

[Act No. 3176, November 24, 1924]

AN ACT TO AMEND SECTION SIX HUNDRED AND EIGHTY-FIVE OF ACT NUMBERED ONE HUNDRED AND NINETY, KNOWN AS THE CODE OF CIVIL PROCEDURE, ESTABLISHING A NEW PROCEDURE FOR THE LIQUIDATION OF THE COMMUNITY PROPERTY WHEN THE MARRIAGE IS DISSOLVED BY THE DEATH OF THE HUSBAND OR WIFE, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section six hundred and eighty-five of Act Numbered One hundred and ninety, known as the Code of Civil Procedure, is hereby amended to read as follows:

"SEC. 685. When the marriage is dissolved by the death of the husband or wife, the community property shall be inventoried, administered, and liquidated, and the debts thereof shall be paid, in the testamentary or intestate proceedings of the deceased spouse, in accordance with the provisions of this Code relative to the administration and liquidation of the estates of deceased persons, or in an ordinary liquidation and partition proceeding, unless the parties, being all of age and legally capacitated, avail themselves of the right granted to them by this Code of proceeding to an extra judicial partition and liquidation of said property.

"In case it is necessary to sell any portion of said community property in order to pay the outstanding debts and obligations of the same, such sale shall be made in the manner and with the formalities established by this Code for the sale of the property of deceased persons. Any sale, transfer, alienation or disposition of said property effected without said formalities shall be null and void, except as regards the portion that belonged to the vendor at the time the liquidation and partition was made."

SEC. 2. All acts and other provisions of law inconsistent herewith are hereby repealed.

SEC. 3. This Act shall take effect on its approval.

Approved, November 24, 1924.



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