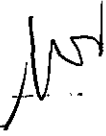


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

Senate
Office of the Secretary

15 OCT 29 P4:24

SENATE
S. No. 2998

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
AMENDING THE CIVIL CODE, ALSO KNOWN AS REPUBLIC ACT NO. 386,
SECTIONS 778 AND 779 ON SUCCESSION

EXPLANATORY NOTE

The Civil Code, also known as R.A. No. 386, is the result of haphazard adoption of the laws of Spain and the United States. As Spain follows civil law and the United States common law, there are a lot of inconsistencies in its provisions.

The Civil Code, Section 778 enumerates the three kinds of succession: testamentary, legal or intestate and mixed. An examination of the other related provisions on succession reveal, however, that there is another kind of succession - compulsory succession - which takes place when compulsory heirs succeed to their legitimes. Compulsory succession does not fall under any of the kinds of succession provided in Section 778.

The Civil Code, Section 779 defines testamentary succession. There is, however, no provision which defines legal or intestate succession.

This bill seeks to amend Section 778 in order to include compulsory succession as a separate and distinct kind of succession. It also seeks to amend Section 779 to provide a

definition for legal or intestate succession. In view of the amendment made to Section 778, also included in the amendment of Section 779 is a definition of compulsory succession.¹


MIRIAM DEFENSOR SANTIAGO
RP

¹ This bill was originally filed during the Thirteenth Congress, Second Regular Session.

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AN ACT
AMENDING THE CIVIL CODE, ALSO KNOWN AS REPUBLIC ACT NO. 386,
SECTIONS 778 AND 779 ON SUCCESSION

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

1 SECTION 1. Republic Act No. 386, also known as the Civil Code of the
2 Philippines, Sections 778 and 779 are hereby amended to read as follows:

3 SECTION 778. Succession may be:

4 (1) **COMPULSORY;**

5 [1] (2) Testamentary;

6 [2] (3) Legal or intestate; or

7 [3] (4) Mixed.

8 SECTION 779. **COMPULSORY SUCCESSION IS THAT**
9 **WHICH TAKES PLACE WHEN COMPULSORY HEIRS**
10 **SUCCEED TO THEIR LEGITIMES.**

11 Testamentary succession is that which results from the
12 designation of an heir, made in the form prescribed by law.

13 **INTESTATE OR LEGAL SUCCESSION IS THAT**
14 **WHICH TAKES PLACE BY OPERATION OF LAW IN THE**
15 **ABSENCE OF A VALID WILL.**

1 SECTION 2. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
2 portions thereof, which are inconsistent with the provisions of this Act, are hereby
3 repealed, amended or modified accordingly.

4 SECTION 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/tmdp23Oct2015