

**\*\*Title:\*\* In the Matter of the Testate Estate of Aida A. Bambao: A Scrutiny on the Admissibility of a Foreign Will in the Philippine Legal Framework**

**\*\*Facts:\*\***

Aida A. Bambao, a naturalized American citizen residing in California, executed her Last Will and Testament on October 28, 1999, nominating her cousin, Cosme B. Sekito, Jr., as the special independent executor for her assets in the Philippines. After Aida's death on February 5, 2000, Cosme filed a petition with the Regional Trial Court (RTC) of Pasig City for the allowance of the will and his appointment as the Special Administrator of Aida's estate. Linda A. Kucskar, Aida's sister and a beneficiary under the will, opposed the petition on various grounds. The RTC eventually allowed the will, prompting Linda to appeal to the Court of Appeals (CA), which affirmed the RTC's decision. Linda then elevated the case to the Supreme Court (SC).

**\*\*Issues:\*\***

1. Whether the foreign law governing the formalities of a will executed abroad by a naturalized foreign citizen must be alleged and proven in Philippine courts.
2. Whether a foreign will that does not comply with the formalities prescribed by Philippine law can be probated in the Philippines.

**\*\*Court's Decision:\*\***

The Supreme Court held that the petition is meritorious, concluding that the foreign law (California law, in this case) was neither properly alleged nor proven as required under Philippine rules of evidence. Consequently, due to the doctrine of "processual presumption," Philippine law applies, under which the will failed to meet necessary formalities such as acknowledgment before a notary public and the required number of witnesses. The Supreme Court remanded the case to the RTC to ensure compliance with Sections 24 and 25 of Rule 132 of the Revised Rules of Court concerning the proof of foreign laws.

**\*\*Doctrine:\*\***

1. **\*\*Processual Presumption\*\***: When foreign law is not properly pleaded and proved, Philippine courts are bound to apply Philippine law.
2. **\*\*Substantial Compliance Rule does not apply to the Acknowledgment Requirement\*\***: The substantial compliance rule may excuse imperfections in the attestation clause of a will but does not apply to the requirement that a will must be acknowledged before a notary public.

**\*\*Class Notes:\*\***

- **\*\*Foreign Laws in Philippine Courts\*\***: Must be properly pleaded and proved; failure to do so invokes the doctrine of processual presumption, applying Philippine law instead.
- **\*\*Proof of Foreign Laws\*\***: Requires presenting an official publication or attested copy, accompanied by a certificate from an authorized Philippine embassy or consular official (Rules of Court, Rule 132, Sections 24 and 25).
- **\*\*Will Formalities\*\***: Distinction between holographic and notarial wills, with specific requirements for each under Articles 810, 805, and 806 of the Civil Code.
- **\*\*Substantial Compliance Rule\*\***: Applies only to deficiencies in the will's attestation clause that can be clarified through inspection of the will itself and does not extend to the acknowledgement requirement.

**\*\*Historical Background:\*\***

This case illuminates the intricate cross-jurisdictional issues that arise when dealing with the estate of a deceased who was a naturalized citizen of another country but had assets in the Philippines. It underscores the rigid formalities that Philippine law imposes on the probate of wills, including those executed abroad, and highlights the nuances of applying foreign laws in Philippine courts. This decision serves as a critical guide on how foreign wills are to be treated under Philippine jurisdiction, especially the stringent requirement for proving foreign laws.