

CIVIL CODE OF THE PHILIPPINES

ARTICLES 1–51 — APPLICATION & FOLLOW-UP REVIEWER

ARTICLE 1 — NAME OF THE LAW

Provision

This Act shall be known as the **Civil Code of the Philippines**.

Understand

It simply gives the official name of the law.

Possible question

Q: What is Article 1 about?

A: It provides that the law is known as the Civil Code of the Philippines.

ARTICLE 2 — EFFECTIVITY OF LAWS ★

Rule

Laws generally take effect **after 15 days following completion of publication** in the **Official Gazette or a newspaper of general circulation**, unless otherwise provided.

Understand

Before people can be required to follow a law, it must first be properly published.

Application

Q: A law was published. Does it immediately become effective?

A: Not necessarily. Generally, it takes effect after the required **15-day period following completion of publication**, unless the law provides otherwise.

Q: Where can it be published?

A: In the **Official Gazette or a newspaper of general circulation**, subject to the applicable publication rules.

Q: Why is publication important?

A: To give the public **notice of the law**.

Memory

PUBLICATION → 15 DAYS → EFFECTIVITY

ARTICLE 3 — IGNORANCE OF THE LAW

Rule

Ignorance of the law excuses no one from compliance.

Understand

You cannot use “I didn't know the law” as an excuse.

Application

Q: What if the person genuinely did not know the law?

A: Ignorance still does not excuse compliance once the law is validly effective.

Memory

“I DIDN'T KNOW” ≠ EXCUSE

ARTICLE 4 — NON-RETROACTIVITY

Rule

Laws generally have **no retroactive effect**, unless the contrary is provided.

Understand

A new law generally applies **from its effectivity onward**, not to past acts.

Application

Q: Can a new law apply to something that happened before it took effect?

A: Generally, no, unless the law provides otherwise.

Memory

NEW LAW → GENERALLY FUTURE, NOT PAST

ARTICLE 5 — MANDATORY/PROHIBITORY LAWS

Rule

Acts against **mandatory or prohibitory laws** are generally **void**, unless the law itself authorizes their validity.

Understand

If the law says something **must be done** or **must not be done**, violating it generally makes the act void.

Application

Q: What is the effect of violating a mandatory or prohibitory law?

A: The act is generally void.

Q: Is there an exception?

A: Yes. When the law itself authorizes its validity.

Memory

MANDATORY/PROHIBITORY → VIOLATION → VOID

ARTICLE 6 — WAIVER OF RIGHTS

Rule

Rights may be waived unless the waiver is contrary to:

- law
- public order
- public policy
- morals
- good customs

- or prejudicial to a third person with a right recognized by law.

Understand

You can give up your right, but **not when the waiver is legally prohibited or improperly harms another person.**

Application

Q: Can every right be waived?

A: No.

Q: What limits a waiver?

A: Law, public order, public policy, morals, good customs, and legally recognized rights of third persons.

ARTICLE 7 — REPEAL AND SUPREMACY OF THE CONSTITUTION

Rule

Laws are repealed only by **subsequent laws.**

Disuse or contrary custom does not repeal a law.

If a law is inconsistent with the **Constitution**, the Constitution prevails and the inconsistent law is void.

Administrative/executive acts are valid only if they are not contrary to law or the Constitution.

Application

Q: Does a law disappear because people stopped using it?

A: No.

Q: What if an ordinary law conflicts with the Constitution?

A: The Constitution prevails.

Q: Can an executive regulation contradict a law?

A: No. Administrative or executive acts must not be contrary to law or the Constitution.

Memory

CONSTITUTION > LAW > ADMINISTRATIVE ACT

ARTICLE 8 — JUDICIAL DECISIONS ★

Rule

Judicial decisions applying or interpreting laws or the Constitution form part of the **legal system of the Philippines**.

Understand

Court decisions help establish how laws and constitutional provisions are interpreted and applied.

Application

Q: Are judicial decisions part of the legal system?

A: Yes, when they apply or interpret laws or the Constitution.

Memory

COURT INTERPRETATION → PART OF LEGAL SYSTEM

ARTICLE 9 — DUTY OF COURTS

Rule

No judge or court may refuse to decide a case because the law is:

- silent
- obscure
- insufficient.

Understand

A court still has to decide the case.

Application

Q: Can a judge refuse to decide because there is no clear law?

A: No.

Memory

SILENCE/OBSCURITY ≠ REFUSAL TO DECIDE

ARTICLE 10 — DOUBT IN INTERPRETATION

Rule

When there is doubt in interpreting or applying a law, it is presumed that the lawmaking body intended **right and justice to prevail**.

