

# HISTORIOGRAPHIC NOTES: Testamentos as Historical Sources

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## ABSTRACT

This brief study scrutinizes the *testamento* or last will and testament as a historical source. In able to describe the source, examine how it was used as a legal instrument by testators, and what it revealed about the local moral world of the propertied class, ten *testamentos* from the tail end of the 19th century were translated and summarized. Potential scholarly uses for *testamentos* were then identified.

*Key words: 19<sup>th</sup> Century Philippines, testamentos, last will and testament, death, intergenerational wealth transfer*

Testamentary provisions are an expression of the final wishes of a person anticipating death. The candidness of such a document gives it a considerable degree of reliability as a historical source. Although it is a legal instrument, it reveals rather intimate details about a person's life, and how one seeks to "manage" the lives of the ones they are leaving behind when they die. Miller, Rosenfield and McNamee (2003, 918) argued that beyond being a legal instrument, "[i]t is a social process that conveys power, status, and sometimes conflict from one generation to the next."

This study is an examination of *testamentos* which are documents found in the bundle *Protocolos* at the National Archives of the Philippines (NAP). Testamentos are legal documents expressing an individual's final wishes about his or her dependents and possessions. This study seeks to look into the potential strengths and weaknesses of testamentos as a historical source. The bundles used in this paper are records from the *escribano* named Genaro Heredia, covering the years 1895-1897.

As a guide for future researchers, I begin the article with my experience in gaining access to the documents. Testamentos are then described in terms of their content, along with a short guide to the provisions of the *Codigo Civil* relevant to matters of inheritance and guardianship. The next section consists of the summaries of ten testamentos, followed by a discussion of how wills were used by the testators as legal instruments, and what they revealed about the local moral world of the propertied class. Lastly, the potential uses of the document for historical research are identified.

## THE PROCESS, DESCRIBED

Gaining access to these files in the NAP was not easy, as they were not yet fully digitized by the institution. The limits set for the number of documents that one can access and publish also served as a constraint. Further limitations were brought about by the renovations in the NAP building coinciding with the time I was gathering data for this study. During my visit, however, I was informed by friendly researchers that the documents I was looking for were also available in the massive online archive digitized and managed by the Church of Jesus Christ of Latter-Day Saints. According to the custodians of the main office of the church's Family Research Center,

historical documents are important to the members of their church because remembering their ancestors is part of their faith. It is a crucial task for individual members to reconstruct genealogies using archival documents that are made available to them. The digitization effort is worldwide and their archive includes a wide variety of collections, to name a few: censuses, marriage records, baptisms, court documents, immigrant travel papers, cemetery records, passenger lists, death registrations, land grants, and civil registries. One side of the Granite Mountain in Salt Lake City in Utah nestles 2.4 million rolls of microfilm containing records from around the world—most of the images are uploaded in [www.familysearch.org](http://www.familysearch.org). They have a global indexing effort fuelled largely by volunteers, which thus far has made over a billion records searchable for their users. Only members of the church have full access to the online archive, but the Family Research Center, a hub for members to work on their genealogies, is also open for researchers. Certainly, researchers may still opt to use the collections directly from the NAP—however limited—the institution has its own digitization efforts.

I selected the bundle with Genaro Heredia's documents for practical reasons. First is that he was among the *escribanos* recommended by the researchers I met during my visit at the archives. Second is that Heredia's records were relatively well-indexed and most of the documents were legibly written, with minimal visible damage to the scanned images.

The bundle *Protocolos* is not just composed of testamentos but also other records such as deeds of sale, contracts, and other legal documents devised by residents of Manila. The documents used in this paper were chosen at random, and since these records were originally written in Spanish, they were translated to English and summarized in one of the subsequent parts of this article.

