

Title: Testate Estate of Isabel V. Florendo: Prohibition of Joint and Reciprocal Wills

Facts: The case revolves around a special proceeding commenced in the Court of First Instance of La Union for the probate of a joint and reciprocal will executed by the spouses Isabel V. Florendo and Tirso Dacanay on October 20, 1940. After Isabel V. Florendo's death, Tirso Dacanay, her surviving spouse, sought to probate the said will, which stipulated that the surviving spouse would inherit all the properties of the deceased, along with an agreement on the disposition of properties upon the survivor's death. The relatives of Isabel V. Florendo opposed the probate on various statutory grounds. Before hearing evidence, the trial court required and received written arguments from counsel for both parties on the legality of probating such a will under Article 669 of the Civil Code. The trial court subsequently dismissed the petition for probate, ruling the will null and void ab initio for being executed in violation of Article 669. Dissatisfied, the proponent of the will appealed the order.

Issues:

1. Whether a joint and reciprocal will is prohibited under Article 669 of the Civil Code.
2. Whether Article 669 of the Civil Code had been repealed by the provisions of the Code of Civil Procedure, Act No. 190, particularly concerning the extrinsic formalities of wills.

Court's Decision:

1. **On the first issue**, the Supreme Court upheld the trial court's decision, clarifying that the prohibition under Article 669 is against the execution of a joint will or the expression of two or more testators' wills in a single document and by one act, rather than against mutual or reciprocal wills which may be separately executed. The Court distinguished between conjointly executed wills and separate execution of mutual wills, finding the former to be in violation of the Civil Code's provisions.
2. **On the second issue**, the Court decisively addressed the appellant's argument that Act No. 190 repealed Article 669 of the Civil Code. Drawing from previous jurisprudence in the case of *In re Will of Victor Bilbao* and legal commentaries, the Supreme Court rejected the notion that the Code of Civil Procedure had entirely superseded Chapter I, Title III of the Civil Code on wills, thus maintaining Article 669's applicability. It stated the preservation of Article 669, not only for its wisdom and contribution to preventing potential abuses in the creation of wills, particularly among spouses, but also because of its reiteration in Article 818 of the New Civil Code (Republic Act No. 336), underscoring its continued force and relevance.

Doctrine: The Philippine Supreme Court reiterated that Article 669 of the Civil Code, prohibiting the execution of a conjoint or joint will by two or more persons, remains in force and has not been repealed by subsequent laws on the formalities of wills. This principle ensures that wills are created under conditions that prevent undue influence or potential conflicts between testators.

Class Notes:

- **Article 669 Civil Code**: Prohibits the execution of a will by two or more persons jointly or in the same instrument for their reciprocal benefit or the benefit of a third person.
- **Act No. 190 (Code of Civil Procedure) vs. Civil Code**: The provisions relating to wills in the Code of Civil Procedure do not supersede those in the Civil Code, namely Article 669; instead, both sets of laws apply where appropriate.
- **Reciprocal vs. Joint Wills**: Mutual or reciprocal wills may be executed separately by each testator and are distinct from joint wills, which are executed conjointly and are prohibited.
- **Article 818 New Civil Code (Republic Act No. 336)**: Reaffirms the prohibition against joint wills, showing legislative intent to continue this prohibition from the old Civil Code.

Historical Background: The prohibition against the execution of joint wills, especially among spouses, is rooted in protecting the testamentary process from potential undue influence, overreach, or worse, incentivizing harm between testators. This concern, manifest in Article 669 of the Civil Code and re-emphasized in subsequent legislative enactments, underscores the importance of maintaining the individuality of testamentary expressions and the integrity of the probate process. The case exemplifies the application of these principles in a modern context, reaffirming the longstanding wisdom behind the legal prohibition against joint wills.