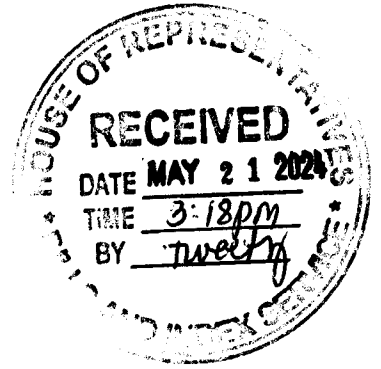




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 10467

Introduced by **Representative MA. VICTORIA CO-PILAR**

EXPLANATORY NOTE

The Civil Code of the Philippines was enacted in 1950 and was influenced by the Spanish Civil Code. The Spaniards give importance to family and keeping their property within their line which might be the rationale of including the *reserve troncal* provision in their Code. This same provision was adopted by the Philippines when it drafted the Civil Code.

Article 891 of the New Civil Code (NCC) provides that:

"The ascendant who inherits from his descendant any property which the latter may have acquired by gratuitous title from another ascendant, or a brother or sister, is obliged to reserve such property as he may have acquired by operation of law for the benefit of relatives who are within the third degree and who belong to the line from which said property came."

This provision is a special rule to ensure the return of certain property to the third-degree relatives belonging to the line from which the property originally came and avoid its dissipation into and by relatives of the inheriting ascendant.

The persons involved in *reserva troncal* are: (1) The ascendant or brother or sister from whom the property was received by the descendant by lucrative or gratuitous title; (2) The descendant or prepositus (propositus) who received the property; (3) The reservor (reservista), the other ascendant who obtained the property from the prepositus by operation of law; and (4) The reservee (reservatario) who is within the third degree from the prepositus and who belongs to the (linea o tronco) from which the property came and for whom the property should be reserved by the reservor.

This humble representation believes that Article 891 of the NCC is obsolete and there is no value or good to be gained in keeping the same. It hinders the development and transfer of properties even within legitimate relationships, and can be a source of unnecessary litigation.

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



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AN ACT
REPEALING THE RESERVA TRONCAL PROVISION UNDER ARTICLE 891
OF REPUBLIC ACT NO. 386, AS AMENDED, OTHERWISE KNOWN AS THE
NEW CIVIL CODE OF THE PHILIPPINES

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

1 **SECTION 1.** Article 891, Section 5, Chapter 2, Title IV, Book III of Republic Act No. 386, as
2 amended, otherwise known as the New Civil Code of the Philippines, is hereby repealed.

3
4 **[Art. 891.** The ascendant who inherits from his descendant any property which the
5 latter may have acquired by gratuitous title from another ascendant, or a brother or
6 sister, is obliged to reserve such property as he may have acquired by operation of
7 law for the benefit of relatives who are within the third degree and who belong to the
8 line from which said property came.]

9
10 **SEC 2.** Any law, presidential decree or issuance, executive order, letter of instruction,
11 administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is
12 hereby repealed, modified, or amended accordingly.

13
14 **SEC 3.** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or
15 in a newspaper of general circulation.

16
17 Approved,