

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 1092



Introduced by Hon. Faustino Michael T. Dy III

EXPLANATORY NOTE

It might be a surprise to the ordinary person that the layman's understanding and use of terms referring to periods of time such as months, years, etc., is not in accord with jurisprudence.

In a half-century-old landmark case that is still controlling to this day, the Supreme Court in 1969 ruled in *Namarco v Tecson* that "years are of three hundred sixty-five days," and therefore the action for the revival of judgment, which became final on December 21, 1955, had prescribed. The complaint was filed on December 21, 1965, "two days too late."

It is interesting to note that even the highest Court in the land appeared to have been mistaken in computing the period. Based on its own statement that 1960 and 1964 were leap years and therefore added two days to the determination of the date of prescription, it failed to consider that 1956 was likewise a leap year and therefore the action was filed *three*, not two, days too late.

Scientifically speaking, however, a year is the time it takes for the earth to complete its orbit around the sun; this takes the earth 365 and $\frac{1}{4}$ days. For convenience, a full day was merely added to the fourth calendar year. Strictly speaking then, four years is not four three hundred sixty-five days but four three hundred sixty-five and one-fourth days. Had such an idea been adopted, the plaintiff in above case would still have been able to obtain what was due and awarded to it.

This bill aims to eliminate the confusion that arises from having to compute for the exact dates of prescription, and other legal periods, by simplifying the definition of "years". It also seeks to prevent injustice and heartaches that result from subsequent denial of actions due to prescription, or from penalties that result due to delays in the performance of obligation, and other similar problems.

This bill was first filed by this representative in the 18th Congress, and was approved in the House up to third reading. Its immediate approval is hereby earnestly sought.

FAUSTINO MICHAEL T. DY III
5th District, Isabela

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 1092

INTRODUCED BY REP. FAUSTINO MICHAEL T. DY III

AN ACT

SIMPLIFYING THE DEFINITION OF THE TERM "YEAR," AMENDING FOR THE PURPOSE ARTICLE 13 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS THE *NEW CIVIL CODE OF THE PHILIPPINES* AND SECTION 31 OF EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE *ADMINISTRATIVE CODE OF 1987*

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

SECTION 1. Article 13, Chapter 1 of Republic Act No. 386 as amended, otherwise known as the New Civil Code of the Philippines, is hereby amended to read as follows:

"ARTICLE 13. When the laws speak of years, months, days or nights, it shall be understood that years [are of three hundred sixty-five days each;] **SHALL BE RECKONED FROM A SPECIFIC DATE OF A GIVEN YEAR TO THE SAME DATE IN THE FOLLOWING YEARS, REGARDLESS OF NUMBER OF DAYS IN A CALENDAR YEAR;** months, of thirty days; days, of twenty-four hours; and nights from sunset to sunrise.

"x x x

"x x x."

SEC. 2. Section 31 of Chapter 8, Book I of Executive Order No. 292, as amended, is hereby amended as follows:

"SECTION 31. *Legal Periods.* – "Year" shall be [understood to be twelve calendar months] **RECKONED FROM A SPECIFIC DATE OF A GIVEN YEAR TO THE SAME DATE IN THE FOLLOWING YEARR, REGARDLESS OF NUMBER OF DAYS IN A CALENDAR YEAR;** "month" **SHALL CONSIST** of thirty days, unless it refers to a specific calendar month in which case it shall be computed according to the number of days the specific month contains; "day," to a day of twenty-four hours; and **THE TERM "night," SHALL MEAN** from sunset to sunrise."

SEC. 3. If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 4. All laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations or parts thereof which are contrary to or inconsistent with any provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,