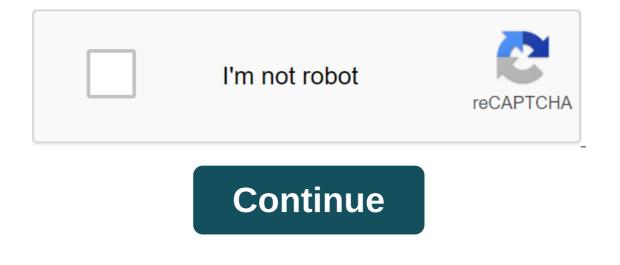
Codigo civil pdf guatemala



Page 2 Page 3 1. Guatemala's Civil Code Show Act 106 1 2. Exhibition of the Causes of the Decree of the Guatemalan Civil Code 106 2 National Palace; Guatemala, February 21, 1965. Having studied the request of the graduate Federico Ojedu Salazar concerning his permission to print the Civil Code, Decree-Law No. 106 and explanatory note, CONSIDERING: The fact that the applicant filled out the clauses specified in the government agreement of 21 April 1944, and that the Prosecutor's Office gave a positive opinion, SO, HEAD OF THE REPUBLIC. AGREES: Provide the requested permission, being under the strict responsibility of the interested party authenticity, fidelity and accuracy said publication, and return to graduate Ojeda Salazar one of the copies is accompanied, the other in the file. Contact. PERALTA AZURDIA. Minister of the Interior, LUIS MAXIMILIANO SERRANO C'RDOVA OPINION OF THE RE REVIEWER COMMISSION GUATEMALA, 9 September 1963 Mr. Maximiliano SERRANO: Sincerely, unsigned members of the Commission appointed by the Ministry of the Interior, in accordance with Agreement 363 of 6 June this year, to rule on the draft Civil Code prepared by a graduate Federico Ojed, we allow ourselves to report on the results of our work. I. WORKING PROCEDURE To facilitate our task, we have decided to study the draft Civil Code first separately, each of the members of the Commission, in order to make specific comments that will be discussed at various working meetings. As a result of this study, the views of the Commission members Jose Vicente Rodriguez and Dr. Mario Aguirre Godoy were published, which are being added to the memorial as applications for more information. After a specific study of the draft by a member of the draft is a part of the draft. 3. The exhibition of the reasons why the Guatemalan Civil Code Act 106 3 II was enacted. so that the Book first regulates the law of individuals and families; The second book, goods and property and other royal rights; The fifth book of the Obligations Act (part one: Commitments in general; and Part 2: specifically Treaties). The Commission counted as auxiliary for the results of the project study, with extensive explanaculated in it, in which the specific doctrinal and comparative guidelines of the project at various sessions, the Commission concluded that it was a well-thought-out work in accordance with the realities of our environment, which included the fundamental institutions of civil law, in accordance with new trends. In this sense, we have earned our country in the civil sphere. III. MAIN MODIFICATIONS SUGGESTED BY THE COMMISSION Although we believe that the draft Civil Code drafted by Mr. Ojeda Salazar is complete and meets the requirements of the evolution of civil law, we believe it is necessary to make some amendments, some of which are substantive and others in some way, taking advantage of the observations that have arisen as a result of the study of a specific draft carried out by each member of the Commission and the discussion which took place at various sessions. Work. In an environment where there is no need to list all the comments that have been made and which are included in the final draft, we will clarify the main ones so that, if adopted, they will appear in its composition. BOOK I. 1a .- A new classification of legal entities seeking to group them according to their purpose and character has been developed. 2a. - Some reforms have been made with respect to the rules governing de facto trade unions so that when such unions are established legally, they have stability and duration in order to protect their children and the same converts. They are given equal rights and responsibilities, as are those who govern spouses as much as possible. 3a. With regard to adoption, it was considered necessary to make as an exception the adoption of an adult with his explicit consent, with the sole purpose of legalizing the fact that had been maintained during his minority. 4a. - The various items covered by this Book, which by their nature are also regulated as appropriately, in the Civil and Commercial Procedures draft, are subject to special analysis so that both legal bodies are properly covered by 4. Exhibition of the causes of the Guatemalan Civil Code Decree Act 106 4 consent and harmony. For example, issues related to incapacitated name change, identification, protection of minors, etc. BOOK II. 1a. - The study of the trust was particularly close because The commission of this institution is intended to have broad importance and application in Guatemala. Taking advantage of the findings of a seminar organized by the Bar Association on the aforementioned institution, some additional regulations were put in place by the project to better accomplish its task. 2a. - With regard to restrictions, the position of the Civil and Commercial Procedure Documents project is unified with the provision of the draft Civil Code, so that the interruption of the civil code is related to the location or notification of the application, rather than simply filing a claim. 3a.- As for the mortgage, The criterion that the rights that Condemino has on common premises can also be laid down, has been adopted, given that if the lender accepts the guarantee in this way, there is no reason to harm cond'mino, denying it the creation of such a guarantee to obtain its claims: 4a.- The articulation regulating legal mortgages has been abolished, since there are currently other sufficient means to claim the guarantees, supplement to the requirements. 5a. -With regard to mortgage bonds, it was considered necessary to establish that the valuation should be introduced in the case of the kedula or mortgage bonds and that the issue could exceed 800/0 from the established valuation. 6a.- Fundamental changes were made to the Project by establishing a rule that in general clothing there may be an obligation to pay an indecisive balance if it is explicitly agreed, as it was considered that the withdrawal from the prohibition on the project's trill could harm the loan by causing it to immobilize it. However, such a ban if it is adopted in respect of the mortgage. Moreover, given the reality of our environment, it has been mistaken for common clothing that can be created without movement; that is, the possession of the debtor's belongings given in clothing when the lender so agrees. 7a.- The chapter associated with anti-fesis was removed because it was an institution that had no practical application in our environment, and because it is believed that other contracts, such as a trust, can replace it with great advantage. BOOK III. 1a. - Fundamental reform has been put in order set for inheritance, first calling on children, including adoptive parents and surviving spouses, if he is not eligible, in which case they will inherit equal parts, and if there is only one of these parts, it will bear all the inheritance. In the absence of children, they are entitled to the success of their spouse entitled to profit with their immediate descendants or ancestors, equally on the basis of the form in question, if there's one of these parts. In the absence of calls to happen, as it is put, collateral relatives will occur up to 5. Exhibition Causes Guatemala Civil Code Act 106 5 Third Degree. In the absence of the heirs of the ab-inestestato, hereditary assets are considered vacant and will be distributed equally between the State and the universities of Guatemala. 2a. - The establishment of the albaceasgo has been the subject of fundamental reforms to give it functionality, since in practice, because of the restrictions it has been subjected to, it has little application. To that end, several existing articles have been incorporated into other legislation. I know that the regulations governing the subject of the Register of Property have been substantially retained, but the rule that creates the Clothing Register for movable, livestock, industrial and commercial goods has been set out for the subsequent issuance of additional provisions in this regard. BOOK V 1a. - The current rule has been maintained that any conditions that do not contracted and commercial goods has been maintained that any conditions that do not contracted and commercial goods has been maintained that any conditions that do not contravene laws or morals may be provided in contracts, and that they do not vitite the contract and should not establish impossible conditions and those that are contrary to laws or good customs, as such provisions are considered to have produced good results in practice. 2a. - Efforts have been made to harmonize important aspects of civilian institutions in accordance with basic law with the Civil and Commercial Procedure Project rules, which combine provisions relating to the possibility of mentioning a person referred to as a person referred to as sanitation in the event of eviction. 3a. - Equally worrying was that the debtor should have reserved the opportunity to make exceptions to the procedural question regarding the transfer of the claim. 4a.- Major changes have been made in terms of damage caused by different modes of transport. The project provided only for the responsibility should be extended to any owner of any vehicle, regardless of whether it was a company, since the problem of traffic accidents in Guatemala was alarming because of the irresponsibility of drivers or persons who focused on vehicles on them. In this regard, it was found that the enterprise or owner of any vehicle must bear joint and somewhat different responsibility to the authors and accomplices for the damage caused by the persons ible for the vehicles, even if the person calling them is not employed in these enterprises or the owner of the vehicles, provided that the person in charge of the vehicles entrusted to them, even if it is transient. 5th place. doubts that have always been the reason for the application of article 1508 of the current Civil Code (1584 draft) as to when the contract obligation should be requested in court. This rule has been drafted in this way: Actions on demand for the implementation of the normal or legal period. 