


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

7 JUL 24 1920

SENATE  
S. B. No. 1350


RECEIVED BY: 

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  
*def*

\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT  
2 AMENDING REPUBLIC ACT NO. 386,  
3 ALSO KNOWN AS THE CIVIL CODE, ARTICLE 867

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

6 SECTION 1. The Civil Code, Article 867, is hereby amended as follows:

7 "Article 867. The following shall not take effect:

8 (1) Fideicommissary substitutions which are not made in an express  
9 manner, either by giving them this name, or imposing upon the fiduciary the  
10 absolute obligation to deliver the property to a second heir;

11 (2) Provisions which contains a perpetual prohibition to alienate and even  
12 a temporary one, beyond the limit fixed in article [863] 870;

13 (3) Those which impose upon the heir the charge of paying to various  
14 persons successively, beyond the limit prescribed in article 863, a certain income  
15 or pension;

16 (4) Those which leave to a person the whole or part of the hereditary  
17 property in order that he may apply or invest the same according to secret  
18 instructions communicated to him by the testator."

19 SECTION 2. *Separability Clause.* – If any provision or part hereof, is held invalid or  
20 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
21 valid and subsisting.

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3 with, the provision of this Act is hereby repealed, modified, or amended accordingly.

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

6           Approved,