Some Vexatious Questions in the Law of Succession

Edgardo L. Paras

In this Comment, the Author clarifies several problem areas in Succession. First, as an aid to one's study of testamentary succession, he proposes a formula in solving problems presented in the subject of Wills and Succession. The formula, denominated as ISRAI, means to apply institution, substitution, representation, accretion, and intestacy exclusively and successively. Cases and problems are provided illustrating the application of such formula. Next, he submits that the meaning of "the order of legal succession" should apply more particularly to the order of preference between compulsory heirs and as among legal (i.e., not compulsory) heirs *themselves*. Third, he enumerates answers to different possible cases arising from the problem of an intestate share of the surviving spouse in the event that there is only one legitimate child. Finally, he illustrates the three different meanings of collation or the phrase "will be collated" and also proposes answers to problems arising from the application of each meaning.