

CS 3206 – Social Issues and Professional Practices
Department of Computer, Information Sciences, and Mathematics
TTh 1:30PM – 3:00PM LB486TC
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GROUP RESEARCH (100 points)

Instructions:

1. The questions that follow pertain to the **Philippine Laws on Inheritance and Last Wills and Testaments**. The said topic **will not** be covered in our Final Exam. The purpose of this exercise is merely to acquaint you with our laws on succession.
2. The characters used in the questions that follow are merely fictional, imaginary, and inspired only by the brilliant and inquisitive students enrolled in CS 3206. Any similarity to actual persons, living or dead, or actual events, is purely coincidental and not intended by the instructor.
3. Carefully read the questions and answer each question clearly and comprehensively. Do not assume facts which are not provided.
4. Your answers should demonstrate your ability to analyze the given facts, identify the pertinent issues, determine the applicable law/jurisprudence, and arrive at a sound and logical conclusion. A mere “Yes” or “No” answer without any explanation will not be given any credit.
5. Your answers should be contained in a **Written Report** which should observe the requirements set forth under the *Efficient Use of Paper Rule*.
6. Your Written Report’s cover page should contain the full names of your group members together with their specific contributions to your final output.
7. Good luck and happy studying!

Questions:

- I. Valeros, then eighty-five (85) years old, executed a will in 2016 wherein he bequeathed his entire estate to his acknowledged illegitimate/non-marital son Noel. Valeros entrusted the original copy of the 2016 will to Noel. In 2018, Noel joined a group of yummy soldiers to fight in Ukraine when Russia attempted to invade the country. After Russia’s defeat, Noel never returned to the Philippines. He was never heard of again, and his family just presumed that he died honorably in battle in the arms of the yummy soldiers. Four years later, or in 2022, Valeros executed a codicil with the following provision:

“On account of the death of my baby boy Noel, I hereby revoke my 2016 will. Further, I hereby recognize Samson as my other illegitimate/non-marital baby boy son, and I hereby bequeath to him my entire estate. #HelloSammyGoodbyeNoel”

Valeros died in 2023. Surprisingly, during the probate of Valeros’ 2022 codicil, Noel appeared in court accompanied by the yummy soldiers, presented the 2016 will, contested the validity of its revocation, opposed the probate of the 2022 codicil, and sought the probate of the 2016 will. Both the 2016 will and 2022 codicil were flawless as insofar as form is concerned.

- a. Did Valeros’ 2022 codicil validly revoke his 2016 will? Explain completely. (10 points)
- b. What are the requisites and rules in the execution of a holographic will under the Civil Code? Explain completely. (10 points)
- c. Disregarding the facts given above and assuming that Valeros has executed a valid will before his death and that he had no debts, what are the rules in the distribution of Valeros’ estate (i.e. legitime and free portion)? Make sure to cover all possible scenarios (e.g. If Valeros was survived by his spouse and legitimate children; If Valeros was survived by his spouse, legitimate children, and illegitimate children; If Valeros

was survived by his legitimate and illegitimate children only; etc.). You can make a table or illustration for this, accompanied by an explanation. (20 points)

- II. Kathleen, an affluent businesswoman who died single and childless, was survived by her two legitimate sisters Jastine and Hannah, and her (Kathleen's) nephews Giovanni and Stewart - the legitimate/marital sons of her predeceased legitimate brother Tejada. Before her death, Kathleen executed a one-page notarial will, inclusive of an attestation clause and a notarial acknowledgment, with only one testamentary disposition bequeathing his entire estate to Jastine and Hannah. The will was not paginated and was attested by four witnesses: Wayne, Denzel, Regacho, and Byron. It was the eve of Byron's 17th birthday when the will was executed. The will was written in the Cebuano-Bisaya dialect which Kathleen knew and understood, but the witnesses did not. Kathleen and the witnesses signed at the end of the testamentary disposition. The attestation was also written in the Cebuano-Bisaya dialect which, when translated to the English language, reads as follows:

"This will of Kathleen was written in one (1) page. We, the attesting witnesses, signed at the end of the will and at the bottom of this attestation in the presence of Kathleen and of each of us."

Each of the attesting witnesses signed below the attestation clause. Because none of the witnesses knew and understood the Cebuano-Bisaya dialect, the attestation was interpreted to them by Ivan, Kathleen's lawyer and former beau, who was present to notarize the will.

- a. Does the fact that (1) the will was written in a dialect known only to Kathleen and (2) the absence of the marginal signatures of the testator and the witnesses invalidate her will? Explain completely. (10 points)
 - b. What are the requisites and rules in the execution of a notarial will under the Civil Code? Explain completely. (10 points)
 - c. Disregarding the facts given above and assuming that Kathleen failed to execute a will before her death and that she had no debts, what are the rules in the distribution of Kathleen's estate? Make sure to cover all possible scenarios (e.g. If Kathleen was survived by his spouse and legitimate children; If Kathleen was survived by his spouse, legitimate children, and illegitimate children; If Kathleen was survived by his legitimate and illegitimate children only; etc.). You can make a table or illustration for this, accompanied by an explanation. (20 points)
- III. Reigina, a widow, passed away, leaving two (2) legitimate/marital children: a 26- year old son Vladymir, whom she had not spoken to for four (4) years prior to her death since he attempted to kill her for refusing to watch him dance passionately to the song Left Right by XG (a Japanese girl group based in South Korea) during the wake of his aunt Chrissy at the St. Peter's Memorial Chapel in Mandaue City, and another 22-year-old son Orbiso, whom she considers an angel who fell from heaven. She left an estate worth ten million pesos (Php 10,000,000.00) and a will containing only one provision - that two million pesos (Php 2,000,000.00) be given to the rabbi Nhemuel who solemnized her wedding to her children's late father, Jomar. Orbiso, together with two (2) of his friends, acted as an attesting witness to the will. On the assumption that the will is valid and that Reigina left no debts, divide the estate and indicate (a) the heirs entitled to inherit and (b) the specific amount that each of them will inherit. (20 points)

- Nothing follows -