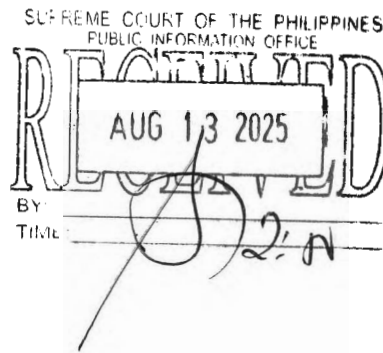




Republic of the Philippines
Supreme Court
Baguio City



SECOND DIVISION

MARITA S. CABAS,
Petitioner,

G.R. No. 272590

Present:

LEONEN, *Chairperson,*
LAZARO-JAVIER,
M. LOPEZ,
J. LOPEZ, and
KHO, JR., *JJ.*

-versus-

BERNARDITA VARGAS
FERANIL VDA. DE
PENAVERDE,
Respondent.

Promulgated:

APR 23 2025

X-----X

D E C I S I O N

M. LOPEZ, J.:

The law favors the probate of a will, placing the burden of proof to those who argue against their admission.¹ This legal precept is applied in this Petition for Review on *Certiorari*² under Rule 45 of the Rules of Court.

ANTECEDENTS

Fidela Y. Vargas (Vargas), unmarried and without offspring, was a 94-year-old resident of Olongapo City.³

On March 6, 2018, Vargas executed her Last Will and Testament⁴ (the Will) while she was in the hospital. Witnesses to the will's execution included

¹ *Ortega v. Valmonte*, G.R. No. 157451, 16 December 2005, 514 Phil. 436 (Per J. Panganiban, Third Division).

² *Rollo*, pp. 3–16.

³ *Id.* at 21.

⁴ *Id.* 81–83.

Ramoncito Sapinoso (Sapinoso), Juana T. Tamayo (Tamayo), Alvin S. Alabanza (Alabanza), and Atty. Juanito Atienza (Atty. Atienza), a notary public. Vargas left her estate valued at around PHP 8,000,000.00 to her long-time assistant, Marita S. Cabas (Cabas), who had cared for her for over 20 years. The Will reads:

**LAST WILL AND TESTAMENT OF
FIDELA Y. VARGAS**

KNOW ALL MEN BY THESE PRESENTS:

I, **FIDELA Y. VARGAS**, of legal age, single, having been and presently residing at **No. 2228 Rizal Ave., EBB, Olongapo City**, being of sound and disposing mind and memory, and not acting under undue influence, violence, fraud or intimidation of whatever kind, do by these presents declared this to be my **Last Will and Testament** which I have caused to be written in **English**, the language which is known to me and I hereby declare that:

I, desire that my remains be buried according to the rites of my **faith**, the **Roman Catholic Church** and with dignity suitable to my circumstances:

II. That I am the owner of properties more particularly described as follows:

All Real Properties in Bacon, Casiguran and Bulan, Sorsogon[.]

All Bank Accounts in Olongapo City (Philippine National Bank, Land Bank) and all over the Philippines[.]

Collection of monies from Copra Harvested in all my properties in Sorsogon and all over the Philippines.

Collection of the Palay Harvested and all fruit bearing trees coming from my real properties in Sorsogon and all over the Philippines.

Bank Account in Canbangan, Rizal St. Legaspi Albay.

III. That should the Lord Almighty finally summon my soul from its earthly abode, it is my wish and desire to bequeath, grant and devise all my properties described above to – **MARITA SALGADO CABAS**

IV. I designate **MARITA SALGADO CABAS** the executor of *[incomplete provision]*

VI. I hereby direct that the executors named herein or her lawful substitute should serve without bond;

VII. I hereby revoke any all other wills, codicils, or testamentary dispositions heretofore executed, signed or published or alleged to have been executed, signed, or published by me.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of March 6, 2018 at Olongapo City.

d

[marked with thumbprint]

