

ALVIN C. GO, COMPLAINANT, VS. JUDGE RIO CONCEPCION ACHAS, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, OZAMIS CITY, RESPONDENT.*A.M. NO. MTJ-04-1564 (FORMERLY OCA IPI NO. 03-1452-MTJ). March 11, 2005*

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/13df3f468c03/>**CALLEJO, SR., J.:**

The instant administrative case arose when Atty. Alvin C. Go filed a verified administrative Complaint^[1] dated August 4, 2003, charging Judge Rio Concepcion Achas, Branch 2, Municipal Trial Court in Cities (MTCC), Ozamis City, with immorality, gross misconduct, dishonesty and violation of the Code of Judicial Conduct.

In his complaint, Atty. Go alleged that the respondent Judge was married to one Angeles Roa-Achas, but was separated in fact from the latter. Long after his appointment as Presiding Judge of the MTCC, Branch 2, Ozamis City, he cohabited with a certain Ma. Paz Gendrada Go, a married woman. He further alleged that the two are living together at Apartment No. 3, Royal Gem Apartelle, Clarin, Misamis Occidental.

According to the complainant, the relationship of the respondent Judge with Mrs. Go appears more scandalous because of the fact that the latter is also an agent of a bonding company which posts bail bonds for the accused facing charges before the respondent Judge's court. The complainant claimed that Judge Achas would call party litigants and ask them to become clients of his "paramour." Furthermore, Mrs. Go could be frequently seen going in and out of the respondent Judge's chambers. There was even one instance when Mrs. Go posted a bond for a certain Victor E. Tago, the accused in Criminal Case No. RTC-3484 and used a falsified certification. The complainant claimed that Mrs. Go withdrew the surety bond on June 6, 2003 upon the advice of the respondent Judge.

The complainant further narrated that he is the counsel of record for the plaintiff in Civil Case No. 1510-MTCC entitled "Jane's Castor and Coco Oil Mill Corporation v. Constancio Uy," which the respondent Judge decided in their favor on March 10, 2003. The defendant filed an appeal on April 8, 2003, and, likewise, posted a supersedeas bond in the amount of P290,000.00. However, the cash bond was not deposited with the Clerk of Court, but was received by the respondent Judge who issued an informal acknowledgment receipt dated April 8, 2003. The complainant pointed out that this arrangement was not in accord with Section 19, Rule 70 of the Rules of Court. To prove his allegation that the said amount was in the possession of the respondent Judge, the complainant attached a Certification dated July 14, 2003 issued by the Cashier of the Office of the Clerk of Court, MTCC, Ozamis City, which stated that as of even date, "no amount of TWO HUNDRED NINETY THOUSAND (P290,000.00) PESOS, whether in cash or check as Supersedeas Bond for the appeal of the aforementioned civil case, has so far been deposited with either this Office or to me nor an official receipt issued therefore to date."^[2] Atty. Go then filed an Ex Parte Motion with the Regional Trial Court (RTC) of Ozamis City, seeking the surrender of the supersedeas bond to the Clerk of Court.

The complainant also alleged that the respondent Judge maintains a flock of fighting cocks, and actively

participates in cockfights and derbies.

In his Comment dated September 23, 2003, the respondent Judge pointed out that the complainant is the counsel of the plaintiff in Criminal Cases Nos. 5671 to 5676, entitled “People of the Philippines v. Atty. Henry Oaminal” which are pending before his sala. The complainant called him up, and apprised him that he (the complainant) was closely connected with Lucio Tan, who could help the respondent Judge if he was seeking promotion. The complainant also promised a reward if the accused therein would be arraigned. According to the respondent Judge, he refused the complainant’s offer and insisted that the case proceed in accordance with the rules and applicable laws. He later learned that the complainant and Atty. Oaminal were at odds. In the meantime, the latter filed a petition for injunction with the RTC of Ozamis City, Branch 15, praying that the trial of the said criminal cases be enjoined. Having been informed of the injunction case, the respondent Judge alleged that he issued an order holding in abeyance the arraignment of Atty. Oaminal. This may be the reason why the complainant got mad at him and decided to file the instant administrative case.

Anent the issue on immorality, the respondent Judge admits that he is married to Atty. Angeles Roa, and that because of their irreconcilable differences, they have been separated for thirteen (13) years. However, he denied that he is cohabiting with Mrs. Go as alleged by the complainant. He claims that he hired the services of Mrs. Go as a nurse, since he was suffering from several ailments. Mrs. Go visited his place twice a month, and the respondent Judge believes that their purely professional relationship may have been misinterpreted by the complainant.

