


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

7 AUG -6 1974

SENATE
S. B. No. 1431

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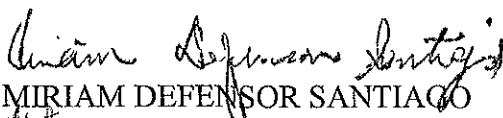
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Republic Act No. 386, as amended, otherwise known as the Civil Code, provides for two modes of testamentary disposition by the decedent: by notarized will or holographic will. However, in light of technological advances, these two modes are now insufficient for the testator's purposes.

Due to the invention and development of video recording devices, it is now more convenient and practicable for the testator to use these devices for the disposition of his estate because of these devices, his identity and his intent, through his own words, are established with absolute verity. In effect, they facilitate the determination of probate cases.

Hence, a third mode of testamentary disposition is proposed: by video tape or other similar visual recoding device, to make the law on succession more responsive and up-to-date on the use of such technological advances.*



MIRIAM DEFENSOR SANTIAGO
Def.

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

FOURTEENTH CONGRESS OF THE REPUBLIC)
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1 AN ACT
2 AMENDING REPUBLIC ACT NO. 386, AS AMENDED, OTHERWISE KNOWN AS THE
3 CIVIL CODE, ARTICLES 804, 805, 810 AND 811, PROVIDING FOR THE USE OF VIDEO
4 TAPES OR OTHER SIMILAR VISUAL RECORDING DEVICE FOR TESTAMENTARY
5 DISPOSITION OF THE ESTATE OF THE DECEDENT

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

8 SECTION 1. Article 804 of Republic Act No. 386 as amended, otherwise known as the
9 Civil Code, is hereby amended to read as follows:

10 "Art. 804. Every will must be in writing OR CONTAINED IN A VIDEO
11 TAPE OR ANY OTHER SIMILAR VISUAL RECORDING DEVICE and
12 executed in a language or dialect known to the testator."

13 SECTION 2. Article 805 of the same law is hereby amended to read as follows:

14 "Art. 805. Every will, other than a holographic will AND A WILL
15 CONTAINED IN A VIDEO TAPE OR ANY SIMILAR VISUAL RECORDING
16 DEVICE, must be subscribed at the end thereof by the testator himself or by the
17 testator's name written by some other person in his presence, and by his express
18 direction, and attested and subscribed by three or more credible witnesses in the
19 presence of the testator and of one another. xxx "

20 SECTION 3. Article 810 of the same law is hereby amended to read as follows:

21 "Art. 810. A person may execute a holographic will which must be
22 entirely written, dated, and signed by the hand of the testator himself. It is subject
23 to no other form, and may be made in or out of the Philippines, and need not be
24 witnessed.

1 A PERSON MAY ALSO EXECUTE A WILL WITH THE USE OF
2 VIDEO EQUIPMENT OR OTHER SIMILAR VISUAL RECORDING
3 INSTRUMENTS WHICH WILL INDICATE, WITHOUT DOUBT, THE
4 IDENTITY OF THE TESTATOR WHO MUST STATE THE DATE OF THE
5 RECORDING OF SUCH WILL. THE DATE, AS STATED BY THE
6 TESTATOR, SHALL BE THE DATE WHICH WILL DETERMINE THE
7 EXECUTION OF SUCH WILL, AND NOT THE DATE AS REFLECTED IN
8 THE RECORDING. SUCH WILL IS SUBJECT TO NO FORM, AND MAY BE
9 MADE IN OR OUT OF THE PHILIPPINES, AND NEED NOT BE
10 WITNESSED.”

11 SECTION 4. Article 811 of the same law shall be amended to read as follows:

12 “Article 811. In the probate of a holographic will, it shall be necessary
13 that at least one witness who knows the handwriting and signature of the testator
14 explicitly declare that the will and the signature are in the handwriting of the
15 testator. If the will is contested, at least three of such witnesses shall be required.

16 IN THE PROBATE OF A WILL IN VIDEO TAPE OR OTHER
17 SIMILAR VISUAL RECORDING DEVICE, IT SHALL BE NECESSARY
18 THAT AT LEAST ONE WITNESS WHO KNOWS THE IDENTITY OF THE
19 TESTATOR ESTABLISH SUCH TESTATOR’S IDENTITY WITH
20 CERTAINTY. IF THE WILL IS CONTESTED, AT LEAST THREE OF SUCH
21 WITNESSES SHALL BE REQUIRED.

22 In the absence of any competent witness referred to in the preceding
23 paragraphs, and if the court deems it necessary, expert testimony may be resorted
24 to.”

25 SECTION 5. *Separability Clause.* – If any provision or part hereof, is held invalid or
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
27 valid and subsisting.

1 SECTION 6. *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 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved,