



Legitim/Legitima Portio Under the Old Law	
<p>Deceased's Legitimate Children* (or children legitimated by a subsequent marriage, or adoptive children)</p> <p><i>*children shall also include descendants of the deceased's children in whatsoever degree – to be reckoned for the child from whom they descend.</i></p>	<p>Entitled to receive a <i>legitim</i> of 1/3 of the deceased's estate if the deceased leaves behind him up to 4 children.</p> <p>Entitled to receive a <i>legitim</i> of 1/2 of the deceased's estate if the deceased leaves behind him 5 or more children.</p> <p><i>When calculating the legitim we also count children who are incapable of receiving by will, as well as children who have been disinherited and also those who have renounced their share; however, we do not count the illegitimate children with the total number of children (nor do we count children not born viable).</i></p>
<p>Deceased's Illegitimate Children</p>	<p>Entitled to receive 1/3 of the legitim they would have received had they been legitimate if they are in competition with legitimate children/descendants.</p> <p>Entitled to receive 1/2 of the legitim they would have received had they been legitimate if they are not in competition with legitimate children/descendants.</p> <p><i>When calculating the legitim in order to determine the portion reserved for illegitimate children we also count the illegitimate children with the total number of children.</i></p>
<p>Deceased's Surviving Spouse</p>	<p>Entitled to receive a legitima portio of 1/2 of the deceased's estate in usufruct if in competition with legitimate children (or children legitimated by a subsequent marriage, or adoptive children).</p> <p>Entitled to receive a legitima portio of 1/4 of the deceased's estate in full ownership if not in competition with legitimate children (or children legitimated by a subsequent marriage, or adoptive children).</p> <p>In all cases – entitled to the right of habitation over the Matrimonial Home.</p> <p><i>The right of habitation ceases if the surviving spouse remarries or enters into a public deed of cohabitation.</i></p>
<p>Deceased's Ascendants</p>	<p>Only entitled to receive a legitim amounting to 1/3 of the deceased's estate if the deceased did not leave behind any children or descendant (of any type) and is not survived by a spouse.</p> <p>If deceased is survived by both ascendants, the 1/3 to be divided equally.</p> <p>If deceased is survived by one ascendant the 1/3 to be due in its entirety to that ascendant.</p> <p>If deceased is not survived by one ascendant but is survived by other paternal/maternal ascendant/s in equal degree, the 1/3 is to be divided equally.</p> <p>If deceased is not survived by one ascendant but is survived by other paternal/maternal ascendant/s in different degrees, the 1/3 is to be due in its entirety to the ascendant in the nearest degree.</p>



Reserved Portion Under the New Law

Deceased's Children (any type)	<p>Entitled to receive a Reserved Portion of 1/3 of the deceased's estate if the deceased leaves behind him up to 4 children.</p> <p>Entitled to receive a Reserved Portion of 1/2 of the deceased's estate if the deceased leaves behind him 5 or more children.</p>
Deceased's Surviving Spouse	<p>Entitled to receive a Reserved Portion of 1/4 of the value of the deceased's estate in full ownership if in competition with any children/descendants of the deceased.</p> <p>Entitled to receive a Reserved Portion of 1/3 of the value of the deceased's estate in full ownership if not in competition with any children/descendants of the deceased.</p> <p>In all cases – entitled to the right of habitation over the Matrimonial Home & right of use of any furniture.</p> <p><i>The right of habitation ceases if the surviving spouse remarries or enters into a public deed of cohabitation.</i></p>
Deceased's Ascendants	Not entitled to receive a Reserved Portion.