The testamentos from Heredia's collection follow a format. The first part of the document reveals basic information about the testator: name, age, address, marital status, name of spouse (if any), name of parents, religion, and in some cases, the person's state of health. Being an expression of the person's last wishes, it discloses how the testator would like to be buried: details about the burial ceremony and the celebration of the holy mass, and to whom the testator wants to give the responsibility for all these.

The greater portion of the document names the heirs and inventories the testator's estate. The testator describes how she or he wishes to divide the estate among the named heirs. Some documents also declare obligations, with instructions on how and to whom the specified amount shall be paid. The document ends with clauses affirming that the contents of the testamento are genuine expressions of the testator's will, a requirement mandated by the *Codigo Civil*. Witnesses, who are usually the testator's friends or relatives, are named and asked to sign at the bottom of the document. Most of the documents indicate the trade or the profession of the witnesses.

## TESTAMENTOS AND THE CODIGO CIVIL

The Spanish *Codigo Civil*, enacted in 1889, serves as the guiding framework for testamentos. It speaks of rules governing personal property, citizenship, marriage, family, guardianships and inheritance. Book 3 of the code discusses the different ways by which one may acquire ownership; Title III, in particular, discusses the rules on succession. There are two kinds of successions—legal succession, which takes effect by operation of law, and testamentary succession, which is to be fulfilled pursuant to a written will.

There are three types of wills as described by the code: open, holographic, and closed. An open will is written—commonly by the *escribano*—and signed in front of the persons who shall authorize it. A holographic will is handwritten by the testator, following the minimum requirements set forth in the code. Finally, a closed will, unlike the last two, does not reveal the provisions to appointed witnesses, but the testator declares the document that contains the testamentary dispositions in front of persons authorizing it. For this particular study, the ones covered are open wills or *testamentos abierto*.

By law, a testator's will is one way to assign guardianship for dependents or minors. Article 172 of the code defines guardianship as: "when parents or guardians, as a result of serious circumstances, cannot take care of the minor, they may request the competent public entity to assume his custody for the necessary period of time." Cases of guardianship as part of testators' final wishes were found in the documents surveyed in this study.

Types of property were also differentiated and defined by code. In Article 335, *muebles* or movable property is defined as “all property which may be transported from one point to another without impairment of the immovable object to which it is joined” while *immuebles* or immovable property is generally defined in Article 334 as “land, buildings, roads, construction of sorts which are joined to the ground; anything which is joined to an immovable property on a fixed basis, so that it cannot be separated without breaking the material or impairing the object.”

Title III, Chapter II, Section 5 provides for the rules on the forced share of the estate. In brief, the forced heirs are the following: (1) children and descendants who are entitled to two-thirds of the estate; (2) in the absence of the former, parents and ascendants, and (3) the surviving spouse, who is entitled to half of the share of the children and descendants. The remaining third of the estate can be freely disposed of. If a person dies intestate, or without having written a will, forced heirs will receive their lawful share of the estate. On the other hand, if a person dies without testamentary heirs, either the surviving spouse or the person’s relatives (nearest of kin) will gain rights to the estate.<sup>1</sup>

## TESTAMENTOS, 1895-1897

### *The Testamento of Feliciana Concepcion, December 7, 1895<sup>2</sup>*

The first document dated December 7, 1895 is the testamento of Feliciana Concepcion, a resident of Pasig who was 86 years old at the time of writing. She was married to Rafael Umali with whom she did not have children. She indicated that the properties she identified in her will were not properties coming from the marriage, but inheritances from her parents and siblings. In the sixth clause of her testamento, she detailed the extent of her estate. In all, she possessed tracts of land in Buting, San Joaquin, San Bernardo, Tandong, Magsiay, Panimbangan, Malatiquio, Malinao, Pahit, BangBang and Licod ng San Nicolas, all in the jurisdiction of Pasig, and in total, was worth 5,477 pesos.

