

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

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'22 JUL 14 P2:15

SENATE
S. No. 617

RECEIVED BY: _____

Introduced by **SENATOR FRANCIS "TOL" N. TOLENTINO**

AN ACT
AMENDING ARTICLE 704 OF REPUBLIC ACT NO. 386 OTHERWISE KNOWN
AS THE "CIVIL CODE OF THE PHILIPPINES" AS AMENDED

EXPLANATORY NOTE

Republic Act No. 386 or the Civil Code was enacted into law on 18 June 1949. It contains provisions on amounts in Philippine peso for its application. One of these provisions is Article 704 or the provision on the abatement of public nuisance. The said article provides:

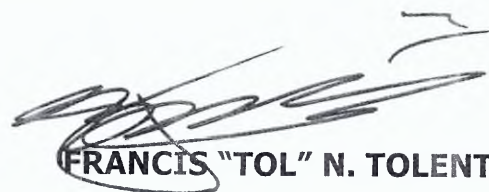
Art. 704. Any private person may abate a public nuisance which is specially injurious to him by removing, or if necessary, by destroying the thing which constitutes the same, without committing a breach of the peace, or doing unnecessary injury. But it is necessary:

- (1) That demand be first made upon the owner or possessor of the property to abate the nuisance;
- (2) That such demand has been rejected;
- (3) That the abatement be approved by the district health officer and executed with the assistance of the local police; and
- (4) That the value of the destruction does not exceed **three thousand pesos**. (Emphasis supplied).

This measure seeks to update the amount of Three Thousand Pesos provided in Article 704 which provides the conditions in abating public nuisance considering the disparity of the present the peso value and the value in 1949 which makes the present amount antiquated and impracticable.

Thus, what could have been the legislative intent then may no longer apply at present.¹ The determination of the amounts to be placed as amendments takes into account the current value of the Philippine peso relying on the inflation rates and official consumer price index as issued by the National Statistics Office (NSO). These figures are believed and theorized to be sound in reflecting the real and true figures to date.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



FRANCIS "TOL" N. TOLENTINO

¹ <https://www.worlddata.info/asia/philippines/inflation-rates.php>

The inflation rate for consumer prices in the Philippines moved over the past 60 years between 0.7% and 50.3%. For 2020, an inflation rate of 2.6% was calculated. During the observation period from 1960 to 2020, the **average inflation rate was 8.6%** per year. Overall, the price increase was 12,172.92 %. An item that cost 100 Peso in 1960 was so charged 12,272.92 Peso in the beginning of 2021.

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3 **AS THE "CIVIL CODE OF THE PHILIPPINES" AS AMENDED**

*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

4 **SECTION. 1** Article 704 of Republic Act No. 386, as amended, is hereby further
5 amended to read as follows:

6 Art. 704. Any private person may abate a public nuisance which
7 is especially injurious to him by removing, or if necessary, by destroying
8 the thing which constitutes the same, without committing a breach of
9 the peace, or doing unnecessary injury. But it is necessary:

10 (1) That demand be first made upon the owner or possessor of
11 the property to abate the nuisance;

12 (2) That such demand has been rejected;

13 (3) That the abatement be approved by the district health officer
14 and executed with the assistance of the local police; and

15 (4) That the value of the destruction does not exceed [~~three~~
16 ~~thousand~~] **THREE HUNDRED FIFTY THOUSAND PESOS**
17 **(PhP350,000).**

1 **Sec. 2. Separability Clause.** - If any portion or provision of this Act is
2 declared void and unconstitutional, the remaining portions or provisions hereof shall
3 not be affected by such declaration.

4 **Sec. 3. Repealing Clause.** - All laws, decrees, orders, rules and regulations,
5 other issuances, or parts thereof inconsistent with the provisions of this Act are hereby
6 repealed or modified accordingly.

7 **Sec. 4. Effectivity Clause.** - This Act shall take effect fifteen (15) days after
8 its complete publication in at least two (2) newspapers of general circulation.

Approved,