

**\*\*Title:\*\*** Teodoro Caneda, et al., v. Hon. Court of Appeals and William Cabrera, as Special Administrator of the Estate of Mateo Caballero: A Testament to the Rigor of Will Formalities

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

Mateo Caballero, a widower with no children, drafted a last will and testament on December 5, 1978, in Talisay, Cebu. The execution involved three attesting witnesses and was officiated by a lawyer and a notary public. The will bequeathed properties to non-relatives. Caballero filed a petition for probate on April 4, 1979, but passed away on May 29, 1980, before the proceedings could conclude. Subsequently, a special administrator was appointed for his estate, valued at P24,000. Claiming to be Caballero's nephews and nieces, the petitioners sought intestate proceedings, asserting Caballero's incapability to execute the will and contesting its genuineness.

The intestate and probate petitions were consolidated, opposed by the beneficiaries who affirmed the will's validity and Caballero's capacity. The probate court ruled the will's execution as compliant with legal requirements, a decision affirmed by the Court of Appeals, centering on whether the attestation clause sufficiently met Article 805's demands of the Civil Code. The petitioners moved to the Supreme Court on grounds of the attestation clause's inadequacy.

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

1. Whether the attestation clause of Mateo Caballero's will complied with Article 805, in relation to Article 809, of the Civil Code.

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

The Supreme Court granted the petition, finding merit in the petitioners' claim. It concluded that the attestation clause failed to explicitly state that the witnesses signed the will in the presence of the testator and each other, a requirement essential for the will's validity. The mere presence of signatures does not imply compliance with this requirement. Consequently, the will's supposed attestation clause's defects were beyond the remedy by mere examination of the will, rendering it invalid.

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

A will's attestation clause must expressly state compliance with all requirements under Article 805 of the Civil Code, including that the witnesses signed the will and every page thereof in the testator's and each other's presence. Deficiencies in the attestation clause that cannot be resolved by inspecting the will itself are fatal to the will's validity.

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

1. A will must be executed in accordance with the formalities prescribed by law to control the disposition of the estate posthumously.
2. The attestation clause serves as a certification by the witnesses on the execution manner, requiring explicit compliance to Article 805 for an ordinary will.
3. Substantial compliance under Article 809 applies only to immaterial defects that don't affect the witness's acts of attestation and subscription, discernible from the will itself.
4. The Supreme Court adopts a strict interpretation rule for the statutory requirements in the execution of wills to uphold the testamentary disposition's integrity.

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

This case underscores the evolving legal standards regarding the execution of wills in the Philippines. Earlier jurisprudence vacillated between strict and liberal interpretations of the formal requirements, leading to the enactment of Article 809 of the Civil Code. This provision aimed to balance the rigorous demands for formality with the testamentary freedom's facilitation. Yet, the Supreme Court here reaffirmed the indispensable need for explicit compliance with Article 805 in the attestation clause, marking a decisive moment in Philippine testamentary law's strict adherence to procedural exactitude.