

MANUEL EUGENIO, PETITIONER, VS. HON. BIENVENIDO A. TAN AND BENITO CRUZ, RESPONDENTS.

G.R. No. L-2721. September 20, 1949

Ponente: OZAETA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/890d597f189f/>

OZAETA, J.:

This petition for certiorari and mandamus is related to G. R. No. L-2804—Manuel Eugenio, petitioner-appellant, vs. Jose Tiangco, oppositor-appellee—wherein the herein petitioner twice unsuccessfully attempted to establish that the deceased Paula Tiangco had left a will in the hands of her surviving husband Benito Cruz.

After Judge Castelo had overruled the herein petitioner's opposition to the issuance of letters of administration to Jose Tiangco in intestate proceeding No. 442 on the ground that the therein oppositor and herein petitioner Manuel Eugenio had not proved that Paula Tiangco had left a will, the petitioner filed a criminal complaint in the justice of the peace court of Malabon, Rizal, against Benito Cruz, charging him with a violation of section 2 of Rule 76 in that, having been in possession of the last will and testament of the late Paula Tiangco, he had failed and refused and still failed and refused to deliver the said last will and testament to the court having jurisdiction, notwithstanding his knowledge of the institution of intestate proceedings of the estate of the said deceased. The accused Benito Cruz waived the right to a preliminary investigation, and the case was forwarded to the Caloocan branch of the Court of First Instance of Rizal. An information was there filed by the assistant provincial fiscal at the behest of counsel for the complainant; but, subsequently, upon learning of the finding of the court in intestate proceeding No. 442 to the effect that the deceased Paula Tiangco had left no will in the possession of the accused Benito Cruz, the fiscal *motu proprio* asked for the dismissal of the case, and Judge Castelo dismissed it accordingly.

Undaunted, and with a pertinacity worthy of a better cause, counsel for the complainant Manuel Eugenio filed another criminal action against the accused Benito Cruz in the Rizal City branch of the Court of First Instance of Rizal, presided over by the respondent judge, Hon. Bienvenido A. Tan. After a preliminary examination of the facts as borne out by the records of the previous proceedings relating to the supposed will in question, Judge Tan dismissed the second complaint for lack of probable cause.

Thereafter Manuel Eugenio filed the present petition for certiorari and mandamus against Judge Tan to annul his order of dismissal and to compel him to proceed with the preliminary investigation and hearing of said case.

The petition is entirely devoid of merit. The respondent judge did not exceed his jurisdiction and did not commit any abuse of discretion in dismissing the second criminal complaint against Benito Cruz for lack of probable cause. Nor is it the ministerial duty of a judge, enforceable thru mandamus, to give due course to a criminal complaint which he finds to be devoid of factual basis.

The petition is denied, with costs against the petitioner.

Moran, C.J., Paras, Feria, Padilla, Tuason, Montemayor, and Reyes, JJ., concur.

Bengzon, and Torres, JJ., did not take part.

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.