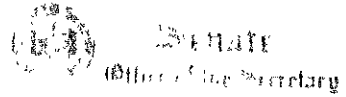


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



DEC 22 4:10

SENATE
S. No. 2529

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING ARTICLE 874 OF REPUBLIC ACT NO. 386, ALSO KNOWN AS THE
CIVIL CODE OF THE PHILIPPINES

EXPLANATORY NOTE

The Constitution, Article 2, Section 14, provides:

Section 14. The State ... shall ensure the fundamental equality before the law of women and men.

Heavily influenced by the Spanish *Codigo Civil*, the Civil Code of the Philippines was first enforced in 1889 when the Philippines was still a colony of Spain. It was only in 1947 when President Manuel Roxas created a new Code Commission to draft a new Civil Code. Thus, the new Civil Code took effect in 1950, still containing some of the old provisions from the *Codigo Civil*.

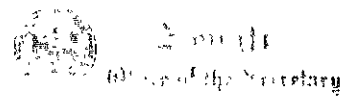
One of those provisions is Article 874, which allows the deceased spouse or the latter's ascendants or descendants to prohibit the widow or widower from contracting a subsequent marriage. Marriage is a social institution created by the State, in which both parties enter with their consent freely given. However, it is upon death that a marriage is dissolved without going through the legal process. Thus, the widow or widower should not be bound under threat of Article 874 to remain unmarried in consideration of receiving an inheritance.

This bill therefore addresses the iniquitous preference of the law for the deceased spouse, the latter's ascendants and descendants, without taking into account the

detrimental effect such a provision may cause on the life, liberty, and happiness of the surviving spouse.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
ff

SIXTEENTH CONGRESS OF THE REPUBLIC)
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Second Regular Session)



14 DEC 22 P4:10

SENATE
S. No. 2529

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 AMENDING ARTICLE 874 OF REPUBLIC ACT NO. 386, ALSO KNOWN AS THE
3 CIVIL CODE OF THE PHILIPPINES

4 SECTION 1. Article 874 of Republic Act No. 386, also known as the Civil Code
5 of the Philippines, as amended, is hereby further amended to read as follows:

6 "Article 874. An absolute condition not to contract a first or
7 subsequent marriage shall be considered as not written [.] ~~unless such~~
8 ~~condition has been imposed on the widow or widower by the deceased~~
9 ~~spouse, or by the latter's ascendants or descendants.~~

10 ~~Nevertheless, the [The] right of usufruct, or an allowance or some personal~~
11 ~~prestition may be devised or bequeathed to any person for the time during~~
12 ~~which he or she should remain unmarried or in widowhood."~~

1 SECTION 2. Repealing Clause. - Any law, presidential decree or issuance,
2 executive order, letter of instruction, administrative order, rule or regulation contrary to
3 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
4 accordingly.

5 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after
6 its publication in at least two (2) newspapers of general circulation.

Approved,

/mant9Dec2014