

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS

First Regular Session

House Bill No. 61



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This bill seeks to repeal Article 891 of the Civil Code of the Philippines, thereby abolishing the *reserva troncal*—a legal concept which has long been viewed as an outdated and unnecessarily burdensome provision in succession law.

Originally filed during the 18th Congress by Hon. Xavier Jesus D. Romualdo, this measure was approved on Third Reading during the 19th Congress by the House of Representatives and transmitted to the Senate, where it remained pending.

The proposed repeal is supported by the University of the Philippines Law Center (UPLC), which expressed its concurrence through a formal position paper. In said document, UPLC cited the work of the late Prof. Ruben F. Balane, specifically his article, "The Reserva Troncal: Prospect and Retrospect," published in the Philippine Law Journal (Vol. 58, No. 4, December 1983). Prof. Balane outlined several reasons for the abolition of the *reserva troncal*, including:

- **Economic stagnation:** The nature of the *reserva* discourages investment and development, as the *reservista* is disincentivized to improve property he may eventually be required to return.
- **Obstruction of property circulation:** The encumbrance deters commercial transactions and impedes the free flow of property in the market.
- **Complexity in succession law:** The provision introduces excessive intricacies to an already complex legal framework, complicating the system of legitimes and intestate succession.
- **Unintended discrimination:** The *reserva troncal* applies only to legitimate family lines, thereby excluding illegitimate relations and inadvertently favoring collateral relatives over direct ascendants in some cases.

- **Inconsistent policy application:** The law imposes burdens on indirect transfers of property between lines but not on direct ones, such as between spouses—despite the latter being more common in contemporary family structures.

Prof. Balane further noted that the *reserva troncal* has caused “a good deal of confusion and controversy” among legal practitioners and students alike, leading to judicial inconsistencies and interpretive difficulties over the years. The continued enforcement of this provision is no longer aligned with modern principles of legal clarity, fairness, and economic efficiency.

By repealing Article 891, this bill seeks to rationalize the rules on succession and remove a legal provision that has outlived its relevance. Doing so will help simplify inheritance law and promote the more dynamic and equitable transfer of property within families and across generations.

The favorable consideration of this bill by the Honorable Members of this Chamber is respectfully enjoined.



JURDIN JESUS M. ROMUALDO

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AN ACT
ABOLISHING THE PRINCIPLE OF RESERVA TRONCAL, REPEALING FOR THE
PURPOSE ARTICLE 891 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS
THE "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.
2 386, as amended, otherwise known as the "Civil Code of the Philippines", is hereby repealed.

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

9
10 **SEC. 2.** All laws, acts, presidential decrees, executive orders, presidential proclamations,
11 issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any
12 provisions of this Act are hereby repealed, amended or modified accordingly.

1 **SEC. 3.** This Act shall take effect fifteen (15) days after its publication in the Official
2 Gazette or in a newspaper of general circulation.
3
4 Approved,