

****Title**:** Roel R. Gaspi vs. Hon. Judge Maria Clarissa L. Pacis-Trinidad (In the Matter of the Petition to Approve the Will of Luz Gaspe Lipson and Issuance of Letters Testamentary)

****Facts**:**

Luz Gaspe Lipson, an American citizen residing temporarily in Iriga City, executed her last will and testament on February 23, 2011, designating Roel R. Gaspi as the executor. Lipson passed away on October 17, 2015. Subsequently, Gaspi filed a Petition for the probate of Lipson's will and the issuance of letters testamentary on October 3, 2016, without a bond on his behalf. The Regional Trial Court (RTC) of Iriga City, Branch 36, dismissed the petition *motu proprio* on October 6, 2016, for lack of jurisdiction, asserting that as an American citizen, Lipson's will must be probated in the USA according to her national law.

Gaspi's motion for reconsideration was denied on November 16, 2016, with the RTC emphasizing that the petition's situation differed from precedents since Lipson's will was executed in the Philippines, not abroad. Gaspi then elevated the matter to the Supreme Court through a Petition for review on certiorari under Rule 45 of the Rules of Court.

****Issues**:**

The Supreme Court deliberated on whether the Regional Trial Court has jurisdiction to probate a will of an alien that was executed in the Philippines, and whether Philippine law could apply to its extrinsic validity despite the decedent being a foreign national.

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

The Supreme Court granted the petition, reversing and setting aside the RTC's orders. It elucidated that the nationality principle outlined in the Civil Code does not apply to the extrinsic validity of a will, which pertains to its authenticity and due execution. Philippine law may be applied to the probate of an alien's will executed in the Philippines, especially when no objections arise regarding the jurisdiction over such matters.

The Court differentiated between the extrinsic and intrinsic validity of a will, stating that while the intrinsic validity concerning the distribution of the estate is governed by the national law of the decedent, the extrinsic validity regarding the formalities and execution of the will can be adhered to under Philippine law, as provided by Articles 816 and 817 of the Civil Code.

****Doctrine**:**

The Supreme Court reiterated that the extrinsic validity of a will, which concerns the will's formality and execution, is governed by the law of the country where the will was executed.

The decision underscored that the probate of an alien's will executed in the Philippines does not necessarily mandate adherence to the decedent's national law for its probate, provided the will conforms to Philippine laws.

****Class Notes**:**

1. ****Nationality Principle in Testamentary Succession****: The national law of the person whose succession is in question governs the intrinsic validity of testamentary provisions. However, this principle does not extend to the extrinsic validity of the will, which is dictated by the law of the country where the will was executed (Civil Code, Articles 15, 16).
2. ****Extrinsic vs. Intrinsic Validity****: The extrinsic validity pertains to the formalities of the will's execution, while the intrinsic validity relates to the content and testamentary distributions within the will.
3. ****Jurisdiction Over Probate of Alien's Will****: Philippine courts can take cognizance of probate proceedings for wills executed in the Philippines by aliens, especially when such wills involve properties within the Philippine jurisdiction.
4. ****Proof of Foreign Law****: Foreign laws must be proven as facts in Philippine courts, as courts do not take judicial notice of these laws.

****Historical Background****:

This case reflects the evolving nature of probate law in the Philippines, especially concerning the interplay between domestic laws and the status of foreign nationals or Filipinos with dual citizenship. It clarifies the Philippine legal system's stance on probate matters involving foreign elements, aligning with principles of international comity and flexible legal processes for the disposition of estates involving cross-border elements.