FIDELA Y. VARGAS

Right hand Thumbmark⁵

On March 7, 2018, Vargas passed away. Thereafter, the Will was deposited to the Regional Trial Court (RTC) – Office of the Clerk of Court of Olongapo City.⁶

On July 6, 2018, Cabas filed a petition for the probate of the Will before the RTC of Olongapo City docketed as Special Proceedings Case No. 2018-0-32. Respondent Bernardita Vargas Feranil Vda. De Penaverde (Vda. De Penaverde), Vargas' first cousin, filed an opposition.⁷

Atty. Atienza testified that he had known Vargas since the 1970s when they practiced law together in Olongapo City. On March 5, 2018, he witnessed the signing and notarized a General Power of Attorney (GPA) that Vargas executed in favor of Cabas. Vargas also instructed Atty. Atienza to draft her last will and to expedite the process. When he inquired about her intended beneficiary, Vargas indicated she wished to leave her estate to Cabas. When he asked if there were any additional beneficiaries, Vargas replied, "*wala na*" (none). Atty. Atienza then had Tamayo read the Will's contents aloud to Vargas, who affirmed them by saying, "*tama*" (correct). Atty. Atienza also read the Will aloud to her. Due to an IV injection in her arm, Vargas was unable to use her right hand, so she placed her thumbmark on the document instead. This act was witnessed by Sapinoso, Alabanza, and Tamayo. Atty. Atienza's employee, Albert Edenias, took photographs to document the event. Atty. Atienza then signed the acknowledgment portion on the Will's third page and affixed his notarial seal. He described Vargas' physical state as weak with limited mobility but confirmed she was mentally sound, able to respond to questions, and fully aware of her decision to give her estate to Cabas.⁸

In its December 1, 2020 Decision, the RTC Branch 75 of Olongapo City dismissed the petition. The trial court acknowledged that there was substantial compliance with the formalities prescribed by law for the execution of wills but doubted Vargas' mental capacity when the Will was prepared. It noted the unusually swift preparation of the Will and found it peculiar that Vargas disposed her entire estate to Cabas in her final moments and while sedated. Relying on some photos claimed to have been taken during the execution of the Will, the RTC concluded that Vargas might have been unaware of what was happening when she affixed her thumbmark to the document.⁹ Cabas moved for reconsideration but was denied.

⁵ *Id.* at 81–82.

⁶ *Id.* at 21.

⁷ *Id.* at 19–20.

⁸ *Id.* at 23.

⁹ *Id.* at 24–25.

Undeterred, Cabas elevated the case to the Court of Appeals (CA) docketed as CA-G.R. CV No. 117045. On March 1, 2024, the CA denied the appeal.¹⁰ It ruled that the evidence presented by the parties failed to sufficiently show that Vargas knew fully well the nature of her properties to be disposed of, the proper subjects of her bounty, and the character of her testamentary act:¹¹

The Court adopts the findings of the RTC which aptly made the following observations:

Dr. Peralta, the attending physician, testified that Atty. Vargas faced severe physical challenges and was mostly asleep, which was attributed to severe pain, sedation for a colonoscopy procedure, and extensive medication. Atty. Vargas's advanced age and serious medical conditions raise concerns about her mental capacity during the execution of her Last Will. Additionally, even at first glance, the photographs of Atty. Vargas during the execution of the Last Will raise concerns about her awareness of what was happening around her. That she could no longer affix her signature on the Last Will but only her thumbmark is belied by Dr. Peralta's testimony stating that Atty. Vargas was able to sign a consent form on the same date before the colonoscopy procedure.

It was not sufficiently proven that Atty. Vargas had the ability to determine the nature of the estate to be disposed of. In the Last Will, the dispositions in Item No. II thereof were couched in general terms and lacked specific details, such as titles for real properties, bank branches and account numbers for bank accounts, and a vague reference to properties being "all over the Philippines."

