

# [ Act No. 3882, November 14, 1931 ]

## **AN ACT AUTHORIZING THE SALE OR ENCUMBRANCE OF THE REAL ESTATE OF A DECEASED PERSON WITHOUT NECESSITY OF THE WRITTEN CONSENT OF THE HEIRS, DEVISEES, AND OTHER PERSONS INTERESTED IN THE ESTATE, AND AMENDING THE CODE OF CIVIL PROCEDURE ACCORDINGLY.**

*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 the Code of Civil Procedure, as amended by Act Numbered Twenty-eight hundred and eighty-four, is hereby further amended to read as follows:

"SEC. 714. *Realty may be sold or encumbered.*—When there is no personal estate of the deceased or when, though there be such, its sale would redound to the detriment of the interests of the participants in the estate and the deceased has left no testamentary disposition for the payment of his debts and charges of administration, the court, on application of the executor or administrator, and on written notice to the heirs, devisees, and other persons may grant him a license to sell, mortgage wise encumber for that purpose real estate, if it clearly appears that such sale, mortgaging or encumbrance 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 and shall be applicable to all testamentary or intestate proceedings pending at the time of its approval.

Approved, November 14, 1931.



Source: Supreme Court E-Library

This page was dynamically generated by the E-Library Content Management System (E-LibCMS)