

5 Phil. 551

[G.R. No. 2586. January 19, 1906]

**TOMAS GUISON, PETITIONER AND APPELLANT, VS. MARIA CONCEPCION,
RESPONDENT AND APPELLEE.**

D E C I S I O N

WILLARD, J.:

Jacoba Concepcion Salcedo made her will in Manila, on January 3, 1904. The last part of the will is as follows:

“Asi lo otorgo ante los tiestigos Señores Ambrosio Reyes, Mariano de León y FeUix Polintan, de Manila, Islas Filipinas, y por no yo poder firmar, ftrma a mi ruego el mismo Feliciano Maglaqui, en mi presencia y de los mencionados testigos, quienes tambie”n suscriben, cada uno de ellos en presencia de los otros y la mia.

“(Firmado) FELICIANO MAGLAQUI.

“(Firmado) AMBROSIO REYES.

“(Firmado) MARIANO DE LEON.

“(Firmado) FELIX POLINTAN.

“Nosotros Ambrosio Reyes, Mariano de Leon y Felix Polintan, atestiguamos que Filiciano Maglaqui, a ruego de la Sra. Jacoba Concepción Salcedo y en presencia de la misma y la nuestra, firm6 el testamento que antecede; y que cada uno de nosotros lo firm6 en presencia de los otros y de dicha testadora.

“Manila, tres de Enero de mil novecientos cuatro.

“(Firmado) AMBROSIO REYES.

“(Firmado) MARIANO DE LEON.

“(Firmado) FELIX POLINTAN.”

It will be seen that the witness Feliciano Maglaqui, instead of writing the name of the testatrix on the will, wrote his own. Probate of the will was refused in the court below on the ground that the name of the testatrix was not signed thereto, and the petitioner has appealed. The question presented has been decided adversely to the appellant in the following cases: *Ex parte Pedro Arcenas et al.*,^[1] No. 1708, August 24, 1905 (4 Off. Gaz., 568); *Ex parte Nemesio Belfin Santiago*,^[2] No. 2002, August 18, 1905 (4 Off. Gaz., 507.)

The judgment of the court below is affirmed, with the costs of this instance against the appellant, and after the expiration of twenty days judgment should be entered in accordance herewith and the case remanded to the court below for execution. So ordered.

Arellano, C. J., Mapa, Johnson, and Carson, JJ., concur.

^[1] 4 Phil. Rep., 700.

^[2] 4 Phil. Rep., 692.