

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

7 JUL -5 P4:14

SENATE
S. B. No. 1199

RECEIVED BY: [Signature]

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Civil Code, Article 952, mentions a charge of a legacy or a devise upon an heir. The basis of 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 or devises are a charge or burden upon the State 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.*


Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
[Signature]

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

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7 JUL -5 P.M.

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1 AN ACT
2 AMENDING REPUBLIC ACT NO. 386, ALSO KNOWN AS
3 THE CIVL CODE OF THE PHILIPPINES, ARTICLE 952 ON LEGACIES AND DEVISES

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 952, is hereby amended, as follows:

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

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

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

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

17 SECTION 3. *Repealing Clause.* – Presidential Decree No. 1602 is hereby amended and
18 any law, presidential decree or issuance, executive order, letter of instruction, administrative
19 order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby
20 repealed, modified or amended accordingly

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

3 Approved,