

TITLE II

RULES RELATIVE TO INTESTATE SUCCESSION

Art. 981. - The laws govern the succession of the goods of the deceased person who did not designate succession by heirs, or if they did, they did not do so in conformity with the law or the dispositions have not taken effect.

Art. 982. - The law does not address the origin of the goods in order to regulate the intestate succession or burden it with restitutions or reservations.

Art. 983. - Intestate succession does not address sex or primogeniture.

Art. 984. - Intestate succession occurs by personal right or by right of representation.

The representation is a legal fiction, in which it is supposed that one person has the position and therefore the grade of kinship and hereditary rights that their father or mother would have, if he or she did not want or was not able to take.

It is possible to represent a father or mother who, if they would have wanted or were able to take, would have taken by right of representation.

Art. 985. - Those who take by representation inherit in every case per stirpes, that is, no matter the number of children who represent the father or mother, they take together and in equal parts the portion that would have corresponded to the father or mother represented.

Those who do not take by right of representation take per capita, that is, they take together and in equal parts the portion provided by the law; unless the law establishes a different division.

Art. 986. - There is always space for representation in the issue of the deceased in the issue of their children. In the collateral line, there is only space for representation in favor of the children and grandchildren, even if they do not concur with their uncles and aunts. (20)

Art. 987. - It is allowed to represent the ascendant whose inheritance has been repudiated.

Likewise, it is allowed to represent the incapacitated, the unworthy, the disinherited, and one who repudiated the inheritance of the deceased.

Art. 988. - The following are heirs by operation of law:

1st The children, the father, the mother, and the spouse, and if being the case, the surviving cohabitant;

2nd The grandparents and other ascendants, the grandchildren and the father who has willingly recognized his child;

3rd The siblings;

4th The nieces and nephews;

5th The aunts and uncles;

6th First cousins; and,

7th The University of Salvador and the hospitals. (20)

Art. 989. - The heirs enumerated in the preceding article will be given preference in order of their numeration in such a way that only in the absence of a person in the prior number, the designated person in the number that follows would enter in his or her place, and the inheritance would be divided in equal parts among the people listed in each number, without prejudice as to the dispositions in the following article and in article 986.

Art. 990. - REPEALED. (19)

Art. 991. - In the specific case of 7th number of article 988, half of the inheritance corresponds to the National University and the other half to the hospital or hospitals of the department in which the deceased would have had their most recent domicile. If there were no hospital in said department, or if the deceased never had domicile in any territory of the Republic, said half would correspond to the Hospital of San Salvador.

Art. 992. - There will be no part in inheritance by intestacy in favor of a spouse who, in fact and without just cause has abandoned their husband or wife, unless they have reconciled thereafter.

Art. 993. - When in one single estate succession is designated both by will and by intestacy, the provisions of the will be honored, and the remainder will be awarded to the heirs by intestacy in accordance with the general rules.

The express will of the testator will prevail over all, in whatever corresponds by right.

Art. 994. - Foreigners are entitled to successions by intestacy opened in El Salvador in the same manner and under the same rules as Salvadorans.

Art. 995. - In succession by intestacy of a foreigner who has died within or outside of the territory of the Republic, Salvadorans entitled to inheritance, or child support, will have the same rights that according to Salvadoran law would correspond to the intestate succession of a Salvadoran.

Interested Salvadorans may request an adjudication in the foreigner's goods existing in El Salvador as to all that corresponds to them in the succession of the foreigner.

This will also applied as needed to the succession of a Salvadoran who leaves goods in a foreign country.

CERTIFICATE OF TRANSLATION

I, Adriana C. Zambrano, am competent to translate from Spanish into English, and certify that the translation of the "Salvadoran Civil Code Title II - Rules Relative to Intestate Succession" is true and accurate to the best of my abilities.



Adriana C. Zambrano
Catholic Legal Immigration Network, Inc. (CLINIC)
8757 Georgia Avenue, Suite 850, Silver Spring, MD 20910
786.587.5160