

Confusion Compounded: An Analysis of the Effects of the Family Code on the Law of Succession

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SUBJECT(S): THE FAMILY CODE OF THE PHILIPPINES

KEYWORD(S): FAMILY CODE, SUCCESSION, LEGITIMES, COMPULSORY HEIR

The Article seeks to examine the impact and consequences of the then newly-passed Family Code, particularly, whether its provisions are truly consistent with its objective of making the laws more reflective of Filipino customs and values, and whether it truly gives Filipino women more rights which are at par with men in the eyes of the law. In presenting its arguments and explaining its points, the Article focuses on the hereditary rights of a person. It opens by giving a brief background on the declaration of nullity and annulment of marriage, and proceeds by discussing their effects to the status of a child which will then determine his successional rights.

The Article also tackles several problems relating to the payment of the legitimes, namely: (1) the tax problems and implications; (2) problems relating to restitution; and (3) the effects when a compulsory heir predeceased the testator.