6. In accordance with Guatemala's Law 106 of the 6th Law on the Reasons for the Adoption of the Guatemalan Civil Code Act, the period mentioned in the previous paragraph has expired in order to file a claim without any action by the person who received them. 6a.- Article 1736 of the draft to amend to avoid the erroneous term in which this provision has been interpreted in practice. This rule stipulates that spouses cannot enter into a company contract related to the formation of a legal entity. This rule applies in the sense that spouses cannot be part of the company, even if third parties intervene. In order to avoid such interception, it was explained that in this case the spouses could act as partners in the partnership agreement. 7a.- Article 1790 of the draft left the definition of sale in such a way as to clearly reflect that it was a consensual contract, ruling out the suggestion that under such a contract the seller was obliged to transfer ownership of one because it referred to such a situation rather than the promise of a contract. 8a.- Article 1791 made an addition with the aim of establishing a prohibition of the retrosales pact. The draft did not regulate the covenant, but the Commission believed that if the ban was not imposed, it could be understood that such a pact was permitted and even subject to practice, in conditions that were extremely unfavourable to it in order to look like a seller. It was cancelled because the treaty was used in practice to conceal other, especially reciprocal, contract figure, such as the promise of a sale. 9a.- The draft will include any reference to the so-called treaty, regulated by the Code, by virtue within the location and driving (Article 1689 and Article 1689 of the Criminal Code of the Russian Federation). The Commission considered this to be a mechanism that exists in the procurement of agricultural products, but agreed that such situations should be governed by special provisions to be formed by the Agricultural Code. 10a.- The warehouse commission was recognized as a special situation, which was presented in practice by unscrupulous persons. prison for the debtor, who does not return the deposited money, to the first injunction. To avoid this, the Commission introduced a draft supplement to the 1999 section stating that a deposit contract, which is a deposit contract or is not authorized by law to receive it, is considered invalid unless there is evidence to the contrary. Such a rule would prevent the initiation of a criminal case against the alleged depository. 11a.effect of res judicata between the parties, because the transaction, being a contract if the dispute is avoided or the one that is the main terminat, is based on the will of the parties. Thus, in this sense, the transaction is no different from any other contract and there is no need to equate the contract with a court decision. Moreover, since the technical exception against which a transaction may be instituted in this case is a transaction that is covered by the civil and commercial litigation project. 12a. - A new provision relating to the transaction that is covered by the civil and commercial litigation project. Guatemalan Civil Code Decree No. 106 7 is legalized by a notary, or a written submission addressed to a judge whose signatures are duly verified by a notary (v. 2169). Article 2175 to amend the rule into line with the Civil and Commercial Procedure Regulations in regards to the refusal of previous parties to grant an obligation and appoint arbitrators. In accordance with the provisions of the draft regulating the procedural issue, in this case there is no longer a need to provide a law of commitment to the judge determines the points that should appear in the com-terrorism case if granted voluntarily. FINAL DRAFT. With a desire to facilitate the issuance of the Civil Code, the Commission, rather than single-handedly proposing reforms that it considered appropriate, included them in the final draft, indicating, when necessary, by changing the number of bracketed correlated numbers of the draft article to facilitate its location, but it should disappear when the official publication was published. Thus, with this report, the final text of the draft draft draft draft civil code, we hope to carry out, in the best possible way, the research entrusted to us. We are left on the head of the government as his attentive and respectful servants. (f) Mr. Arturo Peralta Azurdia (f) Mr. Jose Vicente Rodriguez (f) Dr. Mario Aguirre Godoy, Lord Head of the Government Office, National Palace 8. Exhibition of reasons for Guatemala Civil Code Act 106 8 This code replaces the Civil Code issued in 1933 by the Legislative Decree of 1932, which in turn partially abolished the Civil Code of 1877. Code 77 was divided into three books entitled also: Book 1. Of the people; Book 2. Of things like to acquire them and the rights that people have over them; and Book 3. Obligations and contracts. By Decree No. 921 of 30 June 1926, the Executive Issued a New Book 1 on Persons, which was accountable by the Committee on Law and stipulated that the subsequent books would come into force after their publication in the Official Journal; however, in 1933, the Legislative Assembly issued a new Civil Code by Decree No. 1932, which included the Treaty of Persons already approved by Decree 921, and the reform of Book 2 of the 1877 Code; one, which is divided into two parts: the first concerning property and other real rights that formed Book 2, and the second part, which included invention, occupation, cession and restriction, which formed the Book 30, to which property registration was also added. The book of obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion it deprived the Assembly that it should be unified with the Commercial Code to form a single Code of Civil and Commercial Obligations and contracts was added to Book 4 without any change in the criterion added to Book 4 wi mandate of the Legislative Assembly has been fulfilled. The Legislative Committee of the Secretariat for Governance and Justice, of which we were a part, worked for several years on the draft code of obligations and contracts, but completely changed the circumstances of the time when the Government decided to separate civil and commercial legislation, we were tasked with drafting the Civil Code, at the same time as commissions were appointed to develop the Commercial prosecution. The first problem in our work was the structure of the new code. Code 77 was chicha to the Roman-French plan, which, with the exception of Brazil, adopted all the codes of America, taking into account the codes of Mexico of 1928, Peru 1936, Venezuela 1942, and the Italian 1942. System Just praised for the technical and systematic construction of institutions, it would be innovative our traditional plan, without sufficient practical reasons to change it to be ours more in accordance with the cultural level of the people, because as expressed by the Spanish civilized means, referring to the very high tone of the rules should always be citizens in general, not professionals in particular. The 1933 Code disalcepts the pre-titled Code 77, whose provisions have become the head of the founding commandments of the law that make up 9. Explanation of Guatemala's Civil Code Act 106 9 Judicial Agency. Taking into account this removal, we distribute objects in five books, with the following articles: Book 1, From the People and the Family; Book 2 about goods and property and other royal rights; Book 3, From Hereditary Succession: Book 4. From the real estate registry: and Book 5. The law of obligations. The latter is divided into two parts; the first, the obligations in general, and the second, the contracts in particular. The codes that we guoted and the rest of America have more or less the same distribution. Even the German and Brazilian codes themselves, outside the common part that occupies the first book, develop subjects in the same way, all referring to individuals, goods and obligations. Since there was a revision of the Civil Code, it should include a number of laws issued by congressional decrees against institutions that should fall under that legal body. Thus, there are laws governing marriage contained in Decree 1145 and 1289; Union, as required by Decree 444; adoption restored by Decree No. 375; and horizontal property, legislated in Decree 1318. In addition to abundant changes in well-known institutions, new figures are set in our legal system, such as fiduciary property, and contracts mentioned below. The first book is the Family Code, in which everything in question must be understood. The principle of the title. I am with a person and continue Title II with marriage, divorce, de facto union, affiliation, parental authority, guardianship, adoption, family property and civil registry. The association of facts and adoption is included in the Code, with amendments that are instead detailed. Family heritage, despite its nature of real law, is added to the First Book, which established. The same can be said of the celebration of the marriage, which was chapter VIII, Section IV of the Code of Civil and Commercial Procedure, legislative decree of 2009, reformed by decrees No. 1145 and 1289 of The Congress and which is being added to the family book, since the solemn form of the ceremony, is an important requirement for marriage to be established and declared, without the interference of judges in this extrajudicial act. The protection of married women, the organization of the family on the basis of equal rights and responsibilities of both spouses, protection as well as minor children, in various situations in which they may face the actions of their parents who harm them, such as separation and divorce, motivate a number of legal provisions in the chapter of paternity and belonging and parental authority, which were not felt in the law. The civil registry needs to be modernized and made more efficient, faster and safer in its operations. It would be ideal to adopt a Kardex system or similar rather than wear printed books or manuscripts, but this reform requires extraordinary costs, which the economic situation of the country does not allow its current implementation. Where this can be done, it is the executive branch that is modernizing the system, as this change will be subject to regulation. The second book contains a classification of goods, property and ways of acquiring it, additional possession and title, usufruct, use and room and actual security rights: clothing and mortgage. 