

ARTURO DE SANTOS, AS ADMINISTRATOR AND HEIR OF THE LATE CONCEPCION CABARRUS VDA. DE SANTOS, PETITIONER, VS. THE HONORABLE ENRIQUE AGANA, AS JUDGE OF THE CFI OF RIZAL PROVINCE, B...*G.R. No. L-37560. June 14, 1974*

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a240282d3129/>**FERNANDEZ, J.:**

Special Proceedings No. 179-P for the settlement of the estate of the deceased Concepcion Cabarrus Vda. de Santos was assigned to the Court of First Instance of Rizal, Branch III, Pasay City, presided over by the respondent Judge Pedro JL. Bautista. Arturo de Santos, present petitioner and a son of the deceased, was named the regular administrator in said case. Respondent Milagros de Santos Angeles, claiming to be an acknowledged natural child of the late Concepcion Cabarrus Vda. de Santos, filed a motion for intervention in the case. In the meantime, the respondent Judge Bautista went on sick leave. The case was then endorsed to Branch XXVIII presided over by the respondent Judge Enrique Agana.

When respondent Judge Bautista got well, the administrator, Arturo de Santos, filed a petition before Judge Agana for the transfer of the case (Special Proceedings No. 1790-P) to Judge Bautista. Judge Agana ordered the return of said case to Judge Bautista provided the latter had no objection thereto. But Judge Bautista declined to accept the case on the ground that the parties have agreed to have all pending incidents in the case heard by Judge Agana. Afterwards, in a pre-trial conference before Judge Agana, the latter expressed an opinion on the status of respondent Milagros de Santos Angeles as an acknowledged natural child, which petitioner maintained is a pre-judgment of the case and a ground for disqualification.

This case is now before Us on a petition for certiorari to disqualify Judge Agana from hearing Special Proceedings No. 1790-P, and for the return of the case to Judge Bautista. Private respondents, Milagros de Santos Angeles and her husband, Ricardo Angeles, filed their comments to the petition and contended that the opinion expressed by Judge Agana was not sufficient to disqualify him. The two other children of the deceased Concepcion Cabarrus Vda. de Santos, namely, Alberto de Santos and Alicia de Santos, were allowed to intervene. Alberto sided with the respondent Milagros de Santos Angeles while Alicia sided with the petitioner.

At the oral argument of this case on April 24, 1974, the petitioner, the private respondents, and the intervenor Alicia de Santos Maloles, thru respective counsels, manifested that they have full faith in the impartiality of the respondent Judge Bautista and have no objection to his hearing Special Proceedings No. 1790-P. In view of this manifestation, this Court resolved to require said Judge to comment on whether he can now accept and hear said case No. 1790-P which originally belonged to Branch III presided over by him. Said respondent Judge Pedro JL. Bautista, having filed before this Court a manifestation that he "is ready and willing to take back the subject Sp. Proc. No. 1790-P and to continue hearing the same," the present case is hereby dismissed without costs, the same having become moot and academic.

SO ORDERED.

Zaldivar, (Chairman), Fernando, Barredo, Antonio, and Aquino, JJ., concur.

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.