As regards the supersedeas bond issue, the respondent Judge admitted that he received the amount of P290,000.00 from the defendant-appellant in Civil Case No. 1510-MTCC. He claimed that he accepted the money for safekeeping in the exercise of the court’s prerogative to accept surety deposits. He denied, however, that he disposed of the money for his personal benefit. He claims that there was no misconduct nor dishonesty involved in the transaction. The respondent Judge also denied maintaining a flock of fighting cocks and that he participates in cockfights and derbies.

In his Reply dated October 7, 2003, Atty. Go observed that the respondent Judge’s answer to the complaint did not squarely meet the issues raised therein. He stressed that the case involved in the complaint is Civil Case No. 1510-MTCC entitled “Jane’s Castor and Coco Oil Mill Corporation v. Constancio Uy,” and not the criminal cases against Atty. Oaminal, an attempt to mislead the Court Administrator. He further averred that the respondent Judge failed to controvert the factual allegations in the complaint.

The Court, thereafter, resolved to re-docket the case as a regular administrative matter and referred the same to Executive Judge Salome P. Dungog, RTC, Ozamis City, for investigation, report and recommendation.[3]

In her Report and Recommendation dated October 29, 2004, Executive Judge Dungog made the following recommendation:

When the hearing of this case was called at 8:30 [a.m.] today, Respondent Judge Hon. Rio Concepcion Achas appeared, but the complainant Atty. Alvin C. Go did not appear. Believing that the complainant was on his way to the court, the Court [resolved] to have a second call.

When the said case was called again for the second time at 10:30 [a.m.], still the complainant did not appear. The court observed and noted that at least the complainant had already and indubitably received the first Notice of Hearing which was scheduled on October 15, 2004 at 8:30 [a.m.].

Be it noted that the court is only given thirty (30) days to complete the proceedings of this case.

The non-appearance of the [complainant] in the hearing for two times is tantamount to his loss of interest in the

further prosecution of this case, despite sufficient time being accorded to him, thus jeopardizing the respondent in the interest of public service. In fact, the respondent manifested (on record) on this matter.

WHEREFORE, for lack of interest on the part of the [complainant] to pursue his case against the respondent, this court hereby resolves to recommend for the dismissal of the same in the interest of justice and public service.

We do not agree with the recommendation of the Executive Judge.

Indeed, it is settled that in administrative proceedings, the burden of proof that the respondent committed the acts complained of rests on the complainant.[4] In fact, if the complainant upon whom rests the burden of proving his cause of action fails to show in a satisfactory manner the facts upon which he bases his claim, the respondent is under no obligation to prove his exception or defense.[5] In the absence of evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail. Even in administrative cases, if a court employee or magistrate is to be disciplined for a grave offense, the evidence against him should be competent and should be derived from direct knowledge.[6]

However, it must also be stressed that the withdrawal of the complaint, and, as a corollary, the desistance of witnesses, does not have the legal effect of exonerating a court employee from any administrative disciplinary sanction. It does not operate to divest this Court with jurisdiction to determine the truth behind the matter stated in the complaint.[7] The Court's disciplinary authority cannot be dependent on or frustrated by private arrangements between parties. An administrative complaint against an official or employee of the judiciary cannot simply be withdrawn by a complainant who suddenly claims a change of mind. Otherwise, the prompt and fair administration of justice, as well as the discipline of court personnel, would be undermined.[8] Verily, in administrative cases against public officers and employees, the complainants, are, in a real sense, only witnesses.[9] In fact, even anonymous complaints against court personnel have been acted upon by the Court, where the charge could be fully borne by public records of indubitable integrity, thus needing no corroboration by evidence to be offered by the complainant.[10]

In this case, the respondent Judge himself admitted in his Comment[11] that he received the supersedeas bond from a party in the amount of P290,000.00 and did not immediately remit the same to the clerk of court.

Thus, we are more inclined to agree with the findings and the extensive discussion of the Office of the Court Administrator in its Report dated July 8, 2004, to wit:

... We find that the complainant failed to furnish substantial evidence to support his accusation that the respondent judge is having an illicit affair with a certain Mrs. Paz Go. He claims that the respondent judge and Mrs. Go are living under scandalous circumstances in Clarin, Misamis Occidental, yet he failed to attach an affidavit of anyone in Clarin attesting to that fact to satisfy the requirement that administrative complaints against judges must be supported by affidavits of persons who have personal knowledge of the facts therein alleged (Rule 140, Sec. 1, Revised Rules of Court). In this light, we see no need to pursue this charge of immorality in a formal investigation.

Regarding the supersedeas bond issue, the record shows that the respondent judge rendered a judgment in Civil Case No. 1510-MTCC, Branch 2, Ozamis City, for unlawful detainer against the defendant. (Annexes "D" to "D-16," Complaint). To stay execution of judgment pending appeal, the defendant deposited the amount of P290,000.00 as supersedeas bond. The respondent judge received the amount on April 8, 2003, for which he issued an acknowledgment receipt. (Annex "E," Id.)

