

VICENTE B. TEOFICO, PETITIONER AND APPELLANT, VS. ANA DEL VAL CHAN, ETC., OPPOSITOR AND APPELLANT.*G. R. No. L-18753. March 26, 1965*

Ponente: BAUTISTA ANGELO, J.

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Maria Mortera y Balsalobre Vda. de Aguirre died on July 14, 1955 in the City of Manila leaving properties worth P600,000.00. She left a will written in Spanish which she executed at her residence in No. 2 Legarda St., Quiapo, Manila. She affixed her signature at the bottom of the will and on the left margin of each and every page thereof in the presence of Pilar Borja, Pilar G. Sanchez, and Modesto Formilleza, who in turn affixed their signatures below the attestation clause and on the left margin of each and every page of the will in the presence of the testatrix and of each other. Said will was acknowledged before Notary Public Niceforo S. Agaton by the testatrix her witnesses.

In said will the testatrix made the following preliminary statement: that she was possessed of the full use of her mental faculties; that she was free from illegal pressure or influence of any kind from the beneficiaries of the will and from any influence of fear or threat; that she freely and spontaneously executed said will and that she had neither ascendants nor descendants of any kind such that she could freely dispose of all her estate.

Among the many legacies and devises made in the will was one of P20,000.00 to Rene A. Teofico, married to the testatrix's niece named Josefina Mortera. To said spouses the testatrix left the usufruct of her interest in the Calvo building, while the naked ownership thereof she left in equal parts to her grandchildren who are the legitimate children of said spouses. The testatrix also instituted Josefina Mortera as her sole and universal heir to all the remainder of her properties not otherwise disposed of in the will.

On July 17, 1955, Vicente B. Teotico filed a petition for the probate of the will before the Court of First Instance of Manila which was set for hearing on September 3, 1955 after the requisite publication and service to all parties concerned.

Ana del Val Chan, claiming to be an adopted child of Francisca Mortera, a deceased sister of the testatrix, as well as an acknowledged natural child of Jose Mortera, a deceased brother of the same testatrix, filed on September 2, 1955 an opposition to the probate of the will alleging the following grounds: (1) said will was not executed as required by law; (2) the testatrix was physically and mentally incapable to execute the will at the time of its execution; and (3) the will was executed under duress, threat or influence of fear.

Vicente B. Teotico filed a motion to dismiss the opposition alleging that the oppositor had no legal personality to intervene. The probate court, after due hearing, allowed the oppositor to intervene as an adopted child of Francisca Mortera, and on June 17, 1959, the oppositor amended her opposition by alleging the additional ground that the will is inoperative as to the share of Dr. Rene Teotico because the latter was the physician who took care of the testatrix during her last illness.

After the parties had presented their evidence, the probate court rendered its decision on November 10, 1960 admitting the will to probate but declaring the disposition made in favor of Dr. Rene Teofico void with the statement that the portion to be vacated by the annulment should pass to the testatrix's heirs by way of intestate succession.

Petitioner Teofico, together with the universal heir Josefin a Mortera, filed a motion for reconsideration, of that part of the decision which declares the portion of the estate to be vacated by the nullity of the legacy made to Dr. Rene Teofico as passing to the legal heirs, while the oppositor filed also a motion for reconsideration of the portion of the judgment which decrees the probate of the will. On his part, Dr. Rene Teofico requested leave to intervene and to file a motion for reconsideration with regard to that portion of the decision which nullified the legacy made in his favor.

The motions for reconsideration above adverted to having been denied, both petitioner and Oppositor appealed from the decision, the former from that portion which nullifies the legacy in favor of Dr. Rene Teofico and declares the vacated portion as subject of succession in favor of the legal heirs, and the latter from that portion which admits the will to probate. And in this instance both petitioner and oppositor assign several errors which, stripped of non-essentials, may be boiled down to the following: (1) Has oppositor Ana del Val Chan the right to intervene in this proceeding?; (2) Has the will in question been duly admitted to probate?; and (3) Did the probate court commit an error in passing on the intrinsic validity of the provisions of the will and in determining who should inherit the portion to be vacated by the nullification of the legacy made in favor of Dr. Rene Teofico?

These issues will be discussed separately.

1. It is a well-settled rule that in order that a person may be allowed to intervene in a probate proceeding he must have an interest in the estate, or in the will, or in the property to be affected by it either as executor or as a claimant of the estate (*Ngo The Hua vs. Chung Kiat Hua, et al.*, L-17091, September 30, 1963); and an interested party has been defined as one who would be benefited by the estate such as an heir or one who has a claim against the estate like a creditor (*Idem.*). On the other hand, in *Saguinsin vs. Lindayag, et al.*, L-17750, December 17, 1962, this Court said:

"According to Section 2, Rule 80 of the Rules of Court, a petition for letters of administration must be filed by an 'interested person.' 'An interested party has been defined in this connection as one who would be benefited by the estate, such as an heir, or one who has a claim against the estate, such as a creditor (*Intestate Estate of Julio Magbanua* 40 O.G. 1171). And it is well settled in this jurisdiction that in civil actions as well as special proceedings, the Interest' required in order that a person may be a party thereto must be material and direct, and not merely indirect or contingent. (*Trillana vs Crisostomo*, G. R. No. L-3370, August 22, 1951; *Rapinosa vs. Barrion*, 70 Phil. 311)."