10. In connection with the provisions of the Guatemalan Civil Code Act 106 10, everything related to land ownership and water, was left outside the Civil Code, as these issues should be part of the Agricultural Code. Ownership relating to property includes: joint ownership in real estate median, horizontal property and trust. The first, separated from slavery as a way of domination; Horizontal property as a new issue in the legislation. Mortgages and clothing are included in the Book of Real Rights, taking into account the general criterion of citizens who object to their location in the Treaty Book, as, of course, other rights in real can also be concluded and therefore; there is no reason to separate them. The fact that the book had been successfully reformed in the Code since 1933; relatively recent date, it motivates that much of the articulation has been with small changes, but with a new order to place the commandments in their logical place. The main imposed are inheritance in de facto marriage and adoption, trust in its account and limitation of the responsibility of the heir: The Land Registry was in the final part. The third book of the Civil Code, although it would be more appropriate to place it in any of these books, but forms a separate book, The Fourth Book, assessing the importance of this institution, which in other countries is governed by a special law. Finally, the Fifth Book, which includes the right to obligations, replaces the only part of the subject matter as a whole, which is the subject of the first part of the book, completely transforms the same treaty of the previous Code. The legal business, term, modeling recall and cancellation. Section I refers to the modalities of obligations and their consequences. Payment is included in the fulfillment of obligations on which the parties stipulate and are obliged. Transfer of liabilities includes transfer of rights, surrogacy and debt transfer. Among the ways of extinction is putting out or releasing a prescription that becomes independent of a positive prescription as another institution, and states that it can be used as an action, not just as an exception. 11. The reasons for the adoption of the Guatemalan Civil Code Act 106 11 are immediately transferred to obligations and interpretation of contracts is carried out. Obligations arising from legitimate facts without consent include: business management, unmentioned enrichment and unilateral proclamation of will: a quasi-denominational contract given to it by the previous Code of Dispensation, a community of goods that moves to head-ownership in a second book is abolished, and a proposal for the public and names added to the bearer, as sources of obligation without convention. This first part closes the book, the title, dealing with the obligations of achating acts and illegal acts. The second part of the book, in particular, develops contracts. To the already known traditional contracts are added those that promise and choice, work or company, professional services, editing, broadcasting, cinematography or recording and theatrical or stage performance, housing, transportation and annuity. The placement deserves a special chapter, separate from the deposit, since the previous Code took care of it only in the 1973 article relating to the last treaty. Rentals of houses and premises include a number of important provisions taken from indirect laws relating to the rights of the tenant and the obligations of the landlord, and remains safe, as stipulated in the Special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the joint. Comparing the contents of the tenant and the obligations of the landlord, and remains safe, as stipulated in the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the fixing of rent and other conditions not defined in the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act or other temporary law relating to the special Inguisition Act o Book in the 1933 Code, with the contents of the second part of the Fifth Book of the New Code, it can be noted that the location of services and the interpretation of laws have been abolished. The location of services is the subject of the Labour Code; insurance is the basis for the adoption of special legislation and is currently a commercial contract; the transfer of goods in its main part is understood as a means of repaying the obligations under the name of the payment for the transfer of goods, and since any outstanding balance is eliminated in cases where the person who makes the transfer is an individual, in this case the benefit of competition is abolished; a chapter on the interpretation of laws should be among the general plan of the reasons for the reforms that we have introduced. Note: As stated in the Warning at the beginning of the Code, trust, editing, distribution, accommodation and transport contracts that are considered commercial have been incorporated into the Civil Code, 12. Exhibition of the reasons of the Guatemalan Civil Code Decree Act 106 12 BOOK I. PEOPLE AND FAMILY. TITLE I. INDIVIDUAL PEOPLE. I.- PRINSTIN PERSONALITY: The Review Commission amended Article 1 of the project read verbatim; Civil personality begins at birth and ends with death; however, the unborn is considered to be born for all that he likes, provided that he was born alive. The Commission thus changed the last sentence, provided that it was born with viability; maintaining the doctrine of the previous Code. The condition that the creature was born alive and that its anatomical and physiological constitution was feasible replaced the provision of Code 77, which required that the creature would have been born with a human figure and lived twenty-four hours torn from the womb to give it individuality. However, both doctrines are replaced in modern laws by live birth, as established, in particular, by the codes of Argentina, Brazil, Peru, Venezuela, Germany and Italy. To this day, the Spanish Code maintains the system underlying Code 77 so that the commentator of the Code. Professor Santamaria, appears to agree. This commandment, the author says, led to a technical and economic state, replacing it with an external fact that is easier to prove. This provision establishes the presumption of lawyer and de jure de viability1. Fixing life from birth (24 hours, for example) is really easier to check, but not safer. Statements by witnesses and stakeholders may arbitrarily set the time of birth and death, thereby distorting the truth about the facts with obvious damage to third parties. This system, as, says Rozhina Villegas, avoids any expert disputes over viability:2, but the Spanish civilian. Manresa, asks; What is viability? Judges do not have rules to abide by; and even for medical science it is very difficult and unambiguous to establish the conditions under which the ability to live lies. Doctrine and legislative evolution today return to the theory of Roman law that the fact of life is sufficient to provide the born with a legal ability 3 Conditions of ability to life born is almost impossible to correct not just by observers, but by science. 4 1 J. S. mtamaria. Comments on the Civil Code. Tom t, page 272, 6a Edition, 1943, Madrid. 4 Moreno, people in comparative civil law. University of Buenos Aires. Page 52. 13. The Treasury of the reasons for the generative civil law. University of Buenos Aires. Page 52. 13. The Treasury of the reasons for the generative civil law. BORN IN THE SAME PART. Articles 2 and 3 relating to double births and those who die in the same accident remain unchanged. The institution of majority in modern law is no longer important in determining the priority of birth, as higher rights or privileges are not recognized for the eldest or firstborn; they all enjoy the same rights. However, the law cannot say that they are born at the same time or are excluded from the mother's abode at the same time, as such a statement would be contrary to the facts; it only states that persons born from the same birth are considered to be equal in civil rights, depending on age, provided that they are born with viability. 3.-HORROR. It is assumed that all those who died in the same accident, unable to determine who died first, died at the same time. This presumption is terminated if it can be established in the judicial body during the relevant trial, during which the person died first, in order to transfer the rights from one to the other. 4.-NAME OE MAN. Article 40 are responsible for this matter. 5th place. 6th place. N.D. The person is identified by the name with which his birth was registered in the Civil Registry. A person's name, a simple one or a few names. The first is put by parents on their own will, and in Latin countries it is customary to take them from the

