

****Title:** Azuela vs. Court of Appeals et al. (In Re: Invalidity of a Notarial Will for Failure to Comply with Statutory Formalities)**

****Facts:****

This case involves a petition filed with the Regional Trial Court (RTC) of Manila by Felix Azuela on 10 April 1984, seeking to admit to probate a notarial will executed by Eugenia E. Igsolo, who died on 16 December 1982. The petitioner is a relative of the decedent. The will was notarized on 10 June 1981 and consisted of several dispositions, including bequeathing properties to Felix Azuela. Geralda Aida Castillo opposed the probate, claiming the will was a forgery and not executed according to law, pointing out several procedural deficiencies. The RTC admitted the will to probate, but this decision was reversed by the Court of Appeals, which found the will void due to failure to state the number of pages in the attestation clause. The case was escalated to the Supreme Court on appeal.

****Issues:****

1. Whether the requirement that the number of pages used in a notarial will be stated in the attestation clause is merely directory, allowing for “substantial compliance.”
2. The validity of the will in light of deficiencies, including failure to state the number of pages, absence of an acknowledgment, and non-signature of instrumental witnesses in the attestation clause.

****Court’s Decision:****

The Supreme Court denied the petition, emphasizing strict adherence to statutory formalities outlined in Article 805 and 806 of the Civil Code for the execution of notarial wills. It stated that any deviation from these formal requirements, including the failure to state the number of pages, non-signature of instrumental witnesses in the attestation clause, and lack of an acknowledgment before a notary public, renders a notarial will invalid. These defects could not be remedied through substantial compliance as the express provisions aim to prevent fraud and ensure the fulfilment of the testator’s genuine intent. The Court found several critical defects in the execution of Igsolo’s will, all of which merited judicial rejection.

****Doctrine:****

1. A notarial will’s attestation clause must explicitly state the number of pages upon which

the will is written to prevent tampering and ensure its authenticity.

2. The attestation clause of a notarial will must be signed by the instrumental witnesses to confirm their presence and participation during its execution.

3. Every notarial will must be acknowledged before a notary public by the testator and witnesses to establish its execution under free and voluntary act.

4. Defects such as failure to specify the number of pages, absence of instrumental witnesses' signatures on the attestation clause, and lack of notarial acknowledgement, each independently warrant denial of probate for a notarial will.

****Class Notes:****

1. ****Attestation Clause Requirements (Article 805, Civil Code):**** Must state the number of pages, be signed by the witnesses, and indicate that the testator and the witnesses signed the will and each page in the presence of one another.

2. ****Acknowledgment Requirement (Article 806, Civil Code):**** A notarial will must be acknowledged before a notary public by both the testator and the witnesses.

3. ****Substantial Compliance Rule (Article 809, Civil Code):**** Allows for leniency in the interpretation of the formal requirements provided there is no bad faith, forgery, or fraud, and the will was executed in substantial compliance with the law.

4. ****Application:**** The strict interpretation and application of Articles 805 and 806 underscore the importance of adhering to the formal requirements for the execution of notarial wills to prevent fraud and ensure the testamentary intent is respected.

****Historical Background:****

The decision underlines the judiciary's role in maintaining the integrity of the testamentary process through stringent adherence to legal formalities. This case reasserts established doctrines regarding the execution of notarial wills and serves as a reminder of the legislator's intent to safeguard against fraud, ensure authenticity, and respect the testator's wishes. It reflects the balance between the liberalization of testamentary dispositions and essential safeguards in the Philippine legal system.