

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. 5705



Introduced by Honorable Arthur R. Defensor, Jr.

EXPLANATORY NOTE

This bill entitled, "AN ACT ESTABLISHING ESTATE SETTLEMENT COURTS, GRANTING THEM EXCLUSIVE ORIGINAL JURISDICTION OVER CASES FOR SETTLEMENT OF THE ESTATE OF DECEASED PERSONS, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED", establishes a focused and specialized court that will take cognizance of all estate settlement cases, to the exclusion of others. This will not necessarily involve the creation of a new branch of Regional Trial Court. Rather, the bill establishes the Estate Settlement Court by designating, as such, an existing branch in every city and province. All estate settlement cases in every city and province shall be concentrated in one (1) Regional Trial Court branch. This will achieve the needed undivided attention and focused expertise for the speedy and efficient disposition of estate settlement cases.

Capital in the form of property are tied-up in long winding estate settlement cases. The bill, as a matter of policy, seeks the immediate release of property to commercial circulation, making them available for business transaction, with ultimate the view of generating subjects of taxation and stimulating economic activity.

This bill comes with a parallel initiative, which is the filing of a bill entitled, "AN ACT GRANTING AMNESTY IN ESTATE TAX", intended to encourage the settlement of estates, by the grant of amnesty in estate tax.


ARTHUR R. DEFENSOR, JR.

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AN ACT ESTABLISHING ESTATE SETTLEMENT COURTS, GRANTING THEM EXCLUSIVE ORIGINAL JURISDICTION OVER CASES FOR SETTLEMENT OF ESTATE OF DECEASED PERSONS, AMENDING BATAS PAMBANSA BILANG 129, AS AMENDED.

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

Sec. 1. *Title.* - This Act shall be known as the "Estate Settlement Courts Act of 2012".

Sec. 2. *Declaration of Policies.* - The State recognizes the need for the speedy disposition of estate settlement cases, for the immediate release of property to commercial circulation, making them available for business transaction, with the ultimate view of generating further subjects of taxation and stimulating economic activity.

Sec. 3. *Establishment of Estate Settlement Courts.* - There shall be established, by way of designation of a Regional Trial Court branch, an Estate Settlement Court, in every province and city in the country. In case where the city is the capital of the province, the Estate Settlement Court shall be established in the municipality which has the highest population.

4

Sec. 4. *Jurisdiction.* - The Estate Settlement Courts shall exercise exclusive original jurisdiction to hear and decide all cases of settlement of estate of deceased persons, regardless of the gross value of the estate.

Sec. 5. *Appeals.* - Decisions and orders of the Estate Settlement Court shall be appealed in the same manner as appeals from the ordinary Regional Trial Courts.

Sec. 6. *Rules and Regulations.* - The Supreme Court shall promulgate the necessary rules for the transfer of cases to the Estate Settlement Courts during the transition period, and for the effective implementation of this Act.

Sec. 7. *Repealing Clause.* - All other laws inconsistent herewith are hereby repealed, amended or modified accordingly.

Sec. 8. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.