

Title: *Nepomuceno v. The Honorable Court of Appeals, et al.*

Facts:

Martin Jugo died on July 16, 1974, leaving a last Will and Testament that was duly signed and witnessed. In the Will, he appointed Sofia J. Nepomuceno as his sole executor, stating that though he was legally married to Rufina Gomez, with whom he had two children, Oscar and Carmelita, he had lived with Nepomuceno as husband and wife since 1952. Nepomuceno filed a petition for the probate of the Will on August 21, 1974, which was opposed by Gomez and her children, citing undue influence and the testator's sickness at the time of execution. The Court of First Instance denied the probate, stating the Will's provisions were intrinsically invalid due to the testator's admission of cohabiting with Nepomuceno. Nepomuceno appealed to the Court of Appeals, which validated the Will except for the devise to Nepomuceno, deemed void under Article 739 in relation with Article 1028 of the Civil Code of the Philippines. The Court of Appeals corrected a clerical error in its decision upon motion, and denied Nepomuceno's subsequent motion for reconsideration.

Issues:

1. Whether or not the Court of Appeals exceeded its jurisdiction in passing upon the intrinsic validity of the testamentary provision in favor of Nepomuceno during probate proceedings.

Court's Decision:

The Supreme Court affirmed the decision of the Court of Appeals, holding that the appellate court acted within its jurisdiction. It cited exceptional circumstances where the court could pass upon the intrinsic validity of the Will's provisions, especially when its face indicates they might be intrinsically void. The Court acknowledged that both parties agreed on the extrinsic validity of the Will but debated its intrinsic validity, specifically the provision in favor of Nepomuceno, which was declared null and void based on Article 739 in relation to Article 1028 of the Civil Code of the Philippines.

Doctrine:

The decision reiterates two doctrines:

1. The extrinsic validity of a Will can be separated from its intrinsic validity, and probate proceedings can include an examination of both under exceptional circumstances.
2. Donations or legacies made between persons guilty of adultery or concubinage are void by virtue of Article 739 in relation to Article 1028 of the Civil Code of the Philippines.

Class Notes:

- Extrinsic vs. Intrinsic Validity of Wills: Extrinsic validity pertains to the proper execution and witnessing of a Will, while intrinsic validity relates to the legality and enforceability of its provisions.
- Article 739, Civil Code: Voids donations made between persons who were guilty of adultery or concubinage at the time of the donation.
- Article 1028, Civil Code: Applies the prohibitions on donations inter vivos to testamentary provisions.

Historical Background:

The case demonstrates the application of the Civil Code's provisions on the validity of donations and testamentary dispositions made under circumstances considered contrary to law or morality. It underscores the Philippine legal system's stance against recognizing benefits conferred in the context of adulterous or concubinal relationships, reflecting broader societal values and legal principles on marriage, family, and property rights.