

### Title: Fernandez & Reyes vs. Dimagiba: A Debate on Will Probate, Finality, and Implied Revocation <sup>Digest)</sup>

### Facts:

This case began when Ismaela Dimagiba petitioned the Court of First Instance (CFI) of Bulacan on January 19, 1955, for the probate of Benedicta de los Reyes's will, executed on October 22, 1930, which named Dimagiba as the sole heir. Opposing the probate were individuals claiming to be intestate heirs of de los Reyes: Dionisio Fernandez, Eusebio Reyes, Luisa Reyes, Mariano Reyes, Cesar Reyes, Leonor Reyes, and Paciencia Reyes. They challenged the probate on grounds of forgery, consent vices, estoppel by laches, and revocation through subsequent deeds of conveyance favoring Dimagiba, which were later annulled.

The CFI found the will genuine and correctly executed but deferred on estoppel and revocation resolutions. Requests for reconsideration regarding these unresolved issues led to the CFI's confirmation of its stance against the estoppel claim and deferring the revocation discussion. The case escalated to the Court of Appeals (CA) upon the appointment of an estate administrator and completion of an estate inventory. The CA established that decisions on will probate and estoppel claims had become final due to lack of timely appeal, and it affirmed the CFI's decision, disagreeing with the alleged revocation of the will through the deeds of conveyance.

### Issues:

1. Whether the CFI's decision allowing the will's probate became final due to lack of appeal.
2. Whether the CFI's stance on estoppel had likewise achieved finality.
3. Whether the subsequent execution of deeds of conveyance impliedly revoked the 1930 will of Benedicta de los Reyes.

### Court's Decision:

The Supreme Court affirmed the decisions of the lower courts, addressing each of the presented issues:

- The decree permitting the will's probate was final and conclusive, as it was not appealed in time. The appeal against this final decree was correctly dismissed by the CA.
- The issue of estoppel was deemed unmeritorious, and the public policy favoring the testamentary wishes of a decedent was emphasized.
- Regarding the revocation, the court opined that actions taken by the testatrix by alienating property to the named legatee (Dimagiba) did not exhibit an intent to revoke the will.

Further, the Court observed that given the annulments due to undue influence, <sup>Digest)</sup> the conveyances did not necessarily revoke the 1930 will.

### ### Doctrine:

This case reinforces the finality of probate decrees when not timely appealed and the principle that a will's probate primarily concerns the testator's capacity and the will's execution. Concerning implied revocation, it underscores a nuanced approach, considering the testator's intent and the nature of subsequent transactions related to willed property.

### ### Class Notes:

- **\*\*Probate Finality:\*\*** A decision allowing will's probate is final and conclusive if not appealed timely (Important for future considerations on whether to appeal probate orders).
- **\*\*Estoppel Principle:\*\*** The concept of estoppel cannot undermine public policy favoring testamentary wishes.
- **\*\*Implied Revocation Nuances:\*\*** Actions taken by a testator post-execution of a will (like alienation of willed property), especially when in favor of the named legatee, require careful consideration to determine if they constitute an implied revocation of the will.
- **\*\*Legal Consideration on Revocation:\*\*** Article 957 of the Civil Code delineates conditions under which a legacy or devise becomes ineffective, including explicit and implied revocation scenarios.

### ### Historical Background:

This case elucidates the complexity of probate proceedings and the potential for protracted legal battles over wills, highlighting the convoluted nature of testamentary dispositions and inheritance in Filipino legal practice. It reflects the judiciary's role in balancing the testator's intentions, the interests of alleged heirs, and the adherence to procedural timelines, thus contributing to the evolving jurisprudence on wills, probate, and inheritance in the Philippines.