Feliciana named Manuel Concepcion y Lumo, one of her nephews, as her universal heir (the heir entitled to receive the greatest portion of the estate). Others were also named as recipients of small parts of her estate. One is Lucius Tabson y Concepcion, another nephew who received relatively smaller tracts of land. She instructed Manuel, her universal heir, to grant some assistance to Lucius as he deemed fit. Another beneficiary of Feliciana's estate was Leoncia Macalinao, a helper who served the testator for a long time. She bequeathed Macalinao a piece of land located in Licod ng San Nicolas, Pasig worth forty pesos as a reward for her years of service. By the end of her testament, she named Manuel Testacion y Lumo as the executor of her will.

*The Testamento of Francisca Hilaria y Agustin, December 30, 1895<sup>3</sup>*

Francisca Hilaria y Agustin was a resident of Manila, 85 years old, Catholic, and a widow of Felipo Laopico—it was common for women in the surveyed records to identify themselves as a “widow” of their deceased husband—with whom she did not have any children. She began her will by stating that the heirs shall give alms to the *mendigos* (beggars) in the city and to the church. Her universal heirs as named in the document were Pedro Manuel, Macaria Manuel, Francisco Quintana, Rosa Domingo, Federico Rodriguez and a Chinese person named Suaña. Though she did not state how she was related to them, the heirs received equal parts of her estate. They were also instructed to give donations to various religious and medical institutions, one of which was Hospital de San Lazaro in Manila.

In the seventh clause of her testamento, she named another Chinese person named Cu-Chia who was to receive two to three pesos yearly, payable during the person's life. Towards the end of the document, like Feliciana of the first document, she instructed her heirs to reward Eusebia Corpus, who, for a long time, was of service to her. However, unlike the first testamento, Francisca left the amount and form of the reward to the discretion of her heirs.

*The Testamento of Vicenta Gabriel y Berdaleñes, December 28, 1895<sup>4</sup>*

The third document is the will of Vicenta Gabriel y Berdaleñes, a landowner who lived in Tambobo, Manila. She was the widow of Benito Reymundo to whom she had three surviving daughters named Consuelo, Remedios, and Maria Rosa Socorro. The document did not mention her age but her three daughters were at the time aged nine, six, and four years old respectively.

Vicenta declared that her estate included conjugal properties from her marriage with the deceased Benito. A portion of this estate was inherited by her husband from his aunt named Ursula Reymundo. Because she had three daughters, she named the three of them as her universal heirs. However, because of their juvenile age at the time of writing, Vicenta appointed a guardian named Pablo Tecson, a coadjutor of the Parish of Tondo, and a *protutor*—presumably a guardian in reserve, in case an appointed guardian becomes incapacitated to fulfill one’s duty—named Tiburcio Hilario, who was a lawyer by profession. In the ninth clause, there was a discussion about the formation of a *Consejo de Familia* or family council for the three daughters namely: Celedino Reymundo, Eusebio Goco, Serapio Baltero Cerez, Severino Tuazon, and Tomas Tuazon, all of legal age and residents of Malabon. Each of them was bound to receive a pension of twenty five pesos monthly. In the 10<sup>th</sup> clause, she named Pablo Tecson, whom she earlier appointed as the guardian of her children, as the executor of her will.

*The Testamento of Engracio Quilala y Reyes, January 7, 1896<sup>5</sup>*

The first male testator surveyed in this short study is Engracio Quilala y Reyes, 72 years old, a native of Santa Cruz, Manila, and was ailing at the time of writing. Engracio was married twice, first with Mareima Samson—who he interestingly emphasized—did not contribute any property to the marriage. His second wife was Brigada de la Cruz, with whom he had children, but all of them died young. Similarly, as highlighted by Engracio, Brigada did not bring any property into the marriage.

