

AN ACT AMENDING CHAPTER TWENTY-NINE OF ACT NUMBERED ONE HUNDRED AND NINETY, ENTITLED "AN ACT PROVIDING A CODE OF PROCEDURE IN CIVIL ACTIONS AND SPECIAL PROCEEDINGS IN THE PHILIPINES"

Act No. 2331, February 25, 1914

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By authority of the United States, be it enacted by the Philippine Legislature, that:

SECTION 1. Chapter twenty-nine of Act Numbered One hundred and ninety is hereby amended so as to read as follows:

"Chapter XXIX.

"ESTATES OF DECEASED PERSONS.

"SUMMARY SETTLEMENT OF ESTATES.

"SEC. 596. Settlement of certain intestate estates without legal proceedings.—Whenever all the heirs of a person who died intestate are of lawful age and legal capacity, and there are no debts due from the estate, or all the debts have been paid the heirs may, by agreement duly executed in writing by all of them, and not otherwise, apportion and divide the estate among themselves, as they may see fit, without proceedings in court.

"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 three thousand pesos, and that fact is made to appear to the Court of First Instance having probate jurisdiction of the estate, 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 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, subject however within two years to any claim by any creditor, heir or other person deprived of his lawful participation in the estate as provided in the next section. 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.

"SEC. 598. Liability of distributees.—But if it shall appear, at any time within two years after the settlement and distribution of an estate in accordance with the provisions of either of the preceding sections of this chapter, that there are debts outstanding against the estate which have not been paid, or that an heir or other persons has been unduly deprived of his lawful participation in the estate, any creditor, heir, or other such person, may compel the settlement of the estate in the courts in the manner hereinafter provided, unless his credit or lawful participation in the estate shall be paid, with interest. The court shall then appoint an administrator who may

recover the assets of the estate for the purpose of paying such credit or lawful participation ; and the real estate belonging to the deceased shall remain charged with the liability to creditors, heirs or other persons for the full period of two years after such distribution, notwithstanding any transfers thereof that may have been made."

Enacted, February 25, 1914.

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