

SIXTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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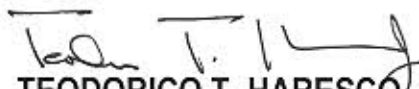
HOUSE OF REPRESENTATIVES
H. No. 2291

Introduced by **Representative Teodorico T. Haresco Jr.**

EXPLANATORY NOTE

Our Constitution, under Article XV, Section 1 provides that the State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development. It further states under Section 3 thereof, that the State shall defend the right of the Filipino families.

The recent experiences of the country as regards natural disasters are truly extraordinary that thousands of lives had been lost and wasted. Most of our countrymen who suffered such a loss do not have the means to carry on with their lives not only because of the loss of their loved ones but also of their livelihood and properties as well. As such, in order to address this predicament, this bill seeks to help the victims to settle their succession rights over the estate of their departed loved ones who were declared casualties of the natural calamity without the unnecessary delay in the settlement of their estate.


TEODORICO T. HARESCO JR.
Representative

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**AN ACT AMENDING ARTICLE 391 OF THE NEW CIVIL
CODE ON THE DECLARATION OF PRESUMPTIVE DEATH**

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to adopt measures to ease the burden of those suffering from the loss of their loved ones due to extraordinary calamities as mandated by the Constitution that it shall defend the rights of families as it is the foundation of the nation.

SECTION 2. Article 391 of the New Civil Code is hereby amended to incorporate new subsection and renumber the same. The new subsection shall read as follows:

“Article 391. The following shall be presumed dead for all purposes, including the division of the estate among the heirs:

(1) A person on board a vessel lost during a sea voyage, or an aeroplane which is missing, who has not been heard of for four years since the loss of the vessel or aeroplane;

(2) A person in the armed forces who has taken part in war, and has been missing for four years;

(3) ***A person who has been missing due to extraordinary forces of nature such as but not limited to typhoon, flashflood, landslide, earthquake or tsunami and who was at that precise moment with their loved ones or anyone who last saw the missing person while rescuing themselves and has not been seen since the occurrence of the event for one year;***

(4) A person who has been in danger of death under other circumstances and his existence has not been known for four years.

SECTION 3. *Repealing Clause.* – All laws or parts of any law, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Separability Clause.* – If any provision or part of this Act is held invalid, the other provisions not affected thereby shall continue in operation.

SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in the two (2) national newspapers of general circulation.

Approved,