Understand

When the law is doubtful, presume that the lawmakers intended justice.

Memory

DOUBT → JUSTICE

ARTICLE 11 — CUSTOMS

Rule

Customs contrary to **law, public order, or public policy** shall not be recognized.

Understand

A practice does not become legally valid just because people have been doing it for a long time.

Application

Q: “Everyone has always done this.” Is that enough?

A: No, especially if the custom is contrary to law, public order, or public policy.

ARTICLE 12 — PROOF OF CUSTOM

Rule

A custom must be **proved as a fact** according to the rules of evidence.

Understand

If you claim a custom exists, you must prove it.

Application

Q: Is a claimed custom automatically accepted by the court?

A: No. It must be proven.

Memory

CUSTOM → PROVE IT

ARTICLE 13 — COMPUTATION OF TIME ★

Rule

For general computation:

- **Year = 365 days**
- **Month = 30 days**
- **Day = 24 hours**
- **Night = sunset to sunrise**

If months are designated by name, use their actual number of days.

In computing a period:

FIRST DAY EXCLUDED; LAST DAY INCLUDED.

Application

Q: Is January always treated as 30 days?

A: When the law speaks generally of a “month,” Article 13 provides 30 days. When a specific month is named, its actual number of days is used.

Q: Is the first day counted?

A: No.

Q: Is the last day counted?

A: Yes.

Memory

FIRST OUT → LAST IN

ARTICLE 14 — TERRITORIAL APPLICATION

Rule

Penal laws and laws concerning public security and safety apply to persons who **live or sojourn in Philippine territory**, subject to international law and treaties.

Understand

Philippine penal/public safety laws generally apply to people **within Philippine territory**, not only Filipinos.

Application

Q: Does Article 14 apply only to Filipino citizens?

A: No. It applies to those who live or sojourn in Philippine territory, subject to international law and treaties.

Memory

ARTICLE 14 = TERRITORY

ARTICLE 15 — PERSONAL LAWS

Rule

Laws concerning:

- family rights and duties
- status
- condition
- legal capacity

bind **Filipino citizens even if living abroad**.

Understand

Certain personal/family laws follow Filipino citizens even when they are outside the Philippines.

Memory

ARTICLE 15 = FILIPINO CITIZEN ABROAD

ARTICLE 16 — PROPERTY ★

General Rule

Real and personal property are governed by the law of the **country where the property is situated**.

Exception

Succession is governed by the **national law of the person whose succession is involved**, regardless of the location or nature of the property.

Application

Q: What law generally governs property?

A: The law of the country where the property is situated.

Q: What about succession?

A: Succession is governed by the national law of the person whose succession is under consideration.

Memory

PROPERTY → LOCATION

SUCCESSION → NATIONALITY

ARTICLE 17 — FORMS AND SOLEMNITIES

Rule

The forms and solemnities of contracts, wills, and public instruments are generally governed by the law of the **country where they are executed**.

If executed before Philippine diplomatic/consular officials abroad, **Philippine laws on solemnities** shall be observed.

Application

Q: A contract is executed abroad. What law generally governs its form?

A: The law of the country where it was executed.

Q: What if it is executed before Philippine consular officials abroad?

A: Philippine laws on solemnities shall be observed.

Memory

FORM → PLACE OF EXECUTION

ARTICLE 18 — SPECIAL LAWS

Rule

When the **Code of Commerce or special laws** have deficiencies, the Civil Code supplies the deficiency.

Understand

Special law first → Civil Code fills the gap.

ARTICLES 19–26 — HUMAN RELATIONS

ARTICLE 19 ★

Rule

Every person exercising rights or performing duties must:

1. **Act with justice**
2. **Give everyone his due**
3. **Observe honesty and good faith**

Application

Q: Can I exercise my right in any way I want?

A: No. Rights must be exercised with justice, fairness, honesty, and good faith.

Memory

JUSTICE + DUE + HONESTY + GOOD FAITH

ARTICLE 20 ★

Rule

A person who, **contrary to law**, willfully or negligently causes damage to another must **indemnify** the injured person.

Application

Q: Must the damage be intentional?

A: No. Article 20 covers both **willful and negligent** conduct.

Memory

CONTRARY TO LAW → DAMAGE → INDEMNIFY

ARTICLE 21 ★

Rule

A person who **willfully** causes loss or injury contrary to:

- morals
- good customs
- public policy

must compensate the injured person.

Application

Q: What is important in Article 21?

A: The act is **willful** and contrary to morals, good customs, or public policy.