On July 14, 2003, the Cashier of the MTCC, Ozamis City, issued a certification that "relative to Civil Case No. 1510-MTCC, no amount of TWO HUNDRED NINETY THOUSAND (P290,000.00) PESOS whether in cash

or check xxx, has so far been deposited with either this office or to me nor an official receipt issued therefore to date.” (Annex “F,” Id.)

On July 23, 2003, the respondent judge wrote to complainant Atty. Alvin Go that the supersedeas bond filed in connection with the case on appeal before the RTC, Branch 35, “is in my possession and a receipt was issued by me as Presiding Judge of the court of origin who rendered the judgment in favor of the plaintiff, your client.” (Annex “G,” Id.)

...

On September 25, 2003, the respondent submitted a MANIFESTATION to the Court Administrator to the effect that the “cash supersedeas bond in the sum of P290,000.00 has already been deposited per caveat issued by Hon. Salome P. Dungog, RTC Executive Judge at the same time presiding judge of RTC, Branch 35, where the case xxx is pending appeal.” (page 45, Rollo). Attached to the Manifestation are:

(1) another Manifestation of the respondent judge of even date in Civil Case No. 1510-MTCC that he “had already deposited the xxx sum of P290,000.00 to the Office of the Clerk of Court RTC as mandated by the Order of this Honorable Court;”

(2) xerox copy of Official Receipt No. 14860135 for the sum of P290,000.00 issued by the RTC, Ozamis City; and

(3) Letter dated September 25, 2003 of the Clerk of Court to RTC Executive Judge Hon. Salome P. Dungog informing that the “MTCC-Branch 2, Ozamis City, has deposited xxx the amount of Two Hundred Ninety Thousand Pesos xxx per Official Receipt No. 14866135, in compliance with your Order dated September 9, 2003 (pp. 47-49, Rollo)

It, thus, appears that from April 8, 2003 to September 25, 2003, the respondent judge had in his possession the amount of P290,000.00 filed as supersedeas bond in Civil Case No. 1510-MTCC, Ozamis City, to stay execution of the judgment pending appeal. It took an order from the RTC, Branch 35, Ozamis City, for the respondent judge to remit the amount to the appellate court.

The respondent judge violated Section 19, Rule 70, Revised Rules of Court, which requires that the “supersedeas bond shall be transmitted by the Municipal Trial Court, with the other papers, to the clerk of the Regional Trial Court to which the action is appealed.”

Likewise, the respondent violated Circular No. 50-95 of the Supreme Court. Said Circular provides that all collections from bail bonds, rental deposits and other fiduciary collections shall be deposited with the Land Bank of the Philippines by the Clerk of Court concerned, within 24 hours upon receipt thereof. In localities where there are no branches of the Land Bank of the Philippines, fiduciary collections shall be deposited by the Clerk of Court with the Provincial, City, or Municipal Treasurer. Deposits shall be made in the name of the Court, with its Clerk of Court and the Executive Judge as authorized signatories.

These provisions of said Circular are mandatory and designed to promote full accountability for government funds. It is worth emphasizing that the safekeeping of funds and collections is essential to the goal of an orderly administration of justice. (*De Pacete vs. Judge Josefino A. Garillo*, MCTC-Calintaan, Occidental Mindoro, A.M. No. MTJ-03-1473.)

In the above-cited administrative matter, the respondent Judge Josefino Garillo was dismissed from the service for receiving the sum of P78,000.00 from a litigant in a case pending in his court and failed to return the same despite demands from the party, on the pretext that the money was stolen from him. Until his dismissal, Judge Garillo was unable to return the money.

Since respondent Judge in the instant case was able to remit the P290,000.00 supersedeas bond to the appellate court albeit after more than 5 months from the time he received it and only in compliance with an order from

the appellate court, a sanction less than the maximum penalty of removal from the service may be meted on him.[12]

Contrary to what the respondent Judge may believe, he cannot claim good faith in this case since he violated Supreme Court Circular No. 13-92 dated March 1, 1992, which provides that all collections of bail bonds, rental deposits and other fiduciary collections shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized depository bank. Thus, in the ordinary course of proceedings, judges have nothing to do with the collections, because clerks of court are the officers mandated to deposit them with an authorized government depository bank.[13] The duty of the judge in this case is to see to it that these functions are faithfully performed by their clerks of court.[14] Thus, the proper procedure in the handling of cash is for the court to direct the clerk of court to officially receive the cash and to immediately deposit it with the municipal treasurer's office. The transaction must not only be properly receipted for but should also appear in the records of the case.[15] The respondent judge failed to follow this procedure[16] and even admitted such failure, albeit inadvertently.

