

AN ACT INCREASING THE MAXIMUM VALUE OF ESTATES SUBJECT TO SUMMARY SETTLEMENT TO SIX THOUSAND PESOS, AMENDING FOR THIS PURPOSE SECTION FIVE HUNDRED AND NINETY-SEVEN OF ACT NUMBER...

Act No. 3370, December 03, 1927

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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 five hundred and ninety-seven of Act Numbered One hundred and ninety, known as the Code of Procedure in Civil Actions and Special Proceedings, as amended by Act Numbered Twenty-three hundred and thirty-one, is hereby further amended to read as follows:

"SEC. 597. Summary settlement of estates of small value.—Whenever the gross value of the estate of a deceased person, whether he died testate or intestate, does not exceed six thousand pesos and that fact is made to appear to the competent Court of First Instance by the petition of an interested person upon notice which shall be given in the ordinary form and by publication once a week for three consecutive weeks in a newspaper of general circulation in the locality or, in default thereof, by means of notices the form and distribution of which shall be determined by the competent Court of First Instance, and upon hearing after such notice to other interested persons as the court may direct, the court may proceed summarily, without the appointment of an executor or administrator or a committee to appraise the estate or allow claims against it, and without delay to grant, if proper, allowance of the will, if any there be, to determine who are the persons legally entitled to participate in the estate, and to apportion and divide it among them after the payment of such debts of the estate as the court shall then find to be due; and such persons, in their own right, if they are of lawful age and legal capacity, or by their guardians or trustees legally appointed and qualified, if otherwise, shall thereupon be entitled to receive and enter into the possession of the portions of the estate so awarded to them respectively, after furnishing such bond as the court may determine to cover any claim, subject however within two years from the date of the entry upon the docket of the court of the orders of award and partition of the rights to the estate, to any claim by any creditor, heir or other person deprived of his lawful participation in the estate as provided in the next section: Provided, That if on the date of the expiration of said period of two years the person authorized to file a claim is a minor or mentally incapacitated or is in prison or outside the Philippines, such person may present his claim within one year after such impediments have ceased to exist. The court shall make such order as may be just respecting the costs of the proceeding, and all orders and decrees made or rendered in the course thereof shall be filed and recorded in the office of the clerk, and the order of the partition or award, if it covers real estate, shall be recorded in the proper register's office."

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

Approved, December 3, 1927.

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