

[ Act No. 2884, February 24, 1920 ]

**AN ACT TO AMEND SECTION SEVEN HUNDRED AND FOURTEEN OF ACT NUMBERED ONE HUNDRED AND NINETY, ENTITLED THE "CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE PHILIPPINE ISLANDS," AUTHORIZING EXECUTORS AND ADMINISTRATORS, UNDER CERTAIN CONDITIONS, TO MORTGAGE OR OTHERWISE ENCUMBER THE REALTY OF THE ESTATE.**

*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 seven hundred and fourteen of Act Numbered One hundred and ninety, commonly known as the "Code of Procedure in Civil Actions and Special Proceedings in the Philippine Islands," is hereby amended to read as follows:

"SEC. 714. *Realty may be sold or encumbered though personalty not exhausted.*—When the personal estate of the deceased is not sufficient to pay the debts and charges of administration without injuring the business of those interested in the estate, or otherwise prejudicing their interests, and where a testator has not otherwise made sufficient provision for the payment of such debts and charges, the court, on application of the executor or administrator with the consent and approbation, in writing, of the heirs, devisees, and legatees, residing in the Philippine Islands, may grant a license to the executor or administrator to sell, mortgage or otherwise encumber for that purpose real, in lieu of personal estate, if it clearly appears that such sale, mortgaging or encumbrance of real estate would be beneficial to the persons interested and will not defeat any devise of land; in which case the assent of the devisee shall be required."

SEC. 2. This Act shall take effect on its approval.

Approved, February 24, 1920.



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