Moreover, Atty. Vargas was not shown to possess the ability to determine the proper objects of her bounty, especially that Atty. Vargas allegedly directed the preparation of a document to Atty. Atienza on March 5, 2018, which turned out to be a GPA in favor of Petitioner-Appellant. It appears that she intended Petitioner-Appellant to be her attorney-in-fact and her executrix but not her heir. There is good reason for the RTC to question under these circumstances why Atty. Vargas would choose to leave all her properties to Petitioner-Appellant, who was her house help and personal assistant and who had not received a regular monthly salary or stipend. Certainly, it seems peculiar that Atty. Vargas would make such a substantial bequest during her final moments, especially while under sedation.

Likewise, the Court is not convinced that Atty. Vargas knew the character of the testamentary act. The incomplete Item No. IV in the Last Will and the total omission of Item No. V, coupled with the fact that expedited preparation of the Last Will, suggest ample concerns about the character of the testamentary act and the true intentions of Atty. Vargas.

In view of the foregoing considerations, the Court does not find meritorious reason to reverse the ruling of the RTC as Petitioner-Appellant continued to fail in satisfactorily establishing the requisites for the Allowance of Probate of the Last Will & Testament of Atty. Vargas.

¹⁰ *Id.* at 19–31. Penned by Associate Justice Mary Charlene V. Hernandez-Azura, with the concurrence of Associate Justices Victoria Isabel A. Paredes and Florencio M. Mamauag, Jr.

¹¹ *Id.* at 30.



WHEREFORE, premises considered, the appeal is **DENIED**. The *Order dated December 1, 2020* and *Order dated May 11, 2021* rendered by the Regional Trial Court Branch 75 of Olongapo City are **AFFIRMED**.

SO ORDERED.¹² (Emphasis in the original)

Hence, the instant recourse.¹³ Cabas maintains that the pieces of evidence she presented were sufficient to establish that Vargas was of sound mind when she executed her Will. She argues that Vargas' advanced age, medical conditions, and bedridden state do not necessarily imply that she was mentally incapacitated at the time the Will was executed. On the other hand, Vda. De Penaverde posits that Cabas is seeking re-evaluation of the evidence already conducted by the RTC under the pretext of alleging a misapprehension of facts, which is not allowed in a petition for review on *certiorari*. She notes that the CA fully adopted the RTC's factual findings affirming the disallowance of Vargas' will.

ISSUE

Was there a proper ground to disallow the Will?

RULING

We find merit in the petition.

Oft-cited is the rule that the factual findings of the trial court, when affirmed by the appellate court, carry conclusive weight, as both courts are steeped in expertise in discerning and assessing facts presented before them. The latitude of judicial review under Rule 45 of the Rules of Court generally excludes factual and evidentiary re-evaluation.¹⁴ However, when some facts are misinterpreted or some details are overlooked, the Court cannot turn a blind eye and brush aside the erroneous conclusion drawn by the courts below. In this case, while both the RTC and the CA arrived at the same conclusion in disallowing Vargas' Last Will, there appears to be an incongruence in the factual findings and in the legal principles that they applied to the attendant factual circumstances. Thus, the Court finds it necessary to reexamine certain factual issues, in the exercise of its sound discretion, to ensure that any mistaken inference is properly addressed.¹⁵

The probate of wills is a special proceeding undertaken to prove, before a competent court or tribunal vested with authority for the purpose, that the instrument which is offered for probate is the last will and testament of the testator; that it has been executed in accordance with the formalities prescribed by law; and that the testator had the necessary testamentary

¹² *Id.* at 29–30.

¹³ *Id.* at 3–16.

¹⁴ *Estate of Cabacungan v. Laigo*, 671 Phil. 132 (2011) [Per J. Peralta, Third Division].