Roman Santoral. A patronizing or surname is acquired by a person whose birth is registered as a consequence of belonging. The child of an unmarried parent bears the father's surname, if he confesses, and the mother's surname; and only the mother. otherwise. Better identification requires the use of paternal and maternal surnames to commit acts of civil life. The Code distinguishes between the use of another or incomplete correct name on behalf of the birth certificate and the complete correct name on behalf of the birth certificate and the complete change of the proper name and surname. family and social treatment it is customary to use diminutive, especially with women, changes that change in such a way that compared to the written name sometimes found no similarity. It also happens that parents call the child after a few and are known only to one of them. When it comes to identification, they will have to appear in court so that identification is announced before the procedures set out in the Code. This led to costs and wasted time, forcing many people to abandon the act they planned to perform. In fact, many trade unions are facing obstacles to the presentation of their birth certificates to the presentation. 14. Under the Guatemala Civil Code Act 106 14, all of these situations that do not affect affiliation at all, the Code stipulates in article 5 that identification can be made before it is noticed. The person who is on the civil registry for example, with the names of Jose Roberto, Manuel Francisco, Luis Fernando Antonio or other complex names and would have used only one or some of them and thus were known; or one that will use in their family and social relations a different first or surname from what is contained in the paragraph of the registry, either in the first case, because they are known with diminutive or other designation, such as calling Lily, Lottie, Concha, etc., persons who are registered by Corne Elise, Carlota, Concepcion, do not need to follow the trial, but appear before a notary to be declared in public places. The Civil and Commercial Procedure Code distinguishes between two cases of name identification. A person requesting his own identification and the identification and the identification of another person, such as the heir, who needs to determine his/her cause. In the first case, under article 5 of the Civil Code, identification may be established by affidavits made publicly by the same person, if he or his parents have parental authority. Testimony and a copy, article 440 of the Procedure Code adds, will be submitted to the relevant Civil Registry for the headline. In the second case, identification may be requested by a judge of first instance or a notary. The application will be sent for publication will be sent for publication in the official journal in an edict containing the full name of the person whose identity is requested, the name and surnames he used permanently and publicly, and those that appear on his birth certificate. The applicant must provide the documents he has and offer information about the witnesses, and may be relatives of the person concerned. In identifying a third party, there may be resistance, in which case article 441 of the Civil and Commercial Procedures indicates a procedure to be followed. 5.-CHANGE OF NAME. The case of name change to be tried is different. Although article 70 states that the name change does not change the civil condition, it may prejudice the name that the applicant wishes to accept, and for this reason must be brought to the public, so that any person interested in opposing such a claim shall do so in court after the relevant proceedings. However, if the name change does not cause any harm to the third party, without the need for the judge to know the reasons for the applicant for this purpose, he will authorize it and send the decision to be published so that it comes to each knowledge. 6.-INCAPACITY. Articles 9 to 14 relate to people's disability mental alienation, illness or physical defects and routine drinking. Mental diseases disconnect people from exercising their rights; however, since the law assumes that all older persons are capable, the judicial authority must declare a ban. This State deprives a person of the management of his property, which is transferred to the guardian as if he were a minor. This type of disability is mentioned in article 9. 15. Other codes relating to ordinary drinking have added clarification of the reasons for The Guatemalan Civil Code Decree 106 15. Persons abusing alcoholic beverages or drugs should be prohibited from exposing themselves or subjecting their families to serious economic harm. Drunk, in rigor, is not incapable, but at a time when he dominates alcohol; but the vice affects him and puts him in a state of perpetual anxiety that nullifies or diminishes his mental capacity to do his affairs and exposes his family to poverty. In order to protect himself and his family, the law must declare it in a state of restraint.5 In order for the declaration of prohibition to continue, the procedure established in the relevant Procedure Code must be respected. To these permanent situations of incapacity is added article 100, temporary mental disorders, which by their very nature do not define the state of prohibition, but since it deprives the subject of discernment at the time of their occurrence, it is natural that statements of will issued during the change or removal of mental abilities are invalid and wrong. This invalidity must be declared in court. Inability to physical diseases or defects, such as blindness at birth and deafness, is different; it should not be declared, for it manifests itself with evidence; however, deaf and blind by birth now have modern methods of education that can enable them to exercise their rights. In fact, physical defects, spin says. Canovas are generally not the causes of disability, but rather the condition or limit the implementation of certain acts that with such defects are not able to be performed. 6 The inability of the deaf-mute adds Ferrara, guoted by the same author, is considered to be a decomposing, rather than physical defect, from the intellectual weakness that causes, the weakness that the law assumes the existence of these defects. 7 These are completely different cases, therefore: in these cases disability is absolute for the time of prohibition; in these, the inability not because of a lack of discernment, but because of a lack of discernment, but because of the inferiority in which they find themselves in communicating their decisions and externalizing their will to as stated in article 13. The inability of minors, as well as the legal inability to act in any other nature, are different and must be considered outside the chapter. They are not announced, as the law already understands them for reasons very different from physical and mental illness. Absolute disability of minors under fourteen years, compared to fourteen-ten and eight years. As the age of childhood passes and puberty is achieved, the person develops his mental abilities until he acquires the full capacity to consciously and rationally work his rights. At ten and eight years old, the law boasts this ability. 5 Rodolfo Moreno, LBS Persons in Chivil Law, page 151. 6 Espin Canovas, Spanish Civil Law, Pag. 198. 7 ID Payment 199. 16. Exhibition of the reasons why the Guatemalan Civil Code Decree 106 16 7. We maintain the system of the aforementioned Code, which declares a person's place of residence with the intention of remaining there; shows that one to one to one to one has continued to be permanent or, if not proven otherwise. Article 32 of the new Code accepts this criterion, which is adopted by other laws. Residence, which is established in accordance with the interests and activities of the person, looking at the place where you have a major business place, is another system that the Code is associated with the previous one in the same article. In order to establish that the latter is auxiliary only to the former, and to establish its concept well, it is considered that the usual residence, which entails the intention, is a residence, which is 34, allows that place or place where a person lives alternately or has habitual professions in several places, is considered domicilia in any of them. Thus, the doctrine of the 1933 Code has no substantive changes and does not change in legal residence and proximity. 8.-ASENCIA. Three periods, including this legal institution, are well marked: a statement of absence, management of the property of relatives in absentia and possession. After notifying the absence and following the procedure specified in the Procedure Code, the judge announces this and the goods are delivered to the hevery administration. Spouses and blood relatives may, in a legal succession order, demand at any time that the property in the administration be transferred to them; and five years after the announcement of the absence of the intended death, succession could be declared and the property transferred to a will or to the rightful heirs. Code 33 stipulates that possession It may be requested by a will or the rightful heirs if the absentee has not been heard for three years, but it was necessary to open a succession to find out who the heirs were, and it is absurd that the succession was open and the will is known as long as the case is alive, since a statement of death can be made only a few years after the temporary possession. For these reasons, temporary possession is abolished and replaced by an administration that can be requested by blood relatives who, in the same succession order as the law and as likely heirs, will receive the assets of the registry. It is these relatives who are interested in caring for the assets that may be theirs if they are the heirs of the case who may not be known, or these heirs will be announced in court. The separation and good characterization of these periods, the shortening of the time frame, the identification of the cases in which the alleged death announcement occurs, and the elimination of temporary ownership of the heirs are amendments contained in the Code. The ease of international communications and services, facilitating all kinds of news, makes it unnecessary to wait long until the first to determine the situation with the missing, so modern legislation reduces the time outlined above in civil codes. 9.