


FIFTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

SECRET
OFFICE OF THE SECRETARY

10 JUL -7 AM 12:22

SENATE

Senate Bill No. 635

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Civil Code of the Philippines (Republic Act No. 386 as amended) provides for two modes of testamentary disposition by the decedent: by notarized will and/or by 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 through 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, that is, by video tape or other similar visual recording device, to make the law on succession more responsive and up-to-date in the light of technological advances.


In view of the foregoing, the immediate passage of the bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING THE NEW CIVIL CODE OF THE PHILIPPINES (REPUBLIC ACT
NO. 386 AS AMENDED) ARTICLES 804, 805, 810 AND 811, PROVIDING FOR
THE USE OF VIDEO TAPES OR OTHER SIMILAR VISUAL RECORDING
DEVICE FOR TESTAMENTARY DISPOSITION OF THE ESTATE OF THE
DECEDENT

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

SECTION 1. Article 804 of R.A. No. 386 as amended, otherwise known as
the Civil Code of the Philippines is hereby amended to read as follows:

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

SEC. 2. The first paragraph of Article 805 of the same law is hereby
amended to read as follows:

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

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

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

A PERSON MAY ALSO EXECUTE A WILL WITH THE USE OF VIDEO EQUIPMENT OR OTHER SIMILAR RECORDING INSTRUMENTS WHICH WILL INDICATE WITHOUT DOUBT, THE IDENTITY OF THE TESTATOR WHO MUST STATE THE DATE OF THE RECORDING OF SUCH WILL. THE DATE, AS STATED BY THE TESTATOR, SHALL BE THE DATE WHICH WILL DETERMINE THE EXECUTION OF SUCH WILL, AND NOT THE DATE AS REFLECTED IN THE RECORDING. SUCH WILL IS SUBJECT TO NO FORM, AND MAY BE MADE IN OR OUT OF THE PHILIPPINES, AND NEED NOT BE WITNESSED."

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

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

IN THE PROBATE OF A WILL IN VIDEO TAPE OR OTHER SIMILAR VISUAL RECORDING DEVICE, IT SHALL BE NECESSARY THAT AT LEAST ONE WITNESS WHO KNOWS THE IDENTITY OF THE TESTATOR ESTABLISH HIS IDENTITY WITH CERTAINTY. IF THE WILL IS CONTESTED, AT LEAST THREE OF SUCH WITNESSES SHALL BE REQUIRED."

In the absence of any competent witness referred to in the preceding PARAGRAPHS, and if the court deems it necessary, expert testimony may be resorted to."

SEC. 5. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, it shall not invalidate the other section hereof.

SEC. 6. *Repealing Clause.* Article 804, 805, 810 and 811 of the Civil Code of the Philippines (Republic Act No. 386 as amended) and all other laws, decrees, orders, proclamations, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 7. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,