

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'04 JUL 14 P3:16

SENATE  
S. B. NO. **1427**

RECEIVED BY: \_\_\_\_\_

Introduced by Senator Miriam Defensor Santiago

**EXPLANATORY NOTE**

The Civil Code, Article 952, mentions a charge of a legacy or a devise upon an heir. The basis of this power to make a charge against the heir is the presumed continuation of the personality of the deceased.

However, an heir is no longer the continuation of the personality of the deceased. An heir does not assume responsibility for the obligations of the decedent. As a rule, legacies or devises are a charge or burden upon the State itself, unless the testator expressly burdens a particular heir, legatee or devisee with their payment.

This bill seeks to amend Article 952 to remove a misleading presumption.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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AN ACT  
AMENDING REPUBLIC ACT NO. 386,  
ALSO KNOWN AS THE CIVIL CODE OF THE PHILIPPINES,  
ARTICLE 952

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

SECTION 1. The Civil Code, Article 952, is hereby amended, as follows:

“Article 952. The heir (, charged with the legacy or devise) or the executor or administrator of the estate, must deliver the very thing bequeathed if he is liable to do so and cannot discharge this obligation by paying its value.

“Legacies of money must be paid in cash, even though the heir or the estate may not have any.

“The expenses necessary for the delivery of the thing bequeathed shall be for the account of the heir or the estate, but without prejudice to the legitime.”

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.* - Presidential Decree No. 1602 is hereby amended and 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administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly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.

fn: 790