-LEGAL ENTITIES. The draft article 15 includes the listing of the Constitution of the Republic as follows: 17. An exhibition of the reasons for the Guatemalan Civil Code No. 106 17 They are legal entities: the State, municipalities, churches of all cults, the University of San Carlos, social assistance institutions and public funds established or recognized by law; 2) associations that intend to promote, exercise and protect their trade union, political, economic, religious, social, cultural, professional or other interests, whose constitution is duly approved by the relevant body; and 30 Companies, Companie purpose and character has been formulated. The Reform of the Commission consists of dividing into two sections of the 1st subparagraph, thus becoming: State, municipalities, churches of all cults, the University of San Carlos and other public law institutions established or recognized by law; and the second is like this: foundations and other public organizations established or recognized by law. Paragraph 2 of the Draft becomes the third, the Code and associations are also considered: Employers and committees on recreational work, utilities or social benefits, established or authorized by the relevant body. In paragraph 3 of draft 4 of the Code, words for profit are interspersed after consortia and any other, and a paragraph 30 could be established with the permission of the State in a form not considered by commercial enterprises to be so. Articles 20 and 21 lay down general rules governing the basics that were not felt, and article 23 refers to the organizations, festivities, etc., which must be monitored by the body and give the funds raised to the commissioner, making the people who integrate it together and somewhat accountable. The remaining provisions apply to the provisions of the 1933 Code, and clear language and provisions should be clear and duly dealt with separately. 8 The Constitution of the Republic, adopted on 15 September 1965, into force on 5 May 1933, establishes the following provisions for legal entities that we accumulate as necessary: Article 67. The Catholic Church and other cults are recognized as legitimate persons and may acquire and own goods and dispose of them, provided that they are intended for religious, social or educational purposes. Article 99. The University of San Carlos de Guatemala is an autonomous institution with a legal personality. Article 102. Since the activities of the private university had been authorized, it would have a legal identity. Article 147. The right to social security is recognized in the interests of the people of the republic. Its regime had been introduced at the national, unitary and mandatory level and would be implemented by a decentralized body with a legal entity. 18. Exhibition of the reasons why the Guatemalan Civil Code Decree 106 18 TITLE II. 10.-GENERAL PROVISIONS. Transcendental issues occupy the entire title II of Book I, such as marriage, de facto union, paternity and belonging, adoption, paternity, guardianship, family heritage and civil registry, i.e. family contract. Not only under the new constitutional mandates, but also under the new constitutional mandates in connection with the legal progress of family institutions, the legislation should be amended to address these provisions: equal rights and responsibilities of both spouses protecting the mother, married or unmarried child protection, child-born in or out of it, strengthening married life and undeniable heritage to protect them. The equal rights and responsibilities of both spouses have been recognized since 1933 by Article 83 of the Civil Code. The Constitution of the Republic of 1945 and 1956 established this principle as the basis for marriage, and the 1965 Constitution states that the State must facilitate the organization of the family on the legal basis of the institution. However, it recognized the Magna Carta itself, the need for de facto union laws to be ignored, and the advanced provision proclaimed that inequality between children was not recognized because they all had the same rights and that discrimination on the basis of belonging was abolished. They disappeared from our legal organization, the principles of the husband to whom she was obliged to obey and continue to bare her in the realm of inferiority, dissatisfied with her status as a companion of a man, the mother of her children and the lady of her home. The old division of children into legal and natural children has been erased from the Code, and now not only is this exception being exercised, but also shown in article 395 that no statement will be made about the situation of children or the marital status of parents on the birth certificates, nor in any document relating to belonging.9 We share the chapter that develops marriage under section II in question. eight paragraph I. General Provisions. Paragraph II. Obstacles to marriage. Item. Celebration of marriage. Article 9 of the Constitution of the Republic states that the Organization of the Family is encouraged by the laws on the legal basis of marriage. This act must be authorized by the relevant administrative body. Article 86 leaves it up to the law to determine the protection of women and children within the Union in fact and the means to obtain recognition. All children are equal before the law and have the same rights. 19. In accordance with the Guatemalan Civil Code Act, Act 106 19 of Iv. Item The economic regime of marriage. Paragraph VII. Separation and Divorce. Paragraph VII. Consequences of separation of Y from divorce. In paragraph I, in general terms, article 78 defines marriage. We consider it essential to express our goals in the solemn act of their celebration, so that they know at such a time the importance and significance of such an act and the serious responsibilities they bear for it. The requirements for the celebration of marriage are solemn in nature, they must be filled in such a way that the act is valid, not merely a form of ceremony or a means of proof. That is why we believe that this is not a matter of marriage to the Procedure Code, since such a ceremony is not merely a procedure, much less a judicial one, but a whole set of formalities that are part of the act necessary to recognize its existence, as set out in article 79. Articles 80-87 complied with the same provisions of the previous code amending which both parents must allow their minor children when they intend to marry; that leave for the foster child was granted by the adoptive parent and that, if the parents refused or disagreed between them, the judge would grant permission; changes that result from equal recognition of equal rights of both parents over the face of their minor children. 11.-OBSTACLES. The Code clearly shares absolute or direct obstacles. as well as so-called non-orientations that prevent only marriage, while the first, listed in article 88, subsidizes marriage as prescribed by article 144. The existence of marital relations cannot be recognized either in the case, or even by prescription, of a marriage celebrated in good faith or in bad faith between blood relatives in a straight line or between brothers or brothers; neither among ancestors, nor among descendants who were bound by intimacy, for example between the shadow and thean, or between the shadow and thean, or between father-in-law; and, of course, married or cohabitant persons officially declared, since marriage required marriage, it was essential that contractors be single, widowed, divorced or that their union be dissolved in court. The incapable, referred to in paragraph 5 of article 93 of the previous Code, is removed in the language that his case is untrue, as stated in article 93 of the previous Code, in addition to paragraph 6, banning marriage accepted at the time of adoption. 12.-CELEBRATION OF MARRIAGE.- Articles 92 to 107 include them in the Civil Code, which do not change their essence or the spirit that animates them. As such decrees of the recent promulgation, this is not the case of the introduction of 20. The explanation of Guatemala's Civil Code Act 106 20 unnecessary reforms, as to date they have not presented any tangible difficulties or inconveniences. Article 97 added to article 97 added to article 97 the obligation of a man to submit a health certificate, as well as to women, to article 97 at the request of others who agreed with the legal representatives of the latter if he was a minor, but there was no discrimination between indigenous people and ladinos, nor was it required to be circulated by the General Health Administration or its delegates in the departments. On the contrary, it is allowed to issue it to the doctor and those who live in places where the specialist is not entitled to this obligation, and those who have already had sex when applying for marriage make the certificate in guaranteeing spouses and their descendants that they will be free from tar, defects and diseases, the ailment of which will make spouses unhappy and even more vaccinated children. But, unfortunately, experience shows that the commandment contained in the Code was not effective and in many cases served only to prevent marriages of persons actually united in reality, or to bypass disposition by issuing certificates that only filled the formality, due to the lack of elements in most groups of the population of the Republic, except for the capital and one that the other department is heading. A form that is accepted according to reality without requiring the impossible, and is not obliged to draw or receive permanence that does not correspond to the truth. 13.-DUTIES AND RIGHTS BORN OF MARRIAGE. Thus, Civil Code 33 will title the contents of three articles. 97, 98 and 99, but outside the title, there is no development point set. Article 97, reformed by article 3 of the 2010 Legislative Decree, provides that in marriage a woman adds her husband's surname to her surname and retains her nationality, which is also the subject of article 98; and 99, provided that a woman has the right and duty to lead household chores, and in the area of domestic action the right and duty to take care of her husband's affairs. When it comes to such an important issue in married life, he misses it the contents of this chapter of the Code, or rather the complete absence of regulations on the legal relationship of spouses, since the name of the term is irrelevant, for example, to occupy all the contents of the chapter; nationality does not correspond to this place, and the direction of domestic duties and care for the husband's affairs appears to be a unilateral requirement without other rules governing the obligations and rights of both spouses, the New Code develops the full content of the question proposed in the title, which leads to the paragraph, taking into account the priority of the earlier declaration of reciprocal rights and responsibilities between married and their children with their children, in connection with the provisions governing parental powers. Article 108 reproduces the rule relating to the husband's surname, which is added to the woman's surname, but removes the nationality of the item that corresponds to another paragraph and expands it in the sense that the surname always retains it if the marriage is not dissolved by zero or divorce. 