¹⁵ *Orion Savings Bank v. Shigekane Suzuki*, 746 Phil. 971 (2014) [Per J. Brion, Second Division].

capacity at the time of the execution of the will.¹⁶ A main issue that the court must determine in a probate proceeding is the due execution or the extrinsic validity of the will as provided for in Section 1, Rule 75¹⁷ of the Rules of Court. The probate court cannot inquire into the intrinsic validity of the will or the disposition of the estate by the testator.¹⁸ Due execution means that the testator, who is of sound mind, freely executed the will in accordance with the formalities prescribed by law¹⁹ as set forth in Articles 805 and 806 of the Civil Code, as follows:

Art. 805. Every will, other than a holographic will, must be subscribed at the end thereof by the testator himself or by the testator's name written by some other person in his presence, and by his express direction, and attested and subscribed by three or more credible witnesses in the presence of the testator and of one another.

The testator or the person requested by him to write his name and the instrumental witnesses of the will, shall also sign, as aforesaid, each and every page thereof, except the last, on the left margin, and all the pages shall be numbered correlatively in letters placed on the upper part of each page.

The attestation shall state the number of pages used upon which the will is written, and the fact that the testator signed the will and every page thereof, or caused some other person to write his name, under his express direction, in the presence of the instrumental witnesses, and that the latter witnessed and signed the will and all the pages thereof in the presence of the testator and of one another.

If the attestation clause is in a language not known to the witnesses, it shall be interpreted to them.

Art. 806. Every will must be acknowledged before a notary public by the testator and the witnesses. The notary public shall not be required to retain a copy of the will, or file another with the office of the Clerk of Court.²⁰

The RTC and the CA share in the factual conclusion that the will in question substantially complied with the solemnities required by the law. They found that the Will was written and executed in a language known to Vargas; that Vargas affixed her thumbprint at the end of the Will; that the signatures of the instrumental witnesses and the notary public were also apparent in the Will; that due to Vargas' poor eyesight, the contents of the will was read to her once by Tamayo and, the second time, by Atienza; that the attestation clause states that the Will consists of three (3) pages including the page on which the acknowledgment is written; that Vargas signed every page; that the instrumental witnesses signed in the presence of each other and Vargas; and that Atty. Atienza, as the notary public, acknowledged the will at

¹⁶ DESIDERIO P. JURADO, CIVIL LAW REVIEWER 576 (2019 ed.).

¹⁷ **Section 1.** *Allowance necessary. Conclusive as to execution.* — No will shall pass either real or personal estate unless it is proved and allowed in the proper court. Subject to the right of appeal, such allowance of the will shall be conclusive as to its due execution.

¹⁸ *Tanchanco v. Santos*, 873 Phil. 371, 398 (2020) [Per J. Hernandez, Second Division].

¹⁹ *Baltazar v. Laxa*, 685 Phil. 484, 498 (2012) [Per J. Del Castillo, First Division].

²⁰ CIVIL CODE, arts. 805–806.

the hospital where the will was executed.²¹ The RTC and the CA correctly noted that although the pages of the will were not sequentially numbered in letters, they were numbered using numerical figures, which still satisfies the formal requirements of the law.²² This is because this minor formatting error does not alter the testator's intent and adequately serves the purpose of confirming the correct sequence of pages, ensuring that no page is missing, and preserving the instrument's integrity.

Despite the consistent finding that the will was executed in accordance with the required formalities and solemnities, the RTC and the CA disallowed the probate of the will because of doubts as to Vargas' mental capacity when the will was executed. For the RTC and the CA, Vargas' advanced age and health condition at that time impaired her ability to make a valid will.

The courts *a quo* are mistaken.

Under Article 798 of the Civil Code, a valid will requires the testator to be of sound mind at the time of execution. The law laid down the standard for assessing the testator's soundness of mind:

Art. 799. To be of sound mind, it is not necessary that the testator be in full possession of all his reasoning faculties, or that his mind be wholly unbroken, unimpaired, or unshattered by disease, injury or other cause.

