

### Title:

\*\*In Re Estate of Piraso: An Analysis on the Linguistic Requirements for the Validity of a Will\*\*

### Facts:

The case involves the will of the deceased, Piraso, with Sixto Acop as the petitioner and appellant, advocating for the probate of Piraso's will, against opponents Salming Piraso et al. The instrument in question, Exhibit A, identified as Piraso's will, was written in English. The Court of First Instance of Benguet denied the probate of Exhibit A as the last will and testament of Piraso. The primary contention revolved around the linguistic comprehension of the testator, Piraso, who, alongside understanding the Igorrote dialect with a smattering of Ilocano, did not know English, the language in which the will was written. The denial of probate based on this linguistic discrepancy led to the appeal to the Supreme Court.

The procedural posture of the case was marked by the lower court's refusal to admit the will to probate, citing the requirement that a will must be written in a language or dialect known to the testator. The appeal to the Supreme Court laid out three assignments of alleged error by the trial court, focusing on the validity of the will being contested primarily on linguistic grounds.

### Issues:

1. Does the requirement that a will must be written in the language or dialect known by the testator invalidate the will of Piraso, written in English, which he did not understand?
2. Can the presumption that a testator knows the dialect of the locality where he resides be applicable or refuted in the case of Piraso, who lived in Baguio but did not know English, the language of the will?
3. Are the other questions raised by the appeal material to the adjudication of this case concerning the probate of the will?

### Court's Decision:

The Supreme Court affirmed the judgment of the Court of First Instance of Benguet, holding the will as invalid and non-probatable due to it being written in a language not known by the testator, Piraso. The Court clarified that the law, specifically Section 618 of the Code of Civil Procedure, mandates that a will must be written in a language or dialect known to the testator to be valid. The presumption in favor of a will, which posits a testator knows the dialect of his locality, was deemed inapplicable and contradicted by evidence showing Piraso's unfamiliarity with English. The decision was unanimous, emphasizing the linguistic

competence requirement for the legality of wills.

### ### Doctrine:

This case reasserted the doctrine that for a will to be valid and capable of probate, it must be written in a language or dialect known by the testator, as mandated by Section 618 of the Code of Civil Procedure. It also touched upon the limits of the presumption that a testator knows the dialect of his locality, showing that concrete evidence of a testator's linguistic capabilities can rebut this presumption.

### ### Class Notes:

- **\*\*Key Legal Principle\*\***: A will must be written in a language or dialect known by the testator to be valid for probate (Section 618, Code of Civil Procedure).
- **\*\*Presumptions and Evidence\*\***: The presumption that a testator knows the dialect of his locality can be rebutted with evidence to the contrary, influencing the probate of a will.
- **\*\*Linguistic Proficiency and Legal Validity\*\***: The linguistic proficiency of the testator in the language of the will is critical to its legal validity.
- **\*\*Statutory Citation\*\***: "No will, except as provided in the preceding section, shall be valid to pass any estate, real or personal, nor charge or affect the same, unless it be written in the language or dialect known by the testator."

### ### Historical Background:

This case illustrates the Philippine legal system's meticulous attention to the linguistic capabilities of a testator when assessing the validity of a will. It underscores the principle that legal documents, especially wills, should reflect the clear intent of the author/testator, achievable only if the testator comprehends the language used in the document. This case, rooted in the early 20th-century Philippines, reflects the country's diverse linguistic landscape and the legal system's efforts to accommodate this diversity in judicial processes.