

Title: In re: Will and Testament of the Deceased Reverend Sancho Abadia

Facts:

On September 6, 1923, Reverend Sancho Abadia, a parish priest from Talisay, Cebu, drafted what purported to be his Last Will and Testament (Exhibit "A"). He passed away on January 14, 1943, in Aloguinsan, Cebu, leaving an estate valued at approximately PHP 8,000. On October 2, 1946, Andres Enriquez, named as one of the legatees in Exhibit "A," filed a petition for its probate in the Court of First Instance of Cebu. Several relatives of Father Abadia, who stood to inherit in the absence of a valid will, filed opposition to the petition.

During the probate proceedings, the sole surviving attesting witness testified that Father Abadia had written the will in longhand in Spanish, signed each page, and numbered them in Arabic numerals, in accordance with the requirements for a holographic will as per the New Civil Code. The oppositors presented no evidence. Despite the fact that holographic wills were not recognized by Philippine law when the will was executed and at the time of Father Abadia's death, the trial court admitted the will to probate on January 24, 1952, citing a liberal interpretation of the New Civil Code that took effect after the contemplation of the will and after his death. The oppositors contested this decision.

Procedural Posture:

This case ascended to the Supreme Court as an appeal from the decision of the Court of First Instance of Cebu. Since only questions of law were at issue, the Court of Appeals certified the case to the Supreme Court for review.

Issues:

1. Can a holographic will executed at a time when such wills were not permissible under Philippine law be given probative value under the New Civil Code, which allows for holographic wills?
2. Does the validity of a will in terms of its form depend on the law in force at the time it was made, or can subsequent laws be applied retrospectively to validate previously invalid wills?

Court's Decision:

The Supreme Court reversed the trial court's order and denied probate to Exhibit "A". It upheld the principle that the validity of a will is determined by the law in force at the time of its execution. The Court reinforced the provision of Article 795 of the New Civil Code stating this principle, citing case law that vests rights in the heir upon the testator's death, which cannot be retroactively altered by subsequent law. The Court emphasized that wills invalid

at the time of the testator's execution cannot be validated by subsequent legislation that relax the formalities of execution.

Doctrine:

The doctrine established in this case holds that the form and validity of a will are judged according to the law in effect at the time of its execution, not at the time of the testator's death or when the will is presented for probate. Subsequent changes in the law cannot be applied retroactively to validate an improperly executed will.

Class Notes:

- The validity of a will's form is governed by the law at the time of execution (Article 795, New Civil Code).
- Subsequent laws that reduce formalities for executing wills do not have retroactive effect to validate defective wills.
- Holographic will requirements in force under the New Civil Code cannot be retroactively applied to wills executed when such wills were not recognized by law.

Historical Background:

The case captures a transitional legal period in which the laws regarding the execution of holographic wills in the Philippines changed. At the time of Father Abadia's will execution and at his death, Philippine law did not recognize holographic wills. This case was decided in the context of the New Civil Code, which began recognizing holographic wills, raising questions on whether this newer code can be retroactively applied to wills executed under the old regime that did not recognize them. The Supreme Court's decision provided a clear precedent that laws in effect at the time of a will's execution are determinative of its validity, thus maintaining legal stability and safeguarding vested rights against retrospective legislative changes.