

FIRST DIVISION

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

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

DECISION

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, 247th 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