

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



Senate
Office of the Secretary

'13 OCT -3 P5 55

SENATE
S. No. 1816

RECEIVED BY: *ji*

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.*

acc.
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

13 OCT -3 P5 55

SENATE
S. No. 1816

RECEIVED BY: *jin*

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 AMENDING REPUBLIC ACT NO. 386,
3 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:

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

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

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

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

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

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

17 SECTION 2. *Separability Clause.* – If any provision or part hereof is held invalid or
18 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
19 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3 with the provisions of this Act is hereby repealed, modified, or amended accordingly.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.

Approved,