

****Title:**** Isabel Velasco y Resurreccion, Plaintiff-Appellee, vs. Francisco Lopez y Lopez, Defendant-Appellant

****Facts:****

Santiago Velasco passed away on December 4, 1895, in Kamacpacan, La Union. Isabel Velasco y Resurreccion, a relative of the deceased, is challenging the validity of Santiago's will, naming Francisco Lopez y Lopez as the testamentary heir. The core reason for the challenge focuses on an omission in the will; although it was executed as an open will before a notary and three witnesses, the will's date stated only "In San Fernando, on the twenty-second of December, eighteen hundred and ninety-three," without mentioning the hour of execution.

Procedurally, the case moved through the lower courts, where arguments likely revolved around the formal validity of the will. Upon the lower court ruling, Francisco Lopez y Lopez, as the heir named in the contested will, appealed to the Supreme Court of the Philippines.

****Issues:****

1. Whether the omission of the hour in the will's execution date renders the will invalid under Philippine Civil Code Article 695.
2. Whether the formalities prescribed for open wills in Article 695 must be strictly observed, especially given Article 687's provision voiding any will not executed in compliance with the established formalities.

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

- The Court affirmed providing that each requirement under Article 695 must be complied with strictly. The Court's interpretation was uncompromising, holding firm that any will must include the hour of its execution along with the place, year, month, and day for it to be valid.
- On the first issue, the Court concluded that the omission of the hour in the will's date makes the will invalid. It held that the wording and requirement of Article 695 are explicit, with no room for interpretation or omission, even for minor details.
- Regarding the second issue, the Court emphasized the stringency of Article 687, which invalidates any will failing to observe the requisite formalities. The Court reasoned that departing from this principle opens the pathway to gradually disregarding formalities, thus undermining the legal framework governing testamentary dispositions.

****Doctrine:****

The ruling highlighted the doctrine that all formalities prescribed by law for the execution of wills are imperative and must be strictly observed. Articles 695 and 687 of the Civil Code were upheld as constituting rigid requirements ensuring the validity and authenticity of testamentary documents. This doctrine asserts that even technical omissions, such as not stating the hour of execution in an open will, render the will void.

****Class Notes:****

- ****Key Elements for Valid Will Execution:****

1. ****Article 695 formalities:**** The will must state the place, year, month, day, and hour of its execution.
2. ****Article 687 Compliance:**** Failure to observe these formalities invalidates the will.

- ****Statutory Citations:****

- ****Article 695, Civil Code:**** “The testator shall express his last will to the notary and to the witnesses. After the testament has been drafted in accordance with the same, stating the place, year, month, day, and hour of its execution, it shall be read aloud.”

- ****Article 687, Civil Code:**** “Any will in the execution of which the formalities respectively established in this chapter have not been observed, shall be void.”

- ****Application:**** In this context, the requirements of Article 695 provide precise details mandating adherence, and Article 687 enforces strict compliance by invalidating wills that fall short.

****Historical Background:****

This case is situated within the late 19th century framework of Philippine succession law, derived from the Spanish Civil Code. The Civil Code provisions mirrored older Spanish legal traditions, emphasizing the importance of rigorous formalities to prevent fraud and ensure testators’ intentions were clearly articulated and authenticated. The case exemplifies early Philippine judicial interpretation of these rules shortly after adopting Spanish legal principles, during a time of significant transition and codification in the country’s legal system.