

THIRTEENTH CONGRESS OF THE)
Republic of the Philippines)
First Regular Session)

'04 JUN 30 P1:28

SENATE

S.B. No. 134

RECEIVED BY:

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The Civil Code, Article 867, paragraph 2, does not allow an absolute or temporary prohibition by the testator in the disposition of the estate "beyond the limit fixed in Article 863". Likewise, paragraph 3 makes reference to the limit prescribed in Article 863. But no such period is provided by Article 863. Instead, it is Article 870 which provides the period limiting the prohibition on alienation to twenty (20) years.

This bill amends Article 867 so that it would correctly refer to Article 870.

In view of the foregoing, early passage of this bill is earnestly requested.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

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OFFICE OF THE SECRETARY

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AN ACT
AMENDING REPUBLIC ACT NO. 386, ALSO KNOWN AS THE CIVIL CODE OF
THE PHILIPPINES, ARTICLE 867

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

Section 1. The Civil Code, Article 867, is hereby amended to read as follows:

"Article 867. The following shall not take effect:

- 1) Fideicommissary substitutions which are not made in an express manner, either by giving them this name, or imposing upon the fiduciary the absolute obligation to deliver the property to a second heir;
- 2) Provisions which contain a perpetual prohibition to alienate, and even a temporary one, beyond the limit fixed in article (863) 870;
- 3) Those which impose upon the heir the charge of paying to various persons successively, beyond the limit prescribed in Article (863) 870, a certain income or pension;
- 4) Those which leave to a person the whole or part of the hereditary property in order that he may apply or invest the same according to secret instructions communicated to him by the testator".

Section 2. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 3. Repealing Clause. - Any law, presidential decree, or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 4. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,