

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

7 JUL -3 A9 52

SENATE

RECEIVED BY: 

SBN No. 650

Introduced by Senator JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Civil Code, Article 952, mentions a charge of a legacy or a devise upon an heir. The basis for this power to make a charge against the heir is the presumed continuation of the personality of the deceased.

However, an heir is no longer the continuation of the personality of the deceased. An heir does not assume responsibility for the obligations of the decedent. As a rule, legacies and devises are a charge or a burden upon the estate itself, unless the testator expressly burdens a particular heir, legatee or devisee with their payment.

This bill seeks to amend Article 952 to remove a misleading presumption.

The urgent approval of this bill is thereby recommended.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING REPUBLIC ACT NO. 386, ALSO KNOWN AS THE CIVIL CODE
OF THE PHILIPPINES, ARTICLE 952

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

Section 1. The Civil Code, Article 952, is hereby amended to read as follows:

"Article 952 - The heir[, charged with a legacy or devise] or the executor or administrator of the estate, must deliver the very thing bequeathed if he is able to do so and cannot discharge this obligation by paying its value.

Legacies of money must be paid in cash, even though the heir or the estate may not have any.

The expenses necessary for the delivery of the thing bequeathed shall be for the account of the heir or the estate, but without prejudice to the legitime".

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administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly,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,