It shall be sufficient if the testator was able at the time of making the will to know the nature of the estate to be disposed of, the proper objects of his bounty, and the character of the testamentary act.²³ (Emphasis supplied)

Thus, it is necessary that the testator, at the time of making the will, knows the nature of their property, recognizes those who would potentially receive their properties, and understands the act of making a will.

In this case, the courts below concluded that there was insufficient proof that Vargas grasped the nature and scope of her estate, as the dispositions in the Will were general and lacked references to properties and bank accounts. But nowhere in the law does it state that the testator must include specific details or precise descriptions of their estate, *i.e.*, property titles, bank branches, or bank account numbers, in the will to demonstrate soundness of mind. The broad language in the Will, referring to properties "all over the Philippines," does not reflect a lack of understanding but rather the testator's deliberate intent to encompass all properties under a single, all-inclusive directive. It ensures that all of Vargas' properties, regardless of location and description, are included in the estate intended to be disposed of. To be sure, what the law requires is that the testator has a general understanding of the nature and scope of the property they intend to distribute

²¹ *Id.* at 29.

²² *Id.* at 28.

²³ CIVIL CODE, art. 799.

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through the will. Absent any indication that the testator lacked a general familiarity with their properties, the Will should be considered valid, notwithstanding the use of broad language, as in this case.

As regards the testator's ability to determine the proper objects of her bounty, the RTC and the CA questioned whether Vargas fully understood her intended heirs as she left all her properties "to a house help and personal assistant" while in a sedated state in her final moments. On this score, it is well to stress that the motives of the testator cannot be precisely determined by the parties or the courts, and any speculation or assumption made cannot be a lawful basis to approve or deny the will of the testator. In *Alsua-Betts v. Court of Appeals*,²⁴ we have held that the parties cannot correctly guess or surmise the motives of the testator, and neither can the courts. Such surmise, speculation or conjecture is not a valid and legal ground to allow or disallow the probate of the will. Here, the pronouncement of the RTC and the CA that Vargas could not have intended to give her estate to her house help and personal assistant is speculative without any evidence demonstrating that her decision was influenced by someone else other than her free will. Such a conclusion presupposes a baseless presumption about the testator's intention and disregards the possibility that close personal relationships or expressions of gratitude could shape one's final wishes, particularly when the recipient of the testamentary disposition devoted 20 years of service without remuneration.

Similarly, that Vargas was sedated for a medical procedure on the same day the will was executed does not diminish her capacity to make sound decisions regarding her estate. Vargas' attending physician, Dr. Cyrus Peralta (Dr. Peralta), confirmed that Vargas was sedated but only for less than an hour immediately before the colonoscopy procedure.²⁵ Dr. Peralta testified that each time he made rounds and visited Vargas, she consistently displayed a sound mind. During his final conversation with her before her passing, Vargas was fully responsive to his comments despite being bedridden.²⁶ He also noted that Vargas was able to hear, understand, and respond appropriately, although her answers were brief, and she struggled to speak.²⁷ Further, it bears clarifying that there's no reason to question why the testator signed the consent form but used her thumbprint on the will, as the IV in her arm hindered her ability to write, making the thumbprint a practical alternative.²⁸

At any rate, the Court has time and again declared that to constitute a sound mind and disposing memory it is not necessary that the mind shall be wholly unbroken, unimpaired, and unshattered by disease or otherwise, or that the testator be in full possession of all his reasoning faculties.²⁹ Neither old age, physical infirmities, feebleness of mind, weakness of the memory, the

²⁴ 180 Phil. 737 (1979) [Per J. Guerrero, First Division].

²⁵ *Rollo*, pp. 58-59.

²⁶ *Id.* at 56.

²⁷ *Id.* at 59.

²⁸ *Id.* at 68.

²⁹ *Bagtas v. Paguio*, 22 Phil. 227 (1912) [Per J. Trent, First Division].