21. The explanatory note to Guatemala's Civil Code 106 21, article 109 states that the representation of the marital community depends on the husband. Without violating the principle of equality of both spouses, any of us should represent the community and be its administrator. This question does not contradict this commandment, but rather provides an opportunity to serve as a more appropriate one for his work, leaving the wife without these worries, so that she can more successfully perform the role of mother, who is obliged to her by nature and to order and direct household chores, as a lady and housewife and the director of her young children, so need their constant care. It is a high mission that it is up to the wife to force the team to provide everything necessary to maintain the house, in accordance with its economic capabilities; however, if a woman has a productive income of her own or performs any job, profession, trade or trade, it is natural that her income also serves domestic expenses, proportionately and fairly; and it must also carry all exits if the husband is unable to work and has no property. The powers of both spouses in the family must be equal; by general consent, they must register their place of residence and organize everything related to the education and establishment of children and the family economy, as stated in article 109. Equality does not mean that the natural characteristics of each spouse are unruly, depending on their gender. The physical superiority of a person and full fitness to work force him to have the necessary means protect the face of the wife and children and provide them with assistance, that is, everything necessary for their nutrition and support. For her part, a woman, wife and mother, fulfills her natural mission by raising and caring for her children and running household chores; rights and responsibilities mentioned in Article 110. As a result of the above, the income that the husband earns in his or her work is allocated to them to cover the costs of his house, which is a natural obligation that no person who knows of his responsibilities will cease to perform; however, if other measures of attention reject such compliance, article 112 entitles a woman to collect her and her younger children's wages from her husband, a salt flat or income of the amount necessary for food. Mutual law is exercised by the spouse if the woman owes her property or income. The problem now was the work of women outside the home. Material needs force her to look for a job or position because she feels fit for work, after completing her primary or secondary education or when she has completed a diploma that prepares her to work in the office. It surprises the marriage and the habit of acquired saves it, seeking with his salary to contribute to the support of the house. This is justified and achievable; but as soon as childbearing begins with the birth of her first child, the woman must understand that her mission is in the home, and if it is not for special circumstances she should not neglect her children under the pretext of personal needs and desire to help. Article 113 allows women to work, to engage in profession, industry or trade, as long as it does not harm the interests of children or other care for 22. Exhibition causes Guatemala Civil Code Act 106 22 of your home. A husband may object to such activities of a woman outside the home, provided that he provides everything necessary to support the same and his opposition has reasonable reasons that the judge will decide by his test. This power, granted, in a higher interest than the recognition of women's freedom to govern their lives as they see fit, is the care and education of children who are protected, in which the father and mother must be equally committed, is the preservation of the bonds that must unite husbands and children. Thus, these provisions do not attack the equality of spouses, but seek to carry out their duties at the place of their duties 14.- THE ECONOMIC REGIME OF MARRIAGE. Persons wishing to marry must decide which economic regime, is called marriage capital and is binding in the cases listed in article 118. Marriage regimes are the regime of absolute community, separation of property and partial or income of the community, separation of property and partial or income of the community, separation of property and partial or income of the community. exists will be divided in half between them. If contractors adopt an absolute separation regime, each of them retains ownership and administration of their goods and fruits, products and affiliations, as well as the wages, wages and profits they receive for personal services or in trade or industry. In this case, it should be taken into account what is stipulated in article 128, which states that spouses are obliged to guarantee the share they provide, the cost of housing, food and education of children and other burdens of marriage, the obligation to be registered in a public case or on a marriage certificate. Under the earnings regime, each owns the assets he/she contributes to the community, but when the community is eliminated after the separation that belongs to each of the spouses, the rest will be earnings, which must be split in half between the two spouses or their heirs. Article 124 (2) states that goods purchased or exchanged for the fruits of each spouse's own property can also be purchased, even if the purchase was made on behalf of only one of them. Usually the property acquired during the marriage appears in the name of the husband, who as a community administrator deals with his business and transactions with the goods, sometimes without the woman knowing what she is doing with what belongs to her. The second paragraph of article 131 established that the disposal or taxation of community real estate should be made with the consent of both spouses to the lawfulness of the act; thus, trying to protect the common heritage, because if each other's product of own assets is converted by the husband, let's put the case in the real estate that he acquires and registers in his name, it is 23. The exhibition causes the Decree on guatemala's Civil Code Act 106 23 is clear that - the right of women to be bullied and the purpose of the law is thwarted. However, this paragraph of article 131 was repealed 70 Constitution, which in conduct states: In the economic regime of marriage or actual union, each spouse or friendliness has the free disposal of goods that are registered in his name in government records, except for restrictions expressly contained in the inscriptions of each item. In any case, spouses or converts will be held accountable to each other for their willingness to do common good. The first paragraph of articles 131 and 132 states that a husband as an administrator may not exceed the limits of regular administration. You should keep in mind that you do not have absolute ownership of the assets in your care, and so you should handle them with caution, which good management advises in order to seek their increase and avoid the risk of them disappearing as a result of bad business. This woman may object to any act of command that harms the interests it manages, and even terminates her management and requests for separate property, where, because of her notorious negligence or incapacity, she threatens to destroy common property or fails to provide adequate maintenance to the house, and it is the family judge who decides the matters that reach her knowledge properly. These new provisions are similar to those in other solution, which gives the law the means to protect the family's property. The husband's administration may also cease to operate in the cases referred to in this article. 115 and pass the administration to a woman. Articles 127 and 129 states, which assets are specific to each spouse. It mentions former persons acquired through inheritance, donation or other free title and compensation for accidents or life insurance, injuries or illnesses, deductible premiums paid in the community; the second relates to the treatment of a house that corresponds exclusively to a woman, with the exception of only the husband's personal use. The utensils include furniture and equipment at home, but its definition is an actual fact that if in doubt it is for the competent court to declare, since the socio-economic conditions and conditions of each family are different. Articles 135-138 provide for the obligations of each spouse to support the home, his responsibilities for offences, debts prior to marriage and the cost of illness and funeral. Finally, articles 140-143 regulate the liquidation of family property and cases where there is no right to profit. 15.-DISOBEDIENCE AND INVALIDITY OF MARRIAGE. All three article 88, referred to in article 144, was the only article on the non-containing marriage that stemmed from unions that rejected nature, morality and law. The statute of limitations does not work here, and therefore, at any time when the event is reported, the judicial authority must declare disobedience and order the cancellation of the paragraph in the Civil Registry. 