

HIPOLITO ANDALIS, PETITIONER AND APPELLEE, VS. LUCIA PULGUERAS ET AL., OPPOSITORS AND APPELLANTS.

G. R. No. 39209. March 10, 1934

Ponente: HULL, J.

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HULL, J.:

This is an appeal from a decision of the Court of First Instance of Camarines Sur admitting to probate an alleged will of Victor Pulgueras, deceased. The testimony of only one of the attesting witnesses was taken. His testimony was to the effect that six pages of the will were signed on the margin by the testator and two of the witnesses about the 4th of January, 1931, that on the 11th of January, 1931, the remaining three pages were signed by the testator and the three attesting witnesses, and that the third attesting witness then signed the first six pages.

Such an execution of the will was not in conformity with article 618 of the Code of Civil Procedure as amended. Under our statute, the execution of a will is supposed to be one act and cannot be legally effective if the various participants sign on various days and in various combinations of those present.

The judgment of the Court of First Instance of Camarines Sur is therefore reversed, and the will in question is denied probate. Costs against appellee. So ordered.

Malcolm, Villa-Real, Imperial, and Goddard, JJ., concur.

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