

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

'04 JUL 27 P 4:01

SENATE
S. B. No. 1500

RECEIVED BY: _____

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Introduced by Senator Miriam Defensor Santiago

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." But no such period is provided by Article 863. Instead, it is Article 870 which provides the period limiting the prohibition on alienation to 20 years.


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

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO *agb*

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**AN ACT
AMENDING REPUBLIC ACT NO. 386, ALSO KNOW 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 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 contains 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, 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administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.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.

FN: 317