In his will, he enumerated his properties as follows: a house and lot located at the interior of a certain Barrio Dulujan, valued at one thousand pesos, and five hundred pesos in cash. He bequeathed the money and all his muebles to Brigada de la Cruz. His house, on the other hand, was instructed to be put on lease—half of the income from such would go to his wife and the other half to a certain Cirila Ariston. The nature of his relationship with the latter was not revealed in the document, but she was named universal heir alongside Engracio's second wife. In case the two women decide to sell the property instead of leasing it, the proceeds would be divided equally among them.

*The Testamento of Antonio de Castro y Policarpio, March 7, 1896<sup>6</sup>*

This document contains the final wishes of Antonio de Castro y Policarpio, a native of Bulacan, 46 years old, married, and a *boticacio* (apothecary). He was married twice, first with Josefa Amorsolo y Francisco, with whom he had several children, but only one—Juan de Castro—survived. His marriage with his second wife, Nicolasa de la Rosa, did not bear any children. Antonio emphasized that while the *botica* (drugstore) was established some time during his first marriage, the facilities and most of the investments were made during his marriage with Nicolasa. In the will, he declared that his only properties were the *botica*, and some pieces of muebles that were valued at fifteen thousand pesos.

Half of his estate was given to his wife, Nicolasa de la Rosa and the other half was given to his only surviving son, Juan de Castro. Half of the legacy left to Juan de Castro was given to his daughters (the testator's grandchildren) named Felisarda and Fernanda. Nicolasa was named as the executor of the will.

*The Testamento of Augo Francisco y Medrano, April 25, 1896<sup>7</sup>*

The testator's name is Augo Francisco y Medrano. He was a native of Manila who lived in Santa Cruz, 60 years old, a widower, a land-owner, and a legitimate son of Mariano Francisco and Marcelina Medrano, who were both deceased at the time. Augo was



sick at the time of writing his will, but assured that he was of sound mind and therefore fully able to formalize his will.

Augo was married to Leonor Dionicio, with whom he had children named Victorina, Juan, Juana, Vicente, and Josefa. He mentioned that his wife did not contribute any property to their marriage. The testator owned two pieces of land: one located in Lavanzares, Binondo and the other in Magallanes Street in Intramuros. Only three-fourths of the property in Intramuros was his, and the remaining one-fourth belonged to a woman named Luja Victorina. This property, according to the document, was a property inherited from Ycasiana Francisco, most likely an aunt or a grandmother from his father's side.

The fourth clause of his will states that the jewelry possessed by his daughters Victorina, Juana, and Josefa, would remain theirs, which means that their jewelries would not be part of the properties to be divided among the five children. In the same way, the clothes acquired for each individual daughter during the life of the testator would also remain theirs. Augo appointed his five children as his universal heirs, and specifically named Vicente as the executor of his will. According to him, Vicente should seek advice from his brother-in-law named Jose Gray y Ramos.

*The Testamento of Flaviano Cabrera y de los Santos, September 20, 1896<sup>8</sup>*

Flaviano Cabrera y de los Santos, 41 years of age, a silversmith, was severely ill during the time of writing. He was a native of Quiapo, was never married, and a legitimate son of Francisco Cabrera and Faustina de los Santos, both deceased.

Among his properties were: a house made with strong materials (as opposed to what other documents described as houses made with *nipa*) located in Arlegui, another house of the same type in the same area, both valued at 1,200 pesos. He also declared that he has 1,000 pesos in *metalico impuestos* (metal taxes/ duties) in the bank and another one thousand pesos which are stored in the Treasury. Macaria Cabrera, his sister, was named as his universal

heir. Macaria was instructed to take charge of the testator's burial and funeral rites. He also bequeathed to her all the muebles in his home. Additionally, he stated that Macaria should distribute alms to the *mendigos* monthly to be able to pray for his soul and the soul of their deceased parents and their sister, Perfecta Cabrera. Flaviano also named other legatees to his estate: Bernabe Cabrera and Anacleto Cabrera, who would receive in equal parts the above mentioned 1,000 pesos cached at the Treasury in the capital.