The question now may be asked: Has Oppositor any interest in any of the provisions of the will, and, in the negative, would she acquire any right to the estate in the event that the will is denied probate?

Under the terms of the will, Oppositor has no right to intervene because she has no interest in the estate either as heir, executor, or administrator, nor does she have any claim to any property affected by the will, because it nowhere appears therein any provision designating her as heir, legatee or devisee of any portion of the estate. She has also no interest in the will either as administratrix or executrix. Neither has she any claim against any portion of the estate because she is not a co-owner thereof, and while she previously had an interest in the Calvo building located in Escolta, she had already disposed of it long before the execution of the will.

In the supposition that the will is denied probate, would the Oppositor acquire any interest in any portion of the estate left by the testatrix? She would acquire such right only if she were a legal heir of the deceased, but she is

not under our Civil Code. It is true that Oppositor claims to be an acknowledged natural child of Jose Mortera, a deceased brother of the deceased, and also an adopted daughter of Francisca Mortera, a deceased sister of the testatrix, but such claim cannot give her any comfort for, even if it be true, the law does not give her any right to succeed to the estate of the deceased sister of both Jose Mortera and Francisca Mortera. And this is so because being an illegitimate child she is prohibited by law from succeeding to the legitimate relatives of her natural father. Thus, Article 992 of our Civil Code provides: "An illegitimate child has no right to inherit ab intestato from the legitimate children and relatives of his father or mother; x x x." And the philosophy behind this provision is well expressed in *Grey vs. Fabie*, 68 Phil., 128, as follows:

Between the natural child and the legitimate relatives of the father or mother who acknowledged it, the Code denies any right of succession. They cannot be called relatives and they have no right to inherit. Of course, there is a blood tie, but the law does not recognize it. In this, article 943 is based upon the reality" of the facts and upon the presumptive will of the interested parties; the natural child is disgracefully looked down upon by the legitimate family; the legitimate family is, in turn, hated by the natural Child; the latter considers the privileged condition of the former and the resources of which it is thereby deprived; the former, in turn sees in the natural child nothing but the product of sin, a Palpable evidence of a blemish upon the family. Every relation is ordinarily broken in life; the law does not more them recognize this truth, by avoiding further grounds of resentment.' (7 Manresa, 3d ed., p. 110.)"

The oppositor cannot also derive comfort from the fact that she is an adopted child of Francisca Mortera because under our law the relationship established by adoption is limited solely to the adopter and the adopted does not extend to the relatives of the adopting parents or of the adopted child except only as expressly provided for by law. Hence, no relationship is created between the adopted and the collaterals of the adopting parents. As a consequence, the adopted is an heir of the adopter but not of the relatives of the adopter.

"The relationship established by the adoption, however, is limited to the adopting parent, and does not extend to his other relatives, except as expressly provided by law. Thus, the adopted child cannot be considered as a relative of the ascendants and collaterals of the adopting parents, nor of the legitimate children which they may have after the adoption, except that the law imposes certain impediments to marriage by reason of adoption. Neither are the children of the adopted considered as descendants of the adopter. The relationship created is exclusively between the adopter and the adopted, and do not extend to the relatives of either." (Tolentino, Civil Code of the Philippines, Vol. 1, p. (652)

"Relationship by adoption is limited to adopter and adopted, and does not extend to other members of the family of either; but the adopted is prohibited to marry the children of the adopter to avoid scandal." (An Outline of Philippines Civil law by Justice Jose B. L. Reyes and Ricardo C. Puno, Vol. 1, p. 313; See also Caguioa, Comments and Cases on Civil law, 1955, Vol. 1, pp. 312-313; Paras, Civil Code of the Philippines, 1959 ed., Vol. 1, p. 515)

It thus appears that the Oppositor has no right to intervene either as testamentary or as legal heir in this probate proceeding contrary to the ruling of the court a quo.

2. The next question to be determined is whether the will Exhibit A was duly admitted to probate. Oppositor claims that the same should not have been admitted not only because it was not properly attested to but also because it was procured thru pressure and influence and the testatrix affixed her signature by mistake believing that it contained her true intent.

The claim that the will was not properly attested to is contradicted by the evidence of record. In this respect it is fit that we state briefly the declarations of the instrumental witnesses.

Pilar Borja testified that the testatrix was In perfect state of health at the time she executed the will for she carried

her conversation with her intelligently; that the testatrix signed immediately above the attestation clause and on each and every page thereof at the left-hand margin in the presence of the three instrumental witnesses and the notary public; that it was the testatrix herself who asked her and the other witnesses to act as such; and that the testatrix was the first one to sign and later she gave the will to the witnesses who read and signed it.

Pilar G. Sanchez also testified that she knew the testatrix since 1945; that it was the testatrix herself who asked her to be a witness to the will; that the testatrix was the first one to sign and she gave the will later to the witnesses to sign and afterwards she gave it to the notary public; that on the day of the execution of the will the testatrix was in the best of health.