Difference

Article 20 → contrary to LAW

Article 21 → contrary to MORALS/GOOD CUSTOMS/PUBLIC POLICY

ARTICLE 22 — UNJUST ENRICHMENT

Rule

A person who acquires something at another person's expense **without just or legal ground** must return it.

Understand

Unfair benefit → return it.

Example

You accidentally receive money that belongs to another person.

You cannot keep it without legal justification.

Memory

NO LEGAL GROUND → RETURN THE BENEFIT

ARTICLE 23

Rule

Even if an act/event causing damage was **not due to the defendant's fault or negligence**, the defendant may still be liable for indemnity if he **benefited from the event**.

Memory

NO FAULT + BENEFIT → POSSIBLE INDEMNITY

ARTICLE 24

Rule

Courts must protect parties disadvantaged because of:

- moral dependence
- ignorance
- indigence
- mental weakness
- tender age
- other handicap.

Understand

The court should be careful when one party is in a vulnerable position.

Memory

WEAKER PARTY → COURT PROTECTS

ARTICLE 25

Rule

Thoughtless extravagance for pleasure/display during a period of **acute public want or emergency** may be stopped by court order upon proper application.

Understand

During a serious public crisis, courts can stop extremely excessive spending for pleasure or display.

Memory

PUBLIC EMERGENCY + THOUGHTLESS EXTRAVAGANCE → MAY BE STOPPED

ARTICLE 26 ★

Rule

Everyone must respect the:

- dignity
- personality
- privacy
- peace of mind

of others.

Examples

A cause of action may arise from:

- prying into another's residence
- meddling with private/family life
- intriguing to separate someone from friends
- humiliating someone because of personal conditions.

Memory

DIGNITY + PERSONALITY + PRIVACY + PEACE OF MIND

ARTICLE 27

Rule

A public servant/employee who, **without just cause**, refuses or neglects to perform an official duty and causes material or moral loss may be liable for damages.

Application

Q: What must be present?

A: Failure/refusal to perform official duty **without just cause**, causing material or moral loss.

Memory

PUBLIC OFFICER + NO JUST CAUSE + FAILURE + DAMAGE

ARTICLE 28 — UNFAIR COMPETITION

Rule

Unfair competition through:

- force
- threats
- intimidation
- deceit
- machination
- unjust/oppressive/high-handed methods

creates a right of action for the person damaged.

Memory

UNFAIR METHOD → DAMAGE → ACTION

ARTICLE 29 ★

Rule

If an accused is acquitted because guilt was **not proven beyond reasonable doubt**, a civil action for damages arising from the same act may still be brought.

Evidence

Criminal: Beyond reasonable doubt

Civil: Preponderance of evidence

Application

Q: Does acquittal always prevent a civil case?

A: No. If the acquittal is based on failure to prove guilt beyond reasonable doubt, a civil action may still be possible.

Important exception

If the court finds that the act/omission from which civil liability could arise **did not exist**, the civil action is extinguished.

ARTICLE 30

Rule

When a separate civil action demands civil liability arising from a criminal offense, and no criminal proceedings are instituted while the civil case is pending, the civil action may continue under the stated conditions.

Memory

SEPARATE CIVIL ACTION → MAY CONTINUE

ARTICLE 31

Rule

If the civil action is based on an obligation **not arising from the alleged felony**, it may proceed independently of the criminal action.

Memory

INDEPENDENT CIVIL OBLIGATION → INDEPENDENT CIVIL ACTION

ARTICLE 32 ★

Rule

A public officer/employee or private individual who directly or indirectly violates or impairs certain protected rights and liberties may be liable for **damages**.

Important rights

- freedom of religion
- freedom of speech
- freedom of the press
- freedom from arbitrary/illegal detention
- freedom of suffrage
- due process
- just compensation
- equal protection
- protection against unreasonable searches/seizures
- liberty of abode
- privacy of communication
- freedom of association
- peaceful assembly
- freedom from involuntary servitude
- rights of the accused
- right against self-incrimination
- freedom from compelled confession
- freedom from compelled religious acts
- protection from ex post facto punishment
- protection from cruel/degrading/inhuman punishment
- freedom from excessive fines.

Understand

Violation of protected constitutional rights → damages.

Memory

Think:

SPEECH – RELIGION – VOTE – DUE PROCESS – EQUAL PROTECTION – SEARCH – PRIVACY – ASSEMBLY – ACCUSED'S RIGHTS

ARTICLE 33 ★

Three specific cases:

1. Defamation
2. Fraud
3. Physical injuries

A separate civil action for damages may be filed independently from the criminal case.

