

Title: In the Matter of the Probate of the Last Will and Testament of Enrique S. Lopez

Facts:

Enrique S. Lopez passed away on June 21, 1999, leaving behind a Last Will and Testament dated August 10, 1996, which designated his son, Richard B. Lopez, as the executor and administrator. On September 27, 1999, Richard filed a petition for the probate of his father's will in the Regional Trial Court (RTC) of Manila. The petition was contested by Enrique's other children, Marybeth de Leon and Victoria L. Tuazon, led by the assertions of Marybeth who claimed the will was not properly executed and attested, and that it was procured through undue pressure by Richard.

Throughout the probate proceeding, evidences and testimonies were presented by both parties. Richard's side offered the testimonies of the attesting witnesses and the notary public to prove the will's legitimacy and proper execution. Conversely, the opposition relied on a single witness to argue a discrepancy regarding the notary public's authority.

Issues:

1. Whether the will complied with Article 805 of the Civil Code concerning the explicit mentioning of the number of pages in the will.
2. Whether the appeal was properly brought to the Court of Appeals under the Rules of Court for special proceedings.
3. Whether the discrepancy in the number of pages can be considered a minor defect.

Court's Decision:

The Supreme Court agreed with the CA and the RTC, holding that:

- The will's attestation clause failed to accurately state the number of pages upon which the will was written, which rendered the will invalid according to Article 805 of the Civil Code.
- The defect in the attestation clause regarding the statement of the number of pages was not a trivial matter that could be brushed aside by Article 809's provision on substantial compliance, as this omission does not protect against the risk of interpolation or omission.
- Richard B. Lopez pursued the incorrect mode of appeal, as the Rules of Court specify that appeals in special proceedings, such as will probations, must be made through a record on appeal, not by a Notice of Appeal.

Doctrine:

This case reaffirms the doctrine that the specifications laid out in Article 805 of the Civil Code for the execution of wills must be strictly followed, particularly the requirement for the

attestation clause to fully state the number of pages upon which the will is written. Furthermore, it highlights the importance of abiding by the proper procedural rules for appeals in special proceedings, as stipulated in the Rules of Court.

Class Notes:

- **Article 805 of the Civil Code:** Every will, other than a holographic will, must meet certain requirements regarding its signing, page numbering, and the attestation clause's contents, including the total number of pages of the will.
- **Article 809 of the Civil Code:** Allows for substantial compliance in the form of attestation or language used, provided there's no bad faith, forgery, fraud, undue and improper pressure, and influence. However, this case delineates the scope of "substantial compliance" and emphasizes that certain defects cannot be overlooked if they pose a risk to the document's integrity.
- **Rules of Court on Appeals in Special Proceedings (Section 2(a), Rule 41):** Specifies the proper procedure for appealing decisions in special proceedings.

Historical Background:

This case underscores the rigorous scrutiny that wills undergo during probate proceedings in the Philippines, reflecting the legal system's intent to uphold the testator's intention while safeguarding against potential fraud and tampering. It reaffirms established doctrines on procedural and substantial requirements for wills, ensuring their integrity and the proper distribution of the testator's estate among the rightful heirs.