

Title: In the Matter of the Probate of the Last Will and Testament of Brigido Alvarado: Cesar Alvarado vs. Hon. Ramon G. Gaviola, Jr., et al.

Facts:

Brigido Alvarado, a 79-year-old testator, executed a notarial will on November 5, 1977, disinheriting an illegitimate son, Cesar Alvarado, (petitioner), and revoking a prior holographic will. The will was read to him by the draftsman, as Brigido did not due to poor vision.

A holographic will was admitted to probate on December 9, 1977. Later, on December 29, 1977, a codicil was executed to alter certain dispositions of the will, still read to the testator by the draftsman, due to the testator's poor eyesight. Brigido passed away on January 3, 1979, leading to a petition for probate by the executor named in the notarial will.

The petitioner opposed probate, alleging the will's improper execution, the testator's mental incapacity, duress, undue influence, and fraud. The Regional Trial Court dismissed these claims and admitted the will to probate on June 27, 1983.

The appellate court received an appeal from the petitioner, arguing the testator was blind under the law when executing the will and its probate should be disallowed for non-compliance with Art. 808 of the Civil Code requiring the double-reading of the will. The appellate court, interpreting "blindness" narrowly, concluded that the testator was not blind and concluded substantial compliance with the law.

Issues:

1. Was Brigido Alvarado "blind" within the meaning of Art. 808 at the time his will and codicil were executed, requiring the will to be read to him twice?
2. If so, was the double-reading requirement of Art. 808 complied with?

Court's Decision:

The Supreme Court of the Philippines affirmed the appellate court ruling, holding that:

1. While Brigido Alvarado was not totally blind, he was effectively blind under Art. 808 due to his inability to read the will himself.
2. Despite not following Art. 808's literal requirements, substantial compliance was achieved, fulfilling the law's protective purpose and authenticating the will's contents.

Doctrine:

Substantial compliance with the procedural requirements for the execution of wills suffices

if it satisfies the purpose of the law: to protect the testator from fraud and ensure the truth and authenticity of the will.

Class Notes:

- Art. 808 of the Civil Code applies to testators who cannot read their wills due to blindness or any other incapacity.
- The principle of substantial compliance permits deviation from strict procedural requirements if the protective purpose of the law is achieved, thus upholding testamentary intent.
- The elements central to this case are the requirements of Art. 808: (a) the testator being blind or unable to read, and (b) the will must be read to the testator twice by different people present.

Historical Background:

The case is set against a backdrop where testamentary formalities are strictly observed to protect the rights and intentions of the testator. However, the courts have also recognized a judicious approach, allowing relaxation of procedural requirements in certain circumstances where the testator's intent is clear, and the law's purpose has been fulfilled, reflecting a more substantive justice-oriented perspective.