Evidence

Only **preponderance of evidence** is required.

Memory

D-F-P = Defamation, Fraud, Physical Injuries

ARTICLE 34

Rule

If a city/municipal police officer refuses or fails to provide aid/protection when life or property is in danger:

Police officer → primarily liable

City/municipality → subsidiarily liable

Memory

POLICE = PRIMARY

CITY/MUNICIPALITY = SUBSIDIARY

ARTICLE 35

Rule

When a person is **not criminally liable** for a felony but is sued for damages arising from the same act/omission, the civil action may proceed independently.

Understand

No criminal liability ≠ automatically no civil liability.

ARTICLE 36 — PREJUDICIAL QUESTION

Rule

A prejudicial question is an issue that must be decided **before a criminal prosecution may be instituted or may proceed**.

Simple example

There is a civil issue that must first be resolved before the criminal case can properly continue.

Memory

PREJUDICIAL QUESTION → RESOLVE FIRST → CRIMINAL CASE

ARTICLES 37–43 — PERSONS

ARTICLE 37 ★

Two concepts:

JURIDICAL CAPACITY

Fitness to be the subject of legal relations.

- inherent in every natural person
- lost only through death.

CAPACITY TO ACT

Power to do acts with legal effect.

- acquired
- may be lost.

Very important distinction

Juridical capacity = ability to HAVE rights

Capacity to act = ability to EXERCISE rights

ARTICLE 38

Rule

These may modify capacity to act:

- minority
- insanity/imbecility
- deaf-mute status
- prodigality
- civil interdiction.

Important

Being incapacitated does not automatically exempt the person from certain obligations.

ARTICLE 39

Rule

Capacity to act may be modified/limited by:

- age
- insanity/imbecility
- deaf-mute status
- penalty
- prodigality
- family relations
- alienage
- absence
- insolvency
- trusteeship.

Important

Capacity to act is **not limited because of religious belief or political opinion.**

Memory

AGE – MENTAL CONDITION – PENALTY – FAMILY – ALIENAGE – ABSENCE – INSOLVENCY – TRUSTEESHIP

ARTICLE 40 ★

Rule

Birth determines personality.

However, a conceived child is considered born for purposes favorable to it, provided it is later born under the conditions of Article 41.

Memory

BIRTH → PERSONALITY

CONCEIVED CHILD → FAVORABLE RIGHTS

ARTICLE 41 ★

Rule

For civil purposes, a fetus is considered born if:

1. it is completely delivered from the mother's womb; AND
2. it is alive at the time of complete delivery.

Special rule

If the fetus had an intra-uterine life of **less than 7 months**, it is not deemed born if it dies within **24 hours** after complete delivery.

MUST MEMORIZE:

7 MONTHS + 24 HOURS

ARTICLE 42

Rule

Civil personality is extinguished by **death**.

The effect of death on rights and obligations is determined by:

- law
- contract
- will.

Memory

BIRTH → PERSONALITY

DEATH → PERSONALITY ENDS

ARTICLE 43 ★

Situation

Two or more persons who would inherit from one another die, but nobody knows who died first.

Rule

Whoever claims that one died before the other must prove it.

If there is no proof:

They are presumed to have **died at the same time**.

Therefore:

No transmission of rights from one to the other.

Memory

NO PROOF → SAME TIME → NO TRANSMISSION

ARTICLES 44–47 — JURIDICAL PERSONS

ARTICLE 44 ★

Three types of juridical persons

1. State and political subdivisions

Example:

- State
- provinces
- cities
- municipalities

2. Public-interest corporations/institutions/entities

Created by law.

3. Private juridical persons

- corporations
- partnerships
- associations

Understand

A juridical person is an entity that the law recognizes as having a personality separate from its members, when applicable.

ARTICLE 45

Rule

Juridical persons are governed by their applicable laws:

Public entities → laws creating/recognizing them

Private corporations → general laws

Partnerships/associations → applicable Civil Code provisions

Memory

JURIDICAL PERSON → GOVERNING LAW

ARTICLE 46 ★

Rule

Juridical persons may:

- acquire property
- possess property
- incur obligations
- bring civil/criminal actions

according to law.

Simple

A juridical person can **own, owe, sue, and be involved in legal actions.**

Memory

OWN – OWE – SUE

ARTICLE 47

Rule

When certain public-interest juridical persons are dissolved, their property/assets are disposed of according to:

1. the law; or
2. the charter creating them.

If nothing is provided:

→ assets are applied to **similar purposes** for the benefit of the area that principally benefited from the institution.

