

## Art 1186 exception to the suspensive condition

The condition shall be deemed fulfilled when the obligor voluntarily prevents the fulfillment of the condition

Requisites for this article:

- Condition must be suspensive
- Obligor prevents fulfillment of condition
- He acts voluntarily

Suspensive conditions become demandable only if the condition is fulfilled.

When the non-fulfilment of the condition can be attributed to the act of the debtor himself.

Kung ang hindi pagkakaganap ng kondisyon ay pwedeng isisi o ibaling sa kagagawan ng debtor mismo, ang debtor ay may pananagutan. Pagkat sabi ng batas, ang sinumang tao na nagaact in bad faith ay binibigyan ng kaakulang parusa. Tumutukoy sa mga taong may pananagutan ay hindi makaliwas sa pananagutan na may kaakibat na kondisyon sa pananagitan ng hindi pagtupad sa kondisyon.

## Art 1187. Retroactive effect of fulfillment of suspensive condition

"The moment the suspensive condition is fulfilled, it shall retroact to the very day the obligation was constituted; the creditor and debtor have given their consent to the prestation"

Refers to the better right of a creditor.

"The obligation should be considered from the time it is constituted and not from the time the condition is fulfilled." To give

"No fixed rule is provided but retroactivity is still applicable. Courts are empowered by the use of sound discretion and bearing in mind the intent of the parties to determine the retroactivity of the suspensive condition. It includes the power to decide that the fulfillment of the condition shall have retroactive effect or from what date it shall take effect." To do or not to do.

### Retroactive effects to fruits and interests in obligations to give

**Reciprocal obligations**-there is no retroactivity because the fruits and interests received during the pendency of the condition are deemed to have been mutually compensated.

**Unilateral obligations**-the debtor receives nothing from the creditor. There is usually no retroactive effect because they are gratuitous.

## Art 1188. Inchoate interest

The creditor may, before the fulfillment of the condition, bring the appropriate actions for the preservation of his right. Debtor may recover what he has paid by mistake in case of a suspensive condition.

**Rights of a creditor**- creditor may go to court to prevent the alienation or concealment of the property of the debtor or to have his right annotated in the registry of property.

# Pr Cis In Conventional Obligations A Civil Code Analysis

**Rachel Sandford**



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