*The Testamento of Pacita Concepcion y Garcia, October 11, 1896<sup>9</sup>*

We proceed to the will of Pacita Concepcion y Garcia, 34 years old, unmarried, and was ailing at the time of writing. She appointed her only son Jose Garcia, at the time barely three years old, as her universal heir. Jose, being of infantile age, was left to the care of the testator's sister, Sabina Mora. Candido Mora (presumably her brother-in-law) was named as her son's guardian, while a certain Joaquin Sanchez Correjon was appointed as protutor.

Pacita formed a *Consejo de Familia* for her young child. She named the following as members of this council: Emilio Bordas, Manuel Garcia, Rafael Manso, Gil Mozas, and Joaquin Sanchez Correjon, the last being the person previously appointed as protutor. Pacita bequeathed all her clothes to her sister, Sabina Mora, and to Paz Garcia, a crucifix.

For full transparency, I am disclosing that the rest of this document was rendered unreadable because of blotted ink, which is probably a document preservation issue. However, I chose to include this document in my roster to establish that forming a Consejo de Familia was a practice at the time in question; other cases will be discussed below.

*The Testamento of Matilde Camus, December 6, 1986*

Matilde Camus, 39 years old, a native of Quiapo was ill at the time of writing, which explains why she formalized her will. She was a widow of Rafael Moreno, a *jurado* in Manila. The couple

had four children named Maria, Concepcion, Rafael, and Natividad aged 19, 16, 14, and 11 respectively. She appointed her four children as her universal heirs, who were to receive equal parts of her estate.

Maria Mijares was appointed as the guardian of her children and Manuel Calvo was appointed as the protutor. Matilde formed a Consejo de Familia with the following appointed members: Ramon Salinas, Enrique Camus, Matias Sanchez, Jose Camus and Augusto. Unlike the previous testaments, she appointed three executors who were to serve in the order by which they were named—most likely in case of death or incapacitation—Maria Mijares (who she also appointed as her children's guardians) Manuel Calvo, and Ygnacio Laguna. Matilde did not give an accounting of her properties in her will.

*The Testamento of Miguela Hison y Santiago, February 14, 1897<sup>10</sup>*

Miguela Hison y Santiago was a widow who lived in Dujat, Tambobo. Her age at the time of writing was not mentioned in the document but it did say that even if she was in perfect health, she wished to formalize her last will. She was married to Leon Santiago with whom she had thirteen children—Pablo, Calixto, Maria Rosa, Emilia, Mariano, Silverio, Francisca, Ramon, Florencio, Ysabel, Julio, Paula, and Eugenio. The death of their first aforementioned eight children left with them the children of Pablo (Leon, Antonia, Mariosa, Emilia, and Paula), Calixto (Gregorio, Gervasia, Dionicia, and Pablo) and Maria Rosa (Gliceria and Alejandra). All of her surviving children and the children of her deceased children were named heirs. When her husband died, Miguela was left with the house and lot where they lived, two pieces of land in Pulilan, Bulacan, a nipa hut (also located in Bulacan), and a small sum of money—all of which falls under conjugal property.

One of her daughters, Paula, also acquired a piece of land on her own in the same area in Pulilan, Bulacan. Miguela sought to exclude Paula's property from those to be apportioned among her other children and grandchildren. She thus clarified that the said piece of land in Bulacan purchased by Paula should remain

exclusively hers. In the sixth clause of the document, she gave Paula another tract of land contiguous to her self-acquired property in Pulilan. In the seventh clause, she instructed her other heirs to hand over the family house and lot to Paula and Ysabel, in light of the fact that they were both unmarried.

Given these conditions, what was left with her estate was divided among her heirs. Miguela's eldest surviving son, Florencio, was appointed as the executor of her will.