Memory

DISSOLUTION → LAW/CHARTER → SIMILAR PURPOSE

ARTICLES 48–49 — CITIZENSHIP

ARTICLE 48

Rule

This article lists categories of Filipino citizens, including:

1. Those who were Philippine citizens at the time specified in the Constitution;
2. Certain persons born in the Philippines of foreign parents who met the stated public-office requirement;
3. Those whose **fathers are Filipino citizens**;
4. Those whose **mothers are Filipino citizens** and who elect Philippine citizenship upon reaching majority;
5. Those naturalized according to law.

Memory

FATHER

MOTHER + ELECTION

NATURALIZATION

ARTICLE 49

Rule

Naturalization and the loss/reacquisition of Philippine citizenship are governed by **special laws**.

Application

Q: Is Article 49 itself the complete procedure for naturalization?

A: No. It says that naturalization and loss/reacquisition of citizenship are governed by special laws.

Memory

CITIZENSHIP → SPECIAL LAWS

ARTICLE 50 — DOMICILE OF NATURAL PERSONS ★

Rule

For civil rights and obligations:

Domicile of a natural person = habitual residence.

Application

Q: What determines domicile under Article 50?

A: The person's **habitual residence**.

Memory

NATURAL PERSON → HABITUAL RESIDENCE

ARTICLE 51 — DOMICILE OF JURIDICAL PERSONS ★

Rule

If the law does not fix the domicile of a juridical person, it is the place where:

- its **legal representation is established**, OR
- it exercises its **principal functions**.

Memory

JURIDICAL PERSON → LEGAL REPRESENTATION / PRINCIPAL FUNCTIONS

MUST-KNOW FOLLOW-UP COMPARISONS

These are **very likely areas for sub-questions** because they test whether you actually understand the provisions.

1. ARTICLE 14 vs ARTICLE 15

Article 14 = TERRITORY

Philippine penal/public safety laws apply to persons in Philippine territory.

Article 15 = NATIONALITY

Certain personal/family laws follow Filipino citizens even abroad.

2. ARTICLE 19 vs 20 vs 21

19 = HOW YOU EXERCISE YOUR RIGHTS

Justice, give everyone his due, honesty and good faith.

20 = VIOLATION OF LAW

Contrary to law + damage = indemnify.

21 = VIOLATION OF MORALS/PUBLIC POLICY

Willful injury contrary to morals/good customs/public policy = compensate.

3. ARTICLE 29 vs 33

29

Acquittal because guilt was not proven beyond reasonable doubt → civil action may still be possible.

Defamation + fraud + physical injuries → separate civil action.

4. ARTICLE 37

Juridical capacity

Can **have** rights.

Capacity to act

Can **exercise** rights.

5. ARTICLE 40 vs 41 vs 42

40 → Birth = personality

41 → When fetus is considered born

42 → Death = personality extinguished

6. ARTICLE 16

Property

Law of place where property is located.

Succession

National law of person whose succession is involved.

7. ARTICLE 50 vs 51

Natural person

Habitual residence.

Juridical person

Legal representation/principal functions.

 QUICK 1–51 MEMORY MAP

- 1 — Name
- 2 — Effectivity
- 3 — Ignorance
- 4 — Retroactivity
- 5 — Void acts
- 6 — Waiver
- 7 — Repeal/Constitution
- 8 — Judicial decisions
- 9 — Courts must decide
- 10 — Justice
- 11 — Customs
- 12 — Proof of custom
- 13 — Time
- 14 — Territory
- 15 — Filipino abroad
- 16 — Property/succession
- 17 — Forms/solemnities
- 18 — Special laws

- 19 — Justice/good faith
- 20 — Contrary to law
- 21 — Contrary to morals
- 22 — Unjust enrichment
- 23 — Benefit from damage
- 24 — Protection of weak party
- 25 — Extravagance/emergency
- 26 — Privacy/dignity

- 27 — Public officer
- 28 — Unfair competition
- 29 — Acquittal/civil action
- 30 — Separate civil action
- 31 — Independent obligation
- 32 — Constitutional rights/damages
- 33 — Defamation/fraud/physical injuries
- 34 — Police failure
- 35 — No criminal liability
- 36 — Prejudicial question

- 37 — Capacity
- 38 — Incapacity
- 39 — Limitations
- 40 — Birth/personality
- 41 — Fetus

42 — Death

43 — Doubt as to death

44 — Juridical persons

45 — Governing laws

46 — Powers

47 — Dissolution

48 — Citizenship

49 — Naturalization

50 — Natural person's domicile

51 — Juridical person's domicile