

Title:

Eutiquia Avera vs. Marino Garcia and Juan Rodriguez (Guardian of Minors Cesar Garcia and Jose Garcia)

Facts:

Eutiquia Avera petitioned for the probate of Esteban Garcia's will, contested by Marino Garcia and Juan Rodriguez, guardian of minors Jose and Cesar Garcia. At the hearing, one of three attesting witnesses testified that the will adhered to necessary formalities and that the testator possessed disposing faculties, corroborated by the will's writer. The absence of the two other witnesses was unaccounted for by the proponent. The opposers presented a witness suggesting the testator's debilitation. The lower court admitted the will to probate, leading to an appeal focusing on the sufficiency of one attesting witness's testimony and the validity of signatures on the will's right margin.

Issues:

1. Can a will be admitted to probate based on the testimony of only one witness without accounting for the other two in a contested probate?
2. Does placing the testator's and attesting witnesses' signatures on the right margin, rather than the left, invalidate a will?

Court's Decision:

The Supreme Court held that the appeal's concerns were not raised timely, thus could not be entertained. Citing *Cabang vs. Belfinado*, the Court highlighted the prerequisite of examining all living, reachable attesting witnesses in contested probates. However, since the appellants did not raise their objections in the lower court, this procedural error was waived. Regarding the signature placement, the Court ruled such deviation from the Code of Civil Procedure trivial and insufficient to invalidate the will, emphasizing the intent of testamentary formalities to ensure authenticity without unnecessarily burdening the testator's wishes.

Doctrine:

This case reiterates that all attesting witnesses must be examined in contested will probates if feasible. Moreover, it establishes that non-substantive deviations in the execution of wills, such as the placement of signatures, should not void the document, provided such deviations do not compromise its authenticity or the testator's intent.

Class Notes:

- Probate contests require testimonies from all reachable, living attesting witnesses.
- Testamentary formalities aim to authenticate wills and deter fraud while facilitating testamentary intent.
- Procedural failures or objections must be raised at the earliest opportunity, failing which, they may be deemed waived.
- Substantial compliance with testimony requirements in uncontested will probates may suffice, but contested cases demand stricter adherence.
- Non-material deviations from statutory will execution requirements may not invalidate a will if the deviations do not impinge on its authenticity or the testator's directions.

Historical Background:

The case examines probate law intricacies within the Philippine legal framework, specifically dealing with testamentary formalities and the procedural aspects of contesting wills. Drawing from both local and foreign jurisprudence, it underscores the judiciary's role in balancing formal statutory requirements with the practical intent of testamentary laws to honor the testator's wishes without unduly imposing onerous technicalities.