

**\*\*Title:\*\* Testamentaria del Finado William R. Giberson: Dalton vs. Giberson**

**\*\*Facts:\*\***

1. **\*\*Filing of Petition:\*\*** On February 10, 1949, Lela G. Dalton filed a petition with the Court of First Instance of Cebu, seeking the legalization of a document allegedly being the holographic will of William R. Giberson, dated April 29, 1920, made in San Francisco, California.
2. **\*\*Decedent's Background:\*\*** William R. Giberson was a citizen of Illinois, USA, and a resident of Cebu. He died on August 6, 1943, at the University of Santo Tomas internment camp in Manila, Philippines.
3. **\*\*Oppositional Standpoint:\*\*** Spring Giberson, the legitimate son of William R. Giberson, opposed the petition on grounds that the will was fake, did not represent the true will of the decedent, and was not executed in accordance with the law.
4. **\*\*Motion to Dismiss:\*\*** On July 1, 1949, the oppositor filed a motion to dismiss the petition, asserting that before a will made in a foreign country could be legalized in the Philippines, it must first be proved and allowed in that foreign country under Rule 78, Section 1 of the Rules of Court. The petitioner failed to allege that the will had been legalized in California.
5. **\*\*Petitioner's Opposition to Dismissal:\*\*** The petitioner opposed the motion to dismiss.
6. **\*\*Lower Court Decision:\*\*** On June 20, 1950, the Court of First Instance dismissed the petition, stating that under current rules, only wills previously proved and allowed in the United States or any state or territory thereof, or any foreign country, may be legalized in the Philippines.
7. **\*\*Appeal to Supreme Court:\*\*** The petitioner, dissatisfied with this ruling, appealed to the Supreme Court.

**\*\*Issues:\*\***

1. **\*\*Procedural Validity of Foreign Wills:\*\*** Can a will executed and valid under foreign laws be legalized directly in the Philippines without first being proved and allowed in the foreign country?
2. **\*\*Substantive law vs. Procedural Law:\*\*** Does the substantial right of the petitioner under Article 635 of the Civil Procedure Code, allowing for the legalization of foreign wills in the Philippines, prevail over procedural rules stated in Rule 78?
3. **\*\*Constitutional Interpretation:\*\*** Whether Rule 78 repealed Article 635 by virtue of Article VIII, Section 13 of the Philippine Constitution.

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

1. **Procedural Validity of Foreign Wills:** The Supreme Court concluded that a will validly executed in a foreign country according to that country's laws can be legalized and registered in the Philippines without it being proved and allowed previously in the foreign country.
2. **Substantive Law vs. Procedural Law:** The Court emphasized that substantive rights, like those created by Article 635, remain unaffected by procedural rules. The Court reiterates that substantive law cannot be amended or nullified by procedural law.
3. **Constitutional Interpretation:** Article 635 and Rule 78 Section 1 are not contradictory. Rather, Rule 78, Section 1 is a procedural directive, while Article 635 provides substantive rights. As Article 635 remains in force as substantive law, it was held applicable.

**Doctrine:**

1. **Substantive vs. Procedural Law:** Substantive law, such as Article 635 of the Civil Procedure Code, which creates rights of beneficiaries to have foreign wills legalized in the Philippines, prevails over procedural rules.
2. **Legalization of Foreign Wills:** Foreign wills that are valid according to the laws of the country where executed can be legalized in the Philippines, ensuring the testator's intent is carried out without undue restrictions.

**Class Notes:**

– **Key Elements/Concepts:**

- **Holographic Will:** A will written, dated, and signed by the hand of the testator.
- **Article 635, Civil Procedure Code:** Allows wills executed abroad to be valid in the Philippines if they comply with the foreign country's laws.
- **Rule 78, Section 1:** Reflects procedural aspect concerning the presentation of foreign wills in Philippine courts.
- **Substantive vs. Procedural Law:** Substantive laws create or define rights, while procedural laws give the methodology for enforcing these rights.
- **Jurisdictional Requirements:** Contextual differences between proving wills locally vs. foreign jurisdictions.

– **Reference Statutes:**

- **Article 635, Civil Procedure Code:** "El testamento otorgado fuera de las Islas Filipinas, que pudiese autenticarse y legalizarse conforme a las leyes del estado o pais en donde se otorgo, podre autenticarse, legalizarse y registrarse en las Islas Filipinas, y tendra la misma eficacia que si se hubiere otorgado de conformidad con las leyes de estas Islas."
- **Rule 78, Section 1:** "Wills proved and allowed in a foreign country, according to the

laws of such country, may be allowed, filed, and recorded by the proper Court of First Instance in the Philippines.”

**\*\*Historical Background:\*\***

The case arose post-World War II, when legal principles concerning the validity of foreign-made wills were scrutinized in the Philippines. The timing reflects an era when relationships between the Philippines and foreign jurisdictions, and the handling of transnational estates, were evolving, necessitating clarity on applicable laws. The Supreme Court’s decision symbolized an adherence to upholding substantive rights despite procedural technicalities, ensuring that the testator’s intentions were honored across borders.