By his actuations, the respondent Judge violated Canon 2 of the Canons of Judicial Conduct, to wit:

Canon 2. A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

Rule 2.01. – A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

Indeed, a judge's official conduct should be free from any appearance of impropriety. He must not act in a way that would cast suspicion in order to preserve the faith in the administration of justice.[17] It must be stressed that a person presiding over a court of law must live and abide by it and render justice at all times without resorting to shortcuts clearly uncalled for. Judges are not common men and women, whose errors men and women forgive and time forgets. Judges sit as the embodiment of the people's sense of justice, their last recourse when all other institutions have failed.[18]

Under Rule 140 of the Rules of Court, as amended, "gross misconduct constituting violations of the Code of Judicial Conduct" is classified as a serious charge, punishable by either dismissal from the service, suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months, or a fine of more than P20,000.00 but not exceeding P40,000.00. In this case, the Court finds that a fine of P15,000.00 is commensurate to the respondent Judge's transgression.

WHEREFORE, for violation of the Code of Judicial Conduct, respondent Judge Rio Concepcion Achas is FINED in the amount of FIFTEEN THOUSAND PESOS (P15,000.00). He is STERNLY WARNED that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 1-6.

[2] Annex "F."

[3] Rollo, p. 70.

[4] *Ejercito v. Suerte*, 410 SCRA 287 (2003); *Cea v. Paguio*, 397 SCRA 494 (2003).

[5] See *Boyboy v. Yabut, Jr.*, 401 SCRA 622 (2003).

[6] See *Urgent Appeal/Petition for Immediate Suspension & Dismissal of Judge Emilio B. Legaspi*, Regional Trial Court, Iloilo City, Branch 22, 405 SCRA 514 (2003).

[7] *Guray v. Bautista*, 360 SCRA 489 (2001).

[8] *Id.* at 497.

[9] *Tudtud v. Coliflores*, 411 SCRA 221 (2003).

[10] See *Anonymous Complaint Against Gibson A. Araula*, 81 SCRA 483 (1978).

[11] *Rollo*, pp. 38-39. The respondent Judge made the following explanation on the matter:

Atty. Alvin Go principally premised his desperate accusation on the supersedeas bond deposited by the defendant appellant (Constancio Uy) in the sala (MTCC, Branch 2) of the undersigned. The letter-communication addressed however to Atty. Go established where the bond is. The accusation against the undersigned in safely keeping the bond which will answer for the monetary judgment it rendered is certainly not misconduct and dishonesty. Courts have an inherent prerogative to accept and receive deposits and there is nothing dishonest about it. Only Atty. Go squandered an impression on the contrary.

Be it remembered that his motion merely asked for the whereabouts of the bond which the undersigned truthfully responded. It never required the undersigned to deposit the same to some other court or office. It is, therefore, contumacious for Atty. Go to alleged (sic) that the undersigned insisted [on] keeping the cash bond. Even more contumacious for Atty. Go to state that the undersigned used and disposed freely the bond. He is accusing (sic) a crime to the undersigned. Such an actuation is more than unethical for a practitioner unless he is desperate if not out of his mind. Question could then be asked whether it is grievous and dishonest for a judge to keep the cash supersedeas bond directly deposited to his sala by the losing defendant. Will this cause his immediate dismissal? With all due respect, Your Honor please, Atty. Go is too harsh and oppressive.

[12] *Rollo*, pp. 66-69. (Emphasis supplied.)

[13] *Relova v. Rosales*, 392 SCRA 585 (2002).

[14] *Taran v. Jacinto, Jr.*, 400 SCRA 464 (2003).

[15] *Report on the Judicial Audit Conducted in the Municipal Trial Court in Cities of Palayan City*, 403 SCRA 350 (2003).

[16] Section 14 of Rule 114 further provides:

Sec. 14. Deposit of cash as bail. – The accused or any person acting in his behalf may deposit in cash with the nearest collector of internal revenue or provincial, city, or municipal treasurer, the amount of bail fixed by the court, or recommended by the prosecutor who investigated or filed the case. Upon submission of a proper certificate of deposit and a written undertaking showing compliance with the requirements of Section 2 of this Rule, the accused shall be discharged from custody. The money deposited shall be considered as bail and applied to the payment of fine and costs while the excess, if any, shall be returned to the accused or to whoever made the deposit.

[17] *Report on the Judicial Audit Conducted in the Municipal Trial Court in Cities of Palayan City*, *supra*.

[18] *Ortiz v. Palaypayon*, 234 SCRA 391 (1994).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.