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appointment of a guardian, nor eccentricities are sufficient, singly or jointly, to show testamentary incapacity. The nature and rationality of the will is of some practical utility in determining capacity. Each case rests on its own facts and must be decided by its own facts.³⁰ As shown in the above discussion, Vargas' physical condition and health status did not impair her capacity to dispose of her properties at the time the Will was executed. Despite health concerns she may have had, there is no evidence to suggest that Vargas' judgment or mental clarity was in any way diminished or affected. There is, therefore, no basis to contest Vargas' decision to distribute her property in favor of Cabas as it was made deliberately and with full knowledge of her chosen beneficiary.

Finally, we see no grounds to conclude that the incomplete sections and expedited preparation of the Will raise concerns about the character of the testamentary act and the true intentions of Vargas. The incomplete provision in Item IV and the omitted Item No. V of the Will do not materially affect the testator's intent or her disposition for Cabas to inherit her properties. In his Judicial Affidavit, Atty. Atienza testified:

16. Q: At that time, where was Atty. Vargas?

A: She was on her bed at Room 21 of JLGMH.

17. Q: What happened when you met her?

A: I told Atty. Vargas, "Attorney, *si* Juanito Atienza *po ito*.
Natatandaan nyo po ba ko?"

18. Q: What was the response of Atty. Vargas, if any?

A: She responded. "*Oo, kilala kita.*"

19. Q: What happened next?

A: I told her, "*Alam mo na ako ang gagawa ng Will mo?*"

20. Q: What happened next?

A: She answered, "*Oo, bilisan mo ang paggawa.*"

21. Q: What happened next?

A: I asked her, "Attorney, *kanino nyo po ba ibibigay ang mga ari-arian mo?*"

22. Q: What happened next?

A: She replied, "*Kay Marita Cabas*" at the same time pointing at Marita.

23. Q: What happened next?

A: I asked her, "*Kanino pa?*"

24. Q: What was her response?

A: She angrily uttered, "*Wala na!*"

25. Q: What happened next?

A: I asked Juana Tamayo to read aloud the contents of the Will. Then she read the Will.

³⁰ *Torres v. Lopez*, 48 Phil. 772 (1926) [Per J. Malcolm, *En Banc*].

26. Q: What was her reaction after Juana read aloud the contents of the Will?

A: She gave her consent by nodding her head and said, "*Tama.*"

27. Q: What happened next?

A: I again read aloud the contents of the Will.

28. Q: What was her reaction after you read aloud the contents of the Will?

A: She again gave her consent by nodding her head and said: "*Tama.*"

29. Q: Why did you not let Atty. Vargas read the Will?

A: She could not read the Will because of her poor eyesight.

30. Q: What happened next?

A: I asked her "Attorney, *gusto nyo po ba ang Will na ito ay ang iyong Last Will?*"

31. Q: What was the response of Atty. Vargas?

A: "*Oo.*"³¹

The Will and Atty. Atienza's testimony clearly show that Vargas wanted Cabas to be the sole recipient of her estate, leaving no doubt about her intentions. The minor omissions do not affect the testator's overall intent, as her core wishes are evident in the Will itself and further supported by Atty. Atienza's account. Moreover, the Will was read aloud to Vargas twice, and she affirmed it before marking it with her thumbprint, demonstrating her understanding and acceptance of the Will as written. Hence, although Item IV is incomplete and Item V is omitted or misnumbered, this did not confuse or mislead Vargas or detract from her clear intention to leave her properties to Cabas. Meanwhile, the expedited preparation of the will cannot be questioned, as it was the testator's intention to hasten its execution, as confirmed by Atty. Atienza. Vargas expressed her desire to formalize the distribution of her properties without delay to ensure that they would be managed and disposed of according to her wishes. From these, it can be deduced that Vargas had a solid grasp of the significance and impact of executing an instrument to manage the distribution of her estate upon her death.

