

## Preterition: In the Light of Recent Decisions — Part II

*Avelino M. Sebastian, Jr.*

29 *ATENEO L.J.* 55 (1984)

SUBJECT(S): CIVIL CODE, PRETERITION

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In light of the pronouncement in *Solano v. Court of Appeals*, the doctrine enunciated in *Nuguid v. Nuguid* regarding preterition has been again placed in doubt. Consequently, the Author revisits his previous work in order to give a discussion on the changes that have been made manifest with the promulgation of the recent ruling.

In the process, the Author first lays the factual basis as well as the main issue contained in *Solano*. Subsequently, he examines the pertinent provisions regarding the matter — Article 854 defining preterition, Article 782 differentiating between an heir and a legatee, as well as Article 918, which give the effects of disinheritance — all of which are in the Civil Code. He then examines the effect of the *Solano* ruling on the general legal ramification of preterition.

In the end, he poses a question for the Supreme Court to ponder upon, involving the annulment of the institution of heirs and the granting to the preterited heir of his legitime.