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SENATE

Senate Bill No. 782

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

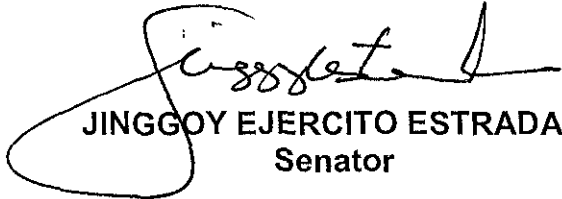
The Civil Code, Article 1991, provides:

"Article 1991 - The depositor's heir, who in good faith, may have sold the thing, which he or she did not know was deposited, shall only be bound to return the price he may have received or to assign his right of action against the buyer in case the price has not been paid by him."

The law incorrectly uses the term "depositor's". It was intended to apply where the depository dies and the thing deposited is left with his or her heir who sells it in good faith. It limits the heir's liability to the depositor.

To give Article 1991 its desired effect, "depositor's" must be replaced with "depository's".


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


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
AMENDING ARTICLE 1991 OF R.A. NO. 386,
ALSO KNOWN AS THE CIVIL CODE OF THE PHILIPPINES,

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

SECTION 1. The Civil Code, Article 1991, is hereby amended to read as follows:

- 1) "Art. 1991. The [depositor's] DEPOSITARY'S heir who in good faith may have sold the thing which he did not know was deposited, shall only be bound to return the price he may have received or to assign his right of action against the buyer in case the price has not been paid by him."

SEC. 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.

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administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,