

Title: In Re Will of the Deceased Leoncia Tolentino (Payad v. Tolentino)

Facts:

Leoncia Tolentino, at the age of 92, passed away on September 8, 1933. Prior to her death, a will was prepared on September 7, which bequeathed all her property to Victorio Payad as recompense for his dedicated service. The will was handwritten in Spanish by Attorney Marciano Almario upon Leoncia's request, read to her, approved, and subsequently thumb-marked by her, given her inability to sign due to weakness.

Aquilina Tolentino, the oppositor, disputed the validity of the will, claiming that Leoncia did not personally place her thumb-mark and that she was not mentally and physically capable of executing the will at the time of its making.

At the trial court level, the validity of the will was contested, and both parties presented their evidence. After the trial court ruled, both parties appealed the decision, moving the case to the Philippine Supreme Court. During the Supreme Court proceedings, Aquilina filed a motion for reconsideration of the court's decision and a motion for a new trial based on purportedly new evidence.

Issues:

1. Whether the testatrix, Leoncia Tolentino, personally placed her thumb-mark on the will.
2. Whether the testatrix requested assistance in placing her thumb-mark on the will.
3. Whether the will was signed on the date indicated therein.
4. Whether the testatrix had indeed executed the will in question.
5. Whether the testatrix was in a physical or mental condition to execute the will.
6. Whether new evidence cited in Aquilina Tolentino's motions warranted a reconsideration of the Supreme Court's decision or a new trial.

Court's Decision:

The Supreme Court determined that the evidence supported the fact that Leoncia Tolentino, despite her age and ill health, was in a stable enough condition to execute the will. They found that the testimonies of the subscribing witnesses and the attending physician indicated that she was mentally capable of doing so. The court also ruled that her thumb-mark on the will was valid and that the will had been executed properly.

Regarding the new evidence presented, the Supreme Court ruled that it was not "newly discovered evidence" within the meaning of the law, as it could have been obtained earlier with due diligence. Furthermore, they held that the evidence was not of such a character

that it would have changed the outcome of the case. As a result, both the motion for reconsideration and the motion for a new trial were denied, and the court affirmed the validity of the contested will.

**Doctrine:**

The doctrine reiterated in this case centers on the requirements for proving the due execution of a will and the standards for what constitutes newly discovered evidence. For a motion for a new trial to be granted on the basis of newly discovered evidence, the evidence must be such that: (a) it could not have been discovered prior to trial with reasonable diligence; (b) it is material, not merely cumulative, corroborative, or impeaching; and (c) it is of such a weight that it would probably alter the outcome of the case if admitted.

**Class Notes:**

- Essential elements to validate the execution of a will: testator's intention, signing or marking by the testator, presence of competent witnesses, and testator's testamentary capacity.
- Criteria for newly discovered evidence for a new trial: (a) could not have been discovered with due diligence, (b) is material, and (c) would likely change the verdict.

**Historical Background:**

This case takes place during a period in the Philippines when Spanish influence on legal procedures was still evident, as seen by the will being written in Spanish. The case also highlights the importance of notary laws and testamentary succession in the Philippine legal system, which take their roots from Spanish civil law, contrasted over time with increasing American legal influence in the early 20th century.