24. The Monthly Decree on the Guatemalan Civil Code 106 24 Nullity is distinguished. In the case of marriage, it may be the case with some vice that annuls it, but before a final decision is made, declaring invalid, marriage has its legal consequences; and if the action is not carried out within the period specified in the law, the recipe erases the vice and the marriage is overestimated. The situations referred to in article 145 were invalid, but they did occur in the case of subparagraphs. and 2, the action is not free, of which he made a mistake, or was deceived, or forced to marry with violence or threats; or, if it is impotence, if it is impotence, if it is relative, the action corresponds to either spouse, and, if absolutely, a healthy spouse. This action corresponds to either spouse, and, if absolutely a healthy spouse. declared in a state of restraint, or the murder of the author, accomplice or concealment of the death of a spouse married to a survivor, corresponds not only to the actions of other persons concerned, but also to the Prosecutor's Office, taking into account the absolute lack of consent in the first case and the criminal act that motivates the latter; actions that, unlike the previous one, can be initiated by the heirs, provided that they are carried out within the period specified in the law. 16.-SEPARATION AND DIVORCE. Article 154 covers two cases in which separation and divorce may be declared, such as the mutual consent of spouses and the consent of one of them for a specific reason. The paragraph concluded at the end of the matriage. This supplement complements paragraph 1 and is Article 1102 of civil and commercial proceedings, which is transmitted here by its noun. The reasons for separation or divorce are determined in article 155. The amendments to the Code are as follows: article 149 (1) of the draft mentions the adultery of either spouse, not the infidelity required by article 124 (1) of the 1933 Code, but the Review Commission reproduced by reproducing the causal part of the previous Code. The breadth and vagueness of the word infidelity lends itself to anthojadiza interpretations that open up ample opportunities for divorce, which is not the case with the requirement that infidelity is the culmination of adultery, a specific fact whose evidence is necessary for the appropriate declarative decision to make, the circumstances that motivate the adoption of suppressed causal. Item 2. together with paragraph 13 of article 123 of the previous Code, the previous Code was expanding, including not only cruel or ill-treatment and serious offences, but also ongoing quarrels and disputes, and generally behaviour that made shared life intolerable. The separation or abandonment referred to in paragraph 40 was reduced to one year instead of the two set by the Code, which was sufficient time for the abandoned spouse to resolve his situation without any justification. Article 123 (15) of the previous Code was excluded because the application invoked it could be replaced by the one defined by paragraph 2 of the new Code, without the need to convict facts whose evidence would be inconvenient in the courts. Finally, the second paragraph of article 158 stipulates that there is not enough evidence to declare a divorce, the defendant's answer about the reasons. 25. With regard to the submission in Guatemala of the Guatemalan Civil Code Act 106 25, this provision is necessary in order to prevent the divorce procedure from being ridiculed, as was the case in many cases where the judge served as a tool for the plaintiff to be virtually excluded from the proceedings. A woman's confession, responding to a legalized signature claim, is often swept away with threats to take away the children or not to give her child support, and in other cases she receives deception, and she does not realize what she is signing until she is notified of the decision; Thus, the clearly contrary values of recognition as evidence, what is being done to guarantee the rights and interests of the wife as well as the children, requiring that the test be carried out at the appropriate time. 17.-EFFECTS OF SEPARATION AND DIVORCE: Articles 1103, 1104 and 106 of the Civil and Commercial Procedure Code form Articles 162 v 163 of the Civil Code, as they are essential provisions relating to the consequences of divorce from the time a request for a judge is submitted. It is important to learn article 162 that women and children should be protected by the shovel of power to ensure that in any situation in which a woman believes that he or she is a guarantee of the law against possible abuse the husband, without resorting to the outdated procedure of making a deposit, depresses the woman, whose identity must be recognized and respected, without bringing her to the custody of the depository and the team. Her interest in establishing the state of pregnancy in which she may find himself is considered in procedural law and may initiate proceedings as appropriate as necessary. The chapter on the status of women and their equal rights with their husbands so that such guarantees of protection in marriage would not be accepted. Article 163 sets out the issues to be contained in the proposed agreement between spouses who, by mutual consent, decide on separate relationships to be submitted to the judge for approval. On the same issues, the court must decide when divorce is based on certain reasons; however, under no circumstances should the interests of children whose alimony be sufficiently guaranteed be ignored, which is a requirement without which separation cannot be declared. The Civil Code does not establish anything against the person in whose power the minor children remain; neither during the trial nor when the divorce was filed. The Code of Procedure, in the words of article 1114, states that in the course of divorce or separation for a reason, children under the age of seven, regardless of gender, and daughters of all ages remain in the care of the father, except in special circumstances that require the judge to ensure that they are in the custody of another person. Outside this provision, the fate of minors had not been established in the law, and a decision had once been made on separation or divorce was required by mutual consent. The Code addresses this problem in formulations 162 and 166. The first decision to have the children abandoned by the spouse determined by the judge until the issue of separation or divorce is finally resolved; relate to the claim case for reasons 26. Under the Guatemalan Civil Code Act, 106 26 stipulates that, under a reciprocal agreement, spouses must agree with those entrusted with their children, and therefore the paragraph 1 of article 163 requires this. When a separation or divorce is declared, article 166 is regulated. However, the serious cases proven during the trial force the judge to change this covenant, taking into account only the well-being of the children, making sure that the parents could communicate with them. The focus is on 167 that in any case the rights of children should be guaranteed, and regardless of the convention or court decision, the father and mother are obliged to feed and educate them; and at any time, article 168 states that the welfare of minors states that the judge must issue appropriate providences to meet the new requirements that may be submitted. An unvaccinated woman should enjoy child support, which will be determined by the judge if the spouses do not. The exceptional case is that the husband uses the pension when he cannot be bound in anything, works and has no means of subsistence; however, it all depended on whether the woman had the goods or resources to supply it. With regard to the effects of separation and divorce, the Review Committee had prepared three articles to share its overall civil impact, the consequences of separation and the appropriate impact of divorce. In the draft, this provision was reduced to one article: Civil consequences are common to separation and divorce, but only divorce dissolves the relationship and frees the spouses to marry again. The overall implications, in the Commission's view, are: 1.- Settlement of family property; 2.- The right to food in favor of an unvaccinated spouse; 3.- Suspension or loss of parental authority when a cause-and-effect separation or divorce takes it from one and there is a direct request from the interested party. It seems to us that this was not necessary for the following reasons: paragraph 10. expressed in article 140: a dissolved marital company, it should be liquidated immediately; and article 170 states: Since the sentence declaring separation or divorce is final, the family property is liquidated. Paragraph 20. is contained in article 169; and paragraph 30. which deals with the suspension or loss of parental authority, covers the cases referred to in articles 273 and 274. Article 160, drafted by the Commission, states that the following effects of separation, in addition to the subsistence minimum of marital communication: the following. The right of an irrefutable spouse to the sequence of the other spouse; and, finally, article 161 states that the dissolution of a marital relationship, which leaves spouses free to remarriage, is the result of an irrefutable spouse to the sequence of the other spouse; and, finally, article 161 states that the dissolution of a marital relationship, which leaves spouses free to remarriage, is the result of divorce. But as for the provision of article 161,201, it is already contained in article 108, which states: On marriage, a woman has the right to add the 27th to her surname. Exhibition of the motifs of the Guatemalan Civil Code 106 27 your spouse and always keep it if the marriage is dissolved by zero or divorce. The Review Committee has also amended article 166. It abolishes the age of minors established in the draft in order to determine which parent should remain in the event of separation or divorce. The amendment clarifies that a judge may decide to custody and care for minors based on studies and reports by social workers or institutions specializing in the protection of minors. 18.