the impression that she can contract a subsequent marriage which she did when she married the late Manuel Diego.

To the honest evaluation of the Court the act complained of against the accused is not patently illegal for the reason that she acted in good faith believing that her marriage was already annulled by a foreign judgment.[3]

Complainant herein alleges that the decision rendered by the respondent Judge is manifestly against the law and contrary to the evidence. He questions the evidentiary weight and admissibility of the divorce decree as a basis for the finding of good faith. In addition, complainant stresses that the evidence on record negates respondent Judge's finding of good faith on the part of the accused. Thus, complainant urges this Court to impose sanctions upon respondent Judge as, according to complainant, these acts amount to knowingly rendering an unjust judgment and/or gross ignorance of the law.

In his comment, respondent Judge explains that what was in issue was the criminal culpability of the accused under Article 349 of the Revised Penal Code. Respondent Judge does not dispute that the second marriage was bigamous because at the time it was contracted, the first marriage was still subsisting since divorce is not recognized in our country and because the accused's first husband was still alive. Respondent Judge, however, maintains that what was controlling was whether by virtue of the divorce decree the accused honestly believed, albeit mistakenly, that her first marriage had been severed and she could marry again. According to respondent Judge, the same is a state of mind personal to the accused. He further stressed that knowledge of the law should not be exacted strictly from the accused since she is a lay person, and that ineptitude should not be confused with criminal intent.

By separate manifestations, both parties agreed to submit the case for resolution based on the pleadings.

The Disputed Decision

A careful study of the disputed decision reveals that respondent Judge had been less than circumspect in his study of the law and jurisprudence applicable to the bigamy case.

In his comment, respondent Judge stated: "That the accused married Manuel P. Diego in the honest belief that she was free to do so by virtue of the decree of divorce is a mistake of fact."

This Court, in *People v. Bitdu*,^[4] carefully distinguished between a mistake of fact, which could be a basis for the defense of good faith in a bigamy case, from a mistake of law, which does not excuse a person, even a lay person,

from liability. Bitdu held that even if the accused, who had obtained a divorce under the Mohammedan custom, honestly believed that in contracting her second marriage she was not committing any violation of the law, and that she had no criminal intent, the same does not justify her act. This Court further stated therein that with respect to the contention that the accused acted in good faith in contracting the second marriage, believing that she had been validly divorced from her first husband, it is sufficient to say that everyone is presumed to know the law, and the fact that one does not know that his act constitutes a violation of the law does not exempt him from the consequences thereof.[5]

Moreover, squarely applicable to the criminal case for bigamy, is *People v. Schneckenburger*, [6] where it was held that the accused who secured a foreign divorce, and later remarried in the Philippines, in the belief that the foreign divorce was valid, is liable for bigamy.

These findings notwithstanding, the issue before us is whether or not respondent Judge should be held administratively liable for knowingly rendering an unjust judgment and/or gross ignorance of the law.

Knowingly Rendering an Unjust Judgment

Knowingly rendering an unjust judgment is a criminal offense defined and penalized under Article 204[7] of the Revised Penal Code. For conviction to lie, it must be proved that the judgment is unjust and that the judge knows that it is unjust. Knowingly means consciously, intelligently, willfully or intentionally. It is firmly established in this jurisdiction that for a judge to be held liable for knowingly rendering an unjust judgment, it must be shown that the judgment is unjust as it is contrary to law or is not supported by the evidence, and that the same was made with conscious and deliberate intent to do an injustice.[8]

The law requires that (a) the offender is a judge; (b) he renders a judgment in a case submitted to him for decision; (c) the judgment is unjust; (d) he knew that said judgment is unjust.[9] This Court reiterates that in order to hold a judge liable, it must be shown that the judgment is unjust and that it was made with conscious and deliberate intent to do an injustice. That good faith is a defense to the charge of knowingly rendering an unjust judgment remains the law.[10]

As held in *Alforte v. Santos*,[11] even assuming that a judge erred in acquitting an accused, she still cannot be administratively charged lacking the element of bad faith, malice or corrupt purpose. Malice or bad faith on the part of the judge in rendering an unjust decision must still be proved and failure on the part of the complainant to prove the same warrants the dismissal of the administrative complaint.[12]

There is, therefore, no basis for the charge of knowingly rendering an unjust judgment.

Gross Ignorance of the Law

Anent the charge of gross ignorance of the law, *Mañozca v. Domagas*,[13] is instructive. Therein respondent judge was charged with gross ignorance of the law resulting in a manifestly unjust judgment for granting a demurrer to the evidence in a bigamy case. The grant of the demurrer to the evidence was based on the judge's finding of good faith on the part of the accused, anchored upon a document denominated as a "Separation of Property with Renunciation of Rights." This Court stated that said act of the judge exhibited ignorance of the law, and accordingly he was fined in the amount of P5,000.