## FINDINGS

Several discussion points about family and intergenerational wealth transfers can be derived from the survey of testamentos. For one, it was customary to give to the church and other charitable institutions as it was deemed as a way towards the salvation of the souls of the departed. This testamentary provision can also be regarded as a way for one to manage how he or she will be perceived by the community long after he or she dies. Unruh (1983) argued that one's will can be used as a strategy for preserving a dying person's identity, or at least highlight the preferred aspects of it. In this case, giving alms to the poor and to religious groups can be ways by which one could project an image of being a patron of the church, or a benefactor to the needy.

Two out of ten surveyed testators also left legacies to their *criadas* (house help) as reward for their years of service to the testators' families. Given the fact that these testamentary provisions only took effect upon the death of the testators, one may be compelled to ask why they had to wait for such to "reward" their helpers. Were the *criadas* not adequately compensated for their service during the testator's lives? Though this can well be seen as a simple act of benevolence and reciprocity—allocating a portion of one's estate in exchange for years of valuable service—the will can also be used as a tool for redress. House helpers, more often than not, were compensated poorly for their labor. Leaving them legacies will supposedly give them an opportunity for economic relief beyond the lives of their employers.

Jewelry and clothes were important parts of an individual's estate. However, unlike lands and cash, these items were considered as more personal possessions, as they were often excluded in the pool to be partitioned—testators often specified to whom they would leave these personal effects. In the case of Augo Francisco who had five children, he emphasized that the pieces of jewelry that he previously gave his three daughters would remain in their possession. The distribution of personal artifacts could be appraised for its potential economic value for the recipient, as jewels could be sold or pawned in case of financial emergencies. On the other hand, bequeathing personal effects could be, as mentioned earlier, a strategy of the dying to preserve identities, an implicit expectation to “become a guardian of the deceased's persona” (Unruh, 344).

Though there are no clear indications that testators discriminated between male and female heirs when partitioning their estates, it was apparent that male descendants were given more power in implementing the wills as executors. The eldest male heir, a male relative, or a male family friend was appointed as executors of the will. There were only two out of the ten cases where the executor was female. One of which was Nicolasa de la Rosa's appointment—that of Antonio de Castro's second wife—and the only child from the testator's first marriage was under aged at the time. The same goes for guardianship. Pacita Concepcion appointed Sabina Mora, her sister, as the caretaker of her young son. However, the guardianship was given to Candido Mora, presumably Sabina's husband and the testator's brother-in-law.

All the witnesses were men, as well as the clear majority of the guardians and protutors. Another curious but illustrative observation can be made in the cases of women testators who formed a Consejo de Familia for their minor descendants. The documents did not stipulate what the council's functions were but they must have functioned to collectively make decisions about the lives of minor children. At any rate, similar to executors and witnesses, all the members of the Consejo de Familia were men.

In brief, the following are the recurrent roles assigned in the ten wills: heirs, caretakers, guardians, protutors, members of the Consejo de Familia, executors, and witnesses. In the examined testamentos, the latter five appointive positions: guardians, protutors, council members and

executors were predominantly male. At least in the wills examined here, men were given more power in making decisions about the lives of the young heirs and on matters relating to the testator's estate. It must have been customary to give more preference to appointing men, at least in legally-binding contracts.

The *Codigo Civil* as a governing law for inheritances and other civil affairs does not make any distinction with regards to gender. If anything, it was prejudiced towards keeping wealth in the same family line as its source, as provided for by the rules on the forced share of an estate. Looking at the expressions of testamentary wishes summarized above, one may notice the emphasis made on whether or not properties were acquired during a marriage, or whether portions of an estate were inherited by the testator or by his/her spouse.