Modesto Formilleza also testified that he was asked by the testatrix to be one of the witnesses to the will; that he read and understood the attestation clause before he signed the document, and that all the witnesses spoke either in Spanish or in Tagalog. He finally said that the instrumental witnesses and the testatrix signed the will at the same time and place and identified their signatures.

This evidence which has not been successfully refuted proves conclusively that the will was, duly executed because it was signed by the testatrix and her instrumental witnesses and the notary public in the manner provided for by law.

The claim that the will was procured by improper pressure and influence is also belied by the evidence. On this Point the court a quo made the following observation:

"The circumstance that the testatrix was then living under the same roof with Dr. Rene Teofico is no proof adequate in law to sustain the conclusion that there was improper pressure and undue influence. Nor is the alleged fact of isolation of the testatrix from the oppositor and her witnesses, for their supposed failure to see personally the testatrix, attributable to the vehemence of Dr. Rene Teofico to exclude visitors, took place years after the execution of the will on May 17, 1951. Although those facts may have some weight to support the theory of the Oppositor, yet they must perforce yield to the weightier fact that nothing could have prevented the testatrix, had she really wanted to, from subsequently revoking her 1951 will if it did not in fact reflect and express her own testamentary dispositions. For, as testified to by the Oppositor and her witnesses, the testatrix was often seen at the Escolta, in Quiapo and in Sta. Cruz, Manila, walking and accompanied by no one. In fact, on different occasions, each of them was able to talk with her."

We have examined the evidence on the matter and we are fully in accord with the foregoing observation. Moreover, the mere claim that Josefina Mortera and her husband Rene Teafico had the opportunity to exert pressure on the testatrix simply because she lived in their house several years prior to the execution of the will and that she was old and suffering from hypertension in that she was virtually isolated from her friends for several years prior to her death is insufficient to disprove what the instrumental witnesses had testified that the testatrix freely and voluntarily and with full consciousness of the solemnity of the occasion executed the will under consideration. The exercise of improper pressure and undue influence must be supported by substantial evidence and must be of a kind that would overpower and subjugate the mind of the testatrix as to destroy her free agency and make her express the will of another rather than her own (*Coso vs. Deza*, 42 Phil., 696). The burden is on the person challenging the will that such influence was exerted at the time of its execution, a matter which here was not done, for the evidence presented not only is sufficient but was disproved by the testimony of the instrumental witnesses.

3. The question of whether the probate court could determine the intrinsic validity of the provisions of a will has been decided by this Court in a long line of decisions among which the following may be cited:

"Opposition to the intrinsic validity or legality of the provision of the will cannot be entertained in Probate

proceeding because its only purpose is merely to determine if the will has been executed in accordance with the requirements of the law." (Palacios v. Palacios, 58 O.G., p. 220)

"x x x The authentication of a will decides no other questions than such as touch upon the capacity of the testator and the compliance with those requisites or solemnities which the law prescribes for the validity of wills. It does not determine nor even by implication prejudge the validity or efficiency of the provisions; these may be impugned as being vicious or null, notwithstanding its authentication. The questions relating to these points remain entirely unaffected, and may be raised even after the will has been authenticated. x x x

"From the fact that the legalization of a will does not validate the provisions therein contained, it does not follow that such provisions lack of efficiency, or fail to produce the effects which the law recognizes when they are not impugned by anyone. In the matter of wills it is a fundamental doctrine that the will of the testator is the law governing the interested parties, and must be punctually complied with in so far as it is not contrary to the law or to public morals." (Montefiano vs. Suesa, 14 Phil., pp. 676, 679-680)

"To establish conclusively as against everyone, and once for all, the facts that a will was executed with the formalities required by law and that the testator was in a condition to make a will, is the only purpose of the proceedings under the new code for the probate of a will. (Sec. 625.) The judgment in such proceedings determines and can determine nothing more. In them the court has no power to pass upon the validity of any provisions made in the will. It can not decide, for example, that a certain legacy is void and another one valid." Castañeda vs. Alemany, 3 Phil., 426, 428)

Pursuant to the foregoing precedents the pronouncement by the court a quo declaring invalid the legacy made Dr. Rene Teofico in the will Exhibit A must be set aside as having been made in excess of its jurisdiction. Another reason why said pronouncement should be set aside is that the legatee was not given an opportunity to defend the validity of the legacy for he was not allowed to intervene in this proceeding. As a corollary, the other pronouncements, touching on the disposition of the estate in favor of some relatives of the deceased should also be set aside for the same reason.

WHEREFORE, with the exception of that portion of the decision which declares that the will in question has been duly executed and admitted the same to probate, the rest of the decision is hereby set aside. This case is ordered remanded to the court a quo for further proceedings. No pronouncement as to costs.

Bengzon, C, J. Bautista Angelo, Reyes, J.B.L., Barrera, Paredes, Regala, Makalintal, Bengzon J.P. and Zaldivar, JJ., concur.

Dizon, J., no part

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