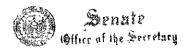
#### SIXTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session



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# S. No. **<u>1816</u>**

Introduced by Senator Miriam Defensor Santiago

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### EXPLANATORY NOTE

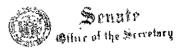
The Civil Code, Article 867, paragraph 2, does not allow an absolute or temporary prohibition by the testator in the disposition of the estate "beyond the limit fixed in Article 863." But no such period is provided by Article 863. Instead, it is Article 870 which provides the period limiting the prohibition on alienation to 20 years.

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

MIRIAM DEFE NSOR SANTIA

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

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



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## SENATE S. No. **1816**

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	Introduced by Senator Miriam Defensor Santiago
1 2 3	AN ACT AMENDING REPUBLIC ACT NO. 386, 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) Fideicommisary 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.

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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.

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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,