

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4001



Introduced by Hon. Faustino Michael Carlos T. Dy III

EXPLANATORY NOTE

It might be a surprise to the ordinary person that the layman's understanding and use of terms referring to periods of time such as years, months, etc., may not be in accord with jurisprudence.

In a half-century old landmark case that is still controlling to this day, the Supreme Court in 1969 ruled in the case of *Namarco v Tecson* that "years are of three hundred sixty-five days," and therefore the action for the revival of judgment, which became final on December 21 1955, had prescribed. The complaint was filed on December 21, 1965, "two days too late."

It is interesting to note that even the highest Court in the land appeared to have been mistaken in computing the period. Based on its own statement that 1960 and 1964 were leap years and therefore added two days to the determination of the date of prescription, it failed to consider that 1956 was likewise a leap year and therefore the action was filed *three*, not two, days too late.

Scientifically speaking, however, a year is the time it takes for the earth to complete its orbit around the sun; this takes the earth 365 and $\frac{1}{4}$ days. For convenience, a full day was merely added to the fourth calendar year. Strictly speaking then, four years is not four three hundred sixty five days but four three hundred sixty five and one-fourth days. Had such an idea been adopted, the plaintiff in above case would still have been able to obtain what was due and awarded to it.

This bill aims to eliminate the confusion that arises from having to compute for the exact dates of prescription, and other legal periods, by simplifying the definition of "years". It also seeks to prevent injustice and heartaches that result from subsequent denial of actions due to prescription, or from penalties that

result due to delays in the performance of obligation, and other similar problems.

Immediate approval of this bill is hereby earnestly sought.



FAUSTINO MICHAEL CARLOS T. DY III
5th District, Isabela

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INTRODUCED BY REP. FAUSTINO MICHAEL CARLOS T. DY III

AN ACT TO CHANGE THE DEFINITION OF "YEARS," AMENDING SECTION 13 OF
THE CIVIL CODE OF THE PHILIPPINES AND SECTION 31 OF THE REVISED
ADMINISTRATIVE CODE OF 1987

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

SECTION 1. Section 13 of Republic Act No. 386 is hereby amended to read as
follows:

"When the laws speak of years, months, days or nights, it shall be understood
that the duration of a year shall be from THE DATE OF A YEAR TO SAME DATE OF
FOLLOWING YEAR REGARDLESS OF NUMBER OF DAYS IN A CALENDAR YEAR..."

SECTION 2. Repealing Clause. – Section 31 of the Revised Administrative Code
of 1987 is hereby accordingly modified; as well as all acts, decrees, letters of
instruction, issuances, orders, or parts thereof inconsistent with any provision of this
Act which are hereby deemed repealed or modified accordingly.

SECTION 3. Effectivity. – This Act shall take effect 15 days after its publication
in two (2) newspapers of general circulation or in the Official Gazette.

APPROVED.