Also, in *Guillermo v. Reyes, Jr.*,[14] where therein respondent judge was given a reprimand with a stern warning of a more severe penalty should the same or similar act be committed in the future, this Court explained:

We have heretofore ruled that a judge may not be held administratively accountable for every erroneous order

or decision he renders. To unjustifiably hold otherwise, assuming that he has erred, would be nothing short of harassment and would make his position doubly unbearable, 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. The error must be gross or patent, malicious, deliberate or in evident bad faith. It is only in this latter instance, when the judge acts fraudulently or with gross ignorance, that administrative sanctions are called for as an imperative duty of this Court.

As a matter of public policy then, the acts of a judge in his official capacity are not subject to disciplinary action, even though such acts are erroneous. Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge. It does not mean, however, that a judge, given the leeway he is accorded in such cases, should not evince due care in the performance of his adjudicatory prerogatives.

Furthermore, in *Wingarts v. Mejia*,^[15] where therein respondent judge, although absolved of any guilt for the charge of knowingly rendering an unjust judgment, was still imposed sanctions by this Court, thus:

In any event, respondent judge deserves to be appropriately penalized for his regrettably erroneous action in connection with Criminal Case No. 2664 of his court. We have repeatedly stressed that a municipal trial judge occupies the forefront of the judicial arm that is closest in reach to the public he serves, and he must accordingly act at all times with great constancy and utmost probity. Any kind of failure in the discharge of this grave responsibility cannot be countenanced, in order to maintain the faith of the public in the judiciary, especially on the level of courts to which most of them resort for redress.^[16]

Applying these precedents to the present case, the error committed by respondent Judge being gross and patent, the same constitutes ignorance of the law of a nature sufficient to warrant disciplinary action.

Penalty

After evaluation of the merits of the case, the Office of the Court Administrator (OCA) recommended that respondent Judge be reprimanded with a stern warning of a more severe penalty in the future.

The act of respondent Judge in rendering the decision in question took place on February 24, 1999 or before the effectivity, on October 1, 2001, of A.M. No. 01-8-10-SC which classified gross ignorance of the law as a serious charge and penalized the offense with a fine of not less than P20,000 but not more than P40,000.

Applying the rule as then prevailing,^[17] and in line with applicable jurisprudence,^[18] the sanction on respondent Judge should be a fine in the amount of P10,000.

WHEREFORE, Regional Trial Court Judge Silverio Q. Castillo is hereby FINED in the amount of Ten Thousand Pesos (P10,000) with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Ynares-Santiago, and Carpio, JJ., concur.

[1] See, Affidavit-Complaint, pp. 1-2.

[2] Affidavit-Complaint, Annex "A," p. 10.

[3] Affidavit-Complaint, Annex "A," pp. 9-10.

[4] 58 Phil. 817 (1933).

[5] Id. at 822.

[6] 73 Phil. 413 (1941).

[7] Art. 204. Knowingly rendering unjust judgment. – Any judge who shall knowingly render an unjust judgment in any case submitted to him for decision, shall be punished by prision mayor and perpetual absolute disqualification.

[8] Ubarra v. Mapalad, 220 SCRA 224, 234 (1993); citing Sta. Maria v. Ubay, 87 SCRA 179 (1978); Rodrigo v. Quijano, 79 SCRA 10 (1977); Pabalan v. Guevarra, 74 SCRA 53 (1976); In re: Rafael C. Climaco, 55 SCRA 107, 119 (1974); and Evangelista v. Baes, 61 SCRA 475 (1974).

[9] Louis Vuitton S.A. v. Villanueva, 216 SCRA 121, 127 (1992).

[10] Id., at pp. 127-128 & 133.

[11] 243 SCRA 514, 518 (1995).

[12] Id.

[13] 248 SCRA 625 (1995).

[14] 240 SCRA 154, 161 (1995).

[15] 242 SCRA 436 (1995).

[16] Id., at p. 447.

[17] Vileña v. Mapaye, A.M. No. MTJ-02-1424, 381 SCRA 489 (2002).

[18] Marzan-Gelacio v. Flores, A.M. No. RTJ-99-1488, 334 SCRA 1 (2000); Go v. Bongolan, A.M. No. RTJ-99-1464, 311 SCRA 99 (1999); Almeron v. Sardido, A.M. No. MTJ-97-1142, 281 SCRA 415 (1997).

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