Examining the testamentary provisions, one may find clues to how the testators sought to secure the economic welfare of their children and descendants. In the ninth document, Miguela Hison bequeathed her house and lot to her two daughters, in light of the fact that both were unmarried. In a study by Estudillo, Quisimbing and Otsuka (2010) on intergenerational transfers in the late 20th century rural Philippines, they found that married children received more land than unmarried children, regardless of their gender. The children of the respondents of the 2010 study were born in the late 1960s. Although it would be amiss to compare two completely different settings, it is worth noting that the study argued that the rationale behind intergenerational transfers in the late 20th century was to equalize the incomes among children. The said study found that sons were more likely to receive greater land inheritance, whereas parents invested more heavily on their daughters' education than their male siblings. In the wills we surveyed, no indicative evidence was found that testators preferred to give more to male or female heirs, except in this one case where the testator favored her unmarried daughters. For one, marriage must have been regarded by the propertied class as economic capital, and thus being unmarried was considered as a handicap. Therefore, favoring unmarried daughters, as exemplified in Miguela Hison's case, may be construed as a strategy for parents to equalize the income and life chances among their children.

The *Codigo Civil* provides rules for succession, which means that even if individuals die intestate (without having written a will), descendants, spouses, or ascendants would still receive their share of the estate. This brings us to the question: why write a will at all, if the law already secures the share of one's immediate family? Writing a will provided the testators surveyed here with the freedom to distribute their properties the way they wished, for their specific reasons. As Bryant and Snizek (2003, 931) argues, "the will may be viewed as an institutional device for affecting one's purposes against the grain of traditionalized family and kinship obligations." Testators who did not have forced heirs were able to name favored nieces and nephews as their universal heirs; some named their grandchildren as legatees, others were able to give to the poor, to charitable institutions, and even to friends—some of whom are outside the traditional beneficiaries sanctioned by law. Dying intestate would not allow individuals to specify preferred recipients of their sacred personal artifacts or their treasured muebles, or grant a choice piece land to their favored child. Writing a will gives the testator an opportunity to express intent and exercise discretionary powers over his or her estate, allowing one to go beyond traditional mandates.

Apart from insisting prerogative over the distribution of one's wealth, testators sought to gain a certain level control over what happens to the lives of those they will be leaving behind. Three single mothers (two of them were widows, one was never married), Vicenta Gabriel, Pacita Concepcion, and Matilde Camus, appointed individuals they presumably trusted to various roles (guardians, protutors, members of the *Consejo de Familia*) which were created to ensure the welfare of their minor children. Engracio Quilala instructed his wife and a woman named Cirila Ariston to either lease or sell his property in Barrio Dulujan; the proceeds from which were to be divided equally among the two women. Apparently, Engracio wanted the property to be a source of income for the two ladies so that they could continuously provide for themselves (as opposed to simply occupying the property), which might indicate that he was concerned about the possible financial shock that may befall the two women upon his death.

Miguela Hison, who had five out of thirteen surviving children, also named her grandchildren (from her deceased children) as her heirs, presumably by right of representation. She owned two tracts of land in Pulilan and "a small sum of money" ("*una pequeña suma de dinero*"). Antonio de

Castro gave half of his son's share to his two granddaughters, Felisarda and Fernanda. It seemed to have mattered little to them that their property would be severely fragmented from distributing them to their grandchildren. This implies, as in the other cases in this article, that for the testators, it was not a priority to make their heirs as wealthy as them, or have the same standard of living as them. Inheritance was not used as a way to preserve family wealth, as much as it was instrumentalized to ensure the economic security of their named heirs.

On the other hand, testamentos can also be a site of conflict. In the case of Augo Francisco, not only did he mention that his wife Leonor Dionicio did not contribute any property to the marriage; he also failed to leave a provision for her in his will. By law, the spouse is entitled to half of the share of her children, but more research is required to ascertain if Augo's is a case of disinheritance. Indeed, a testamento should not only be judged according to what it says, but to a similar degree, by what it is silent about.

