

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

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 347



INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

Article 891 of the Civil Code provides for what is known as the *reserva troncal*. The *reserva troncal* is a “special rule designed primarily to assure the return of a reservable property to the third degree relatives belonging to the line from which the property originally came, and avoid its being dissipated into and by the relatives of the inheriting ascendant.”¹ It is meant to avoid the danger that property existing for many years in a family’s patrimony might pass gratuitously to outsiders through the accident of marriage and untimely death.²

The *reserva troncal* operates where (1) a person, called the *prepositus*, acquires property from a legitimate ascendant or sibling, called the *origin*, by gratuitous title, that is by succession or donation; (2) the *prepositus* dies without legitimate descendants; (3) the property is inherited by another legitimate ascendant of the *prepositus*, called the *reservista*, by operation of law, that is by compulsory or intestate succession; and (4) there are legitimate relatives of the *prepositus* within the third degree belonging to the line from which the property came. These relatives, called the *reservatarios*, are for whom the property is reserved. Upon the death of the *reservista*, the property passes to the *reservatario/s*.

The *reserva troncal* was a feature of the Spanish Civil Code of 1889, together with the *reserva viudal* and the *reversion legal*. The Code Commission that drafted the present Civil Code regarded these rules as unjust and inequitable not only because these were remnants of feudalism but also because they seemed to penalize legitimate family relations. Hence, in order to prevent a decedent's estate from being entailed, to eliminate the uncertainty in ownership caused by a reservation, and to discourage the confinement of property within a certain family for generations, which seemingly leads to economic oligarchy and is incompatible with the socialization of ownership, the Code Commission sought to remove these rules from our law.³ However, Congress retained the *reserva troncal* when it enacted the Civil Code.

The drafters of the Civil Code sought to eliminate a provision of law it deemed already outmoded and archaic almost 70 years ago. According to the commentator Castan, “[t]he institution of the *reservas* is hardly consistent with the principles of strict law, let alone with the spirit of modern law. The *reservas* are based on a spirit of distrust and suspicion from which modern law is veering away, aware that the regime of *reservas* is unjust in principle and sterile in practice.”

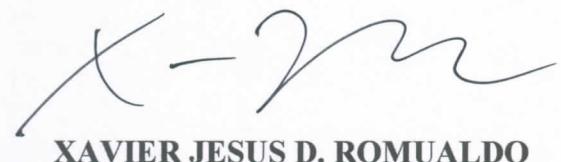
¹ Mendoza v. Delos Santos, G.R. No. 176422, Mar. 20, 2013.

² Gonzales v. Court of First Instance of Manila, G.R. No. L-34395, May 19, 1981 (... el peligro de que bienes poseidos secularmente por una familia pasen bruscamente a título gratuito a manos extrañas por el azar de los enlaces y muertes prematuras...).

³ *Id.*

It is submitted that there is no value or good to be gained in keeping the *reserva troncal* in our law. It is extremely obsolete and very out of place in today's world. It penalizes marriage and legitimate family relations. It is a hindrance to the development and transferability of property. It unduly complicates our already complex law on succession. Finally, it is impractical, quite difficult to grasp, and is a source of unnecessary litigation. Elaborate rules, intricate distinctions, and differing interpretations by commentators mark the *reserva troncal*. Indeed, according to Manresa, “[u]nderstanding this article is no easy matter; it would not be farfetched to say that it has engendered doubts and questions, many of them difficult to resolve.” It is time for Congress to finally heed the Code Commission and remove the *reserva troncal* from the law.

This is a refiled bill from last Congress and I earnestly request for the support of the Members of Congress for the prompt and timely passage of this measure.



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**AN ACT
REPEALING ARTICLE 891 OR THE RESERVA TRONCAL OF REPUBLIC ACT NO.
386, OTHERWISE 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. Article 891 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, is hereby repealed.

SEC. 2. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,