In the eyes of the law, every person is presumed of sound mind in the absence of contrary proof. The burden rests on the person who opposes the probate of the will to prove that the testator was not of sound mind at the time of making their dispositions.³² Respondent Vda. De Penaverde fell short of satisfying this burden. Without the necessary evidence, the Court has no reason to doubt the soundness of mind of Vargas at the time her will was

³¹ See pp. 66–67 of the Judicial Affidavit of Atty. Juanito C. Atienza.

³² CIVIL CODE, arts. 800 provides:

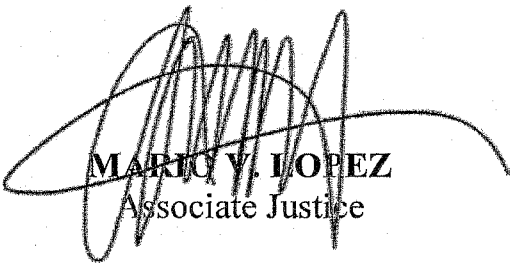
Art. 800. The law presumes that every person is of sound mind, in the absence of proof to the contrary. The burden of proof that the testator was not of sound mind at the time of making his dispositions is on the person who opposes the probate of the will; but if the testator, one month, or less, before making his will was publicly known to be insane, the person who maintains the validity of the will must prove that the testator made it during a lucid interval.



executed. Hence, the Court sustains the authenticity of the will and approve its admission to probate.

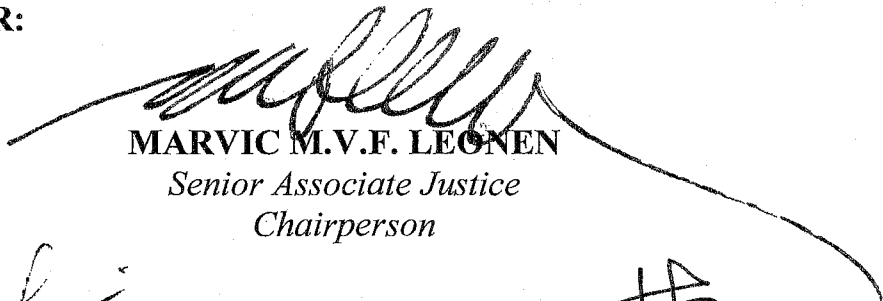
ACCORDINGLY, the petition for review on *certiorari* is **GRANTED**. The Decision dated March 1, 2024 of the Court of Appeals in CA-G.R. CV No. 117045 is **REVERSED**. The Last Will and Testament of Fidela Y. Vargas executed on March 6, 2018 is **ADMITTED** to probate. The case is remanded to the Regional Trial Court, Branch 75, Olongapo City for further proceedings.

SO ORDERED.

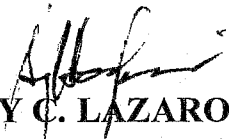


MARIO Y. LOPEZ
Associate Justice

WE CONCUR:



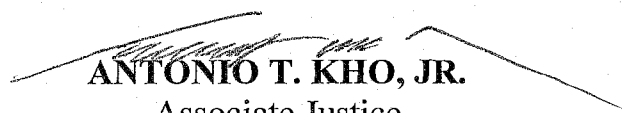
MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



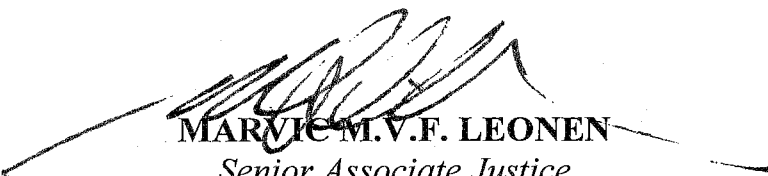
JHOSEP V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

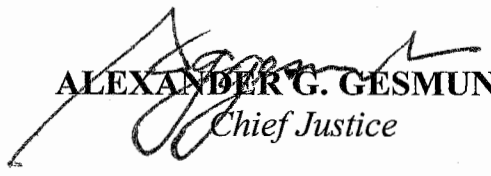
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice