IN RE WILL OF VENTURA PRIETO, DECEASED. GENOVEVA ASPE, PETITIONER AND APPELLANT, VS. MACARIO PRIETO, OPPONENT AND APPELLEE.

G.R. No. 17761. April 28, 1922

Ponente: VILLAMOR, J.

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VILLAMOR, J.:

The appellant prays for the reversal of the judgment appealed from, denying the probate of the document which is said to be the last will and testament of Ventura Prieto, on the ground that the attesting witnesses did not sign on the left margins of the five pages preceding that containing the attestation.

From an examination of the document in question, it appears that the left margins of the six pages of the document are signed only by Ventura Prieto. The noncompliance with section 2 of Act No. 2645 by the attesting witnesses who omitted to sign with the testator at the left margin of each of the five pages of the document alleged to be the will of Ventura Prieto, is a fatal defect that constitutes an obstacle to its probate.

Without the necessity of discussing the other defect relative to the paging of the sheets' of the will in Arabic numerals, instead of in letters, the judgment appealed from must be, and is hereby, affirmed with the costs against the appellant. So ordered.

Araullo, C. J., Malcolm, Avancena, Ostrand, Johns, and Romualdez, JJ., concur.

Judgment affirmed.

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