## POTENTIAL USES FOR TESTAMENTOS

Needless to say, testamentos are useful for scholars writing about family history as they provide details about the family's estate, their progeny, and even their socioeconomic status. Familial relationships and conflicts could be gleaned from how testators expressed their intent when it comes to distributing their wealth and how they sought to control the lives of their heirs after they die. Testamentos can also be a source when writing biographies (whenever available), because at the minimum, it provides rather accurate data on the person's immediate family as well as his or her net worth, among many other things.<sup>11</sup> A person's will, though it is by nature a legal document, contains intimate details about one's life; it sheds light on the fears and concerns of the dying, at least among the propertied class.

Scholars concerned with various sociological questions can also turn to testamentos for clues.<sup>12</sup> For instance, since testators enumerated heirs who were often their children, testamentos can reveal reproductive dispositions among women of the elite class. Likewise, two out of the four male testators married twice, while none of the women in the documents examined remarried, which suggests that it would have been less acceptable for women



to remarry than it was for men. There were also a number of cases of parents surviving beyond their children, which may be a consequence of the well-documented diseases that plagued the latter part of the 19th century. Furthermore, looking into intergenerational wealth transfers can possibly illuminate on issues of land ownership and stewardship in agricultural societies. A 2010 study by Estudillo, Quisimbing and Otsuka found that parents in rural Philippines favored their sons more in land inheritance, while they invested more heavily in their daughters' education. What was it like in the 19th century when women had less educational opportunities and fewer chances to contribute to the formal economy? In the same manner, testamentos can be a wellspring for inquiries surrounding notions of death and bereavement among Filipinos.

The testamentos examined here were written in the years 1895 to 1897, a time when society was undergoing drastic changes as it was running towards the Revolution. Looking into testamentos can provide scholars with a snippet on the psyche of the propertied class during these turbulent years. For instance, we saw testators who sought to be (or projected themselves as) good members of the community, benefactors to the needy, and supporters of the work being done by the church. We also witnessed individuals who sought to protect their loved ones from possible disturbances on their standard of living resulting from losing the head of the family.

A crucial caveat in the use of testamentos should be in place. One of the proclivities of testamentos as a historical source is that, obviously, only those who have property to dispose of could write a will. Thus, over reliance on testamentos unjustly disenfranchises those who do not own property.

Yet, one can also look at the testamentos as it compares in particular to a history of a site or a place. A meticulous researcher can identify the present location of the places, the immovable properties cited in the testamentos. The testamentos then give the researcher, the student of history, a snapshot as it were from which to compare the present. We tend to imagine last wills and testaments breaking up properties as generations move along in history. Testamentos render legible the devices that people came up with to possess something, to declare endearments and favors measured in possessions, but those possessions, especially the land, simply escape the act of taking as each generation fades. That which people wanted to possess

and bequeath remains an open field upon which wills and titles and testaments will continue to be written and fought over, generation after generation.

Testamentos point to the provenance of the possessions, of those that were handed over. It is the task of the students of history to record and study those moments when things change hands—and then the hands vanish into the distant past.

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## ENDNOTES

<sup>1</sup>For more details, Title III, Chapter III of Book 3 of the Codigo Civil provides the rules on intestate succession.

<sup>2</sup>Image 83-90, Film 007920930, Protocolo de Manila, <https://www.familysearch.org/enw.familysearch.org/en>.

<sup>3</sup>Image 141-146, Film 007920930, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>4</sup>Image 186-190, Film 007920930, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>5</sup>Image 240-244, Film 007920930, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>6</sup>Image 713-715. Film 007920936, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>7</sup>Image 41-44, Film 007920932, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>8</sup>Image 107-109, Film 007920934, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>9</sup>Image 185-187, Film 007920934, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>10</sup>Image 162-169, Film 007920936, Protocolo de Manila, <https://www.familysearch.org/en>.

<sup>11</sup>See for example, Luciano P.R. Santiago's articles on the last will and testament of Damian Domingo and Padre Mariano Gomes.

<sup>12</sup>See Richard T. Chu's 2002. *Philippine Studies* article on "Chinese" and "Mestizo" identities.

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