-FACT UNION. The Constitution of the Republic states that the law defines de facto alliances. The law governing this issue is Decree 444 of Congress of October 29, 1947, called the Statute of Acts of Unions. The Code includes, with the relevant amendments, the provisions of this basic decree, which replaces them. The law recognizes the fact to give it legal consequences, provided that it meets the requirements that it requires. This union is not another form of marriage, but an acknowledgement of a situation in which a man and a woman, with the possibility of marriage, lived together, worked, worked and purchased some goods, so the right of both and their mutual obligations are established, just as they are married. If this were not the case, it would be possible to continue to accept the abuse of the assets and leave the most helpless spouse, with the cooperation with which he managed to form a small capital. The conditions under which the union does have legal consequences exclude criminal unions, which the law cannot accept. The first and essential requirement is for men and women to be single so that they can marry. In order to ensure the rights of united persons, the recognition of the union effectively exposes men and women to the obligations and responsibilities between them and their children. if you have died or both have died, then this right to recognition of the ion for the purpose of inheritance, separation of credit, paternity and belonging is the power of a fellow super-vi superintendent and legitimate heirs. Thus, all the contents of the Code, which develops this theme in articles 173-189, are based on these grounds. The Review Committee says in its report: Some reforms have been implemented with respect to the rules governing de facto trade unions, so that when such unions have been legally established, they have the stability and duration to protect children and their converts. They are given equal rights and responsibilities spouses where applicable. The amendments are as follows: to the paragraph that states: The provisions of this article apply, provided that the de facto alliances must be declared co-existing, at the time of the request for an appropriate declaration or on the day when the death of the person with whom the de facto union has been retained coexistes. Article 183 read thus: The Union may in fact cease by mutual consent of men and women, or at the will of one of them. 28. The statement on the reasons for Guatemala's Decree on the Civil Code 106 28 Demonstration must be made by a judge of his residence or notary, but in order for the relevant record to be recognized and ordered in the Civil Registry, it must be carried out in advance in accordance with the requirements of article 155 of this Code for divorce of spouses. The Commission has made the following amendments: the Union may in fact cease by mutual consent of men and women, just as it was established, or for any of the reasons assessed in article 155 for divorce and separation, in which case the separation must be declared in court. The termination of the residence of converts or in front of a notary; however, in order for the relevant record to be recognized and ordered in the Civil Registry, it must be completed in advance in accordance with the requirements of article, which it developed in this way; A man and a woman whose union is actually in legal form inherit from each other hate in the same cases as the Code is defined for spouses. The provisions of this Code relating to the responsibilities and rights resulting from marriage and its economic regime are valid for de facto unions as far as possible. But the first part of this article has already been written in article 1064: The succession of persons who have legalized their union is actually governed by the above commandments (they give way to succession). The surviving man or woman is second with the immediate ancestors, as is set for the spouse, and the second part of the article is also contained in article 182, which lists the consequences of the de facto union inscribed in it. Civil registry, paragraph 50 of which. finally, it says: the subject of rights and responsibilities of men and women during marriage. 19.- KINSHIP. The Constitution of the Republic proclaims that adoptive parents' children. Article 190 establishes a civil kinship arising from adoption, but limited, between the adopter and the adoptive, thereby changing Article 2 of Decree No. 375 of Congress of May 5, 1947, which contains the Juvenile Adoption Act, since the relationship of father and child that occurs through the adoption of leagues or is combined in a way that establishes a legal relationship that constitutes civil kinship. Outside of this reform, which is introduced into this treaty, what the Code has established in terms of kinship of non-Englishism and proximity persists. 20.- FATHERHOOD AND AFFILIATION. The provisions of the provisions of the provisions contained in articles 145-182, but that divide and expand two aspects of the issue, namely, the question of marriage, which is the subject of Chapter IV, and as to the out-of-marriage, which is considered in the following chapter. Marriage paternity and belonging and extramaritality have different ways of establishing them: first, there are exact rules that cannot change; 29. The explanatory exhibition of guatemala's Civil Code Decree Act 106 29 of the Marriage Act defines the presumption, and must be proven in court if the parent voluntarily does not recognize it. This requires separate treatment of two family chias, without reducing the equal impact they will have on children once paternity is announced. Article 209 of the Code explicitly states that children born in marriage; however, the consent of the other spouse was required for them to live with a married parent. Recognition of non-marriage is a particular focus of the reforms introduced in the Code. Article 211 lists the means by which recognition may occur when a complaint is answered, when positions are justified or on record are filed with the judicial authority. The defendant's consent to the lawsuit completes the process and the judge will immediately fail, according to article 252 of the Criminal Procedure Code. The statement, in this case, was to be made in court. Confessions of acquittal or voluntary appearance are sufficient, as expressed in article 211 of the Code, to ensure that a civilian registrar based on the certification of initial care, a provision that facilitates recognition of belonging. Article 216 gives a maternal grandfather or mother who must do so. Another provision on recognition is one, so that this act can be implemented even if the parent can no longer do so. These first-degree relatives in relation to the child's parent, who must be recognize the child when they voluntarily wish to do so. Article 219, partly taken from the Mexican Code, we consider it to be in line with our customs and the Foundation for Justice and Humanity. a woman who cared for a child as her child and provided for herself, had the right to have it in her possession when a man declared his paternity; but if you are forced by court to surrender it, the parent who intends to take it must pay in advance the amount spent to support the child. This will prevent the father from being recognized for selfish reasons, completely oblivious to the interests and well-being of the child. Not only as a notorious possession of the state, the son can prove the Mariian life of his parents at the time of conception, but in any case, assuming belonging in the same way as in marriage, as stipulated in Articles 221 and 222. Article 225 is added to it, which declares the mother the right to compensation for the damage or morality she suffers in the case of criminal carnal access or a minority at the time of conception. Actions requiring belonging in the previous case and in a life of maridable are inappropriate if at the time of conception the mother led an unarmed life or carnal trade with a person other than the alleged father, or if it was clearly impossible 30. The exhibition causes Guatemala Civil Code Act 106 30 defendants to have carnal access with the mother, either from impotence, or because she is absent, or for any other reason that is properly proven. These exceptions complement the subject of article 226 of the Code. It concludes this chapter with article 227, which stipulates that voluntary or judicial recognition is a declarative act of paternity and therefore has consequences from the day of the child's birth. The comparison of the new development and its order and its contents. 21.-ADOPTION. Adoption is a legal institution that has its alternatives in Guatemalan law. Adopted in the Civil Code, authorized by Presidential Decree No. 921 of June 30, 1926, is an exception that was confirmed by the Civil Code contained in Decree No. 1932 of the National Legislative Assembly of May 13, 1933. The Revolutionary Council of the Government re-established adoption of Decree 375, which is the Adoption Act. The Constitution of 1945 and 1954 established adoption for minors, finally sanctifying it as an institution to be included in Guatemalan law, a provision that repeats the new Constitution. 10 The adoption governing our legal order is not Code 77, inspired by the objectives of the existing legislation. Not the interest in preserving the family group or the effort to ensure that the aristocratic surname was not extinguished, which motivates the new adoption, but rather the social interest in helping orphaned children or whose parents do not have the financial means to support their livelihood and education, which at the same time reflects their benefit in marriage, which does not have children, to whom it provides satisfaction, provided only by the family at home. In this principle of high social utility, which means the cooperation of individuals with the work of social assistance of the state, Chapter VI of the Code is inspired and developed by adopting from the previous law provisions that we consider acceptable. Adoption is defined in article 228 as a legal act of social assistance for minors. Article 190 establishes a civil relationship between adopted and adopted persons without extending to relative parents' children and therefore have the same rights and obligations as children towards their parents, and adoptive parents recognize the rights and obligations of the parents in relation