

### ### Title

**\*\*Kalaw vs. Relova & Kalaw: A Testament to Holographic Will Validity\*\***

### ### Facts

This case revolves around the holographic will of Natividad K. Kalaw, who passed away, leaving behind a document that initially named her sister, Rosa K. Kalaw, as her sole heir. However, alterations were made to this document, appointing her brother, Gregorio K. Kalaw, as the beneficiary instead. On September 1, 1971, Gregorio filed a petition for the will's probate, which was opposed by Rosa on November 10, 1971, due to the unsubstantiated alterations as per Article 814 of the Civil Code. The litigation moved through the trial in the Court of First Instance of Batangas, where, after examination by the National Bureau of Investigation (NBI), it was found that the alterations were made by Natividad herself. Nonetheless, due to the lack of authentication by Natividad's full signature, the court denied the will's probate on September 3, 1973. Gregorio's subsequent motion for reconsideration was also denied on November 2, 1973, solidifying the trial court's decision based on the clear mandate of Article 814.

### ### Issues

1. Whether the holographic will, with alterations not authenticated by the full signature of the testatrix, should be admitted to probate.
2. Whether the initial beneficiary, as named before the alterations, should inherit despite the later modifications.

### ### Court's Decision

The Supreme Court dismissed the petition, affirming the lower court's decision in full. It highlighted that the holographic will, due to the significant change by substituting the original heir without proper authentication, revokes the entire will as nothing within it could remain valid post-alteration. The Court leaned on the doctrine that only affects the efficacy of the altered words themselves and not the essence and validity of the will. Furthermore, the Court underscored that the testatrix's real intention could not be determined with certitude due to the manner of alterations.

### ### Doctrine

The ruling established the importance of strictly adhering to Article 814 of the Civil Code when dealing with holographic wills. Any insertion, cancellation, erasure, or alteration must be authenticated by the full signature of the testator/testatrix. Failing to do so could result in the entire will being invalidated, especially if the changes impact the will's substantive

provisions significantly.

### ### Class Notes

- **Holographic Will Validity:** A holographic will is valid only if the handwriting, signature, and alterations (if any) are fully authenticated by the testator/testatrix.
- **Article 814, Civil Code:** Critical for understanding the requirements for alterations in holographic wills: "In case of any insertion, cancellation, erasure or alteration in a holographic will, the testator must authenticate the same by his full signature."
- **Authenticating Alterations:** The failure to authenticate alterations, especially substantial ones, can lead to the revocation of the entire holographic will.
- **Implication for Heirs:** Alterations that substitute heirs must be clearly authenticated; otherwise, the will may not fulfill the testator's testamentary intent.

### ### Historical Background

This case sheds light on the intricacies of the Philippine legal system's approach to holographic wills, emphasizing the judiciary's strict interpretation of testamentary formalities. It demonstrates the court's commitment to upholding the sanctity of an individual's last wishes, provided those wishes are expressed in compliance with legal requirements, thereby ensuring that testamentary dispositions are both deliberate and clear.