

Title: ****Neri et al. v. Akutin et al.****

Facts: Agripino Neri y Chavez, who passed away on December 12, 1931, had eleven children from two marriages. From his first marriage, he had six children—Eleuterio, Agripino, Agapito, Getulia, Rosario, and Celerina. Getulia passed before him, leaving seven children. From his second marriage to Ignacia Akutin, he had five more children—Gracia, Godofredo, Violeta, Estela Maria, and Emma. In his will, admitted to probate on March 21, 1932, Agripino willed exclusive inheritance to his children from the second marriage, excluding those from the first under the belief they had already received their advances. The trial court found otherwise, declaring all his children intestate heirs. This decision was somewhat modified by the Court of Appeals, affirming the will's validity in regards to two-thirds of the estate that Agripino could freely dispose of. The decision led to a certiorari petition before the Supreme Court, focusing on the validity of the will, particularly on whether the omission of the children from the first marriage annuls the sole heirship of those from the second.

Issues: The primary legal issue centers on whether the will's omission of the children from the first marriage constitutes disinheritance and if so, the validity of the will, specifically against the backdrop of Philippine Civil Code articles 851 (regarding disinheritance) and 814 (concerning preterition).

Court's Decision: The Supreme Court reversed the Court of Appeals' decision, affirming the trial court's judgment. It clarified that the situation was one of preterition, not disinheritance, as the omission of the children from the first marriage was without explicit disinheritance, and no rightful legacy or betterment was bestowed upon the children from the second marriage. Hence, the entire estate was subjected to intestate succession, excluding any valid legacies or betterments, which were not present in this case.

Doctrine: The doctrine established was the application of preterition as defined under article 814 of the Civil Code, distinguishing it from disinheritance. It underscored that preterition, whether voluntary or involuntary, occurring when the forced heirs are either not mentioned or not accorded any hereditary share without explicit disinheritance, nullifies the institution of heirs, favoring intestate succession except for valid legacies or betterments.

Class Notes:

- Preterition is the omission of any forced heirs in the will, either by not mentioning them or failing to provide their hereditary share without explicit disinheritance, leading to intestate succession save for any inofficious legacies or betterments (Civil Code, Art. 814).

- Disinheritance necessitates an explicit and valid cause; otherwise, it may be voided if it prejudices any disinherited heir (Civil Code, Art. 851).
- The case illustrates the distinction between preterition and disinheritance, emphasizing the former's implication on the validity of wills and the succession process.

Historical Background: The Neri vs. Akutin case reflects the complexities of family estate management and inheritance laws within the context of Philippine civil law. It delves into the intricacies of implementing the Civil Code provisions on disinheritance and preterition, demonstrating how the misinterpretation or misapplication of these terms can significantly impact the distribution of a decedent's estate. The decision reiterates crucial legal principles regarding testamentary freedom, the rights of heirs, and the importance of clearly delineated legal stipulations to prevent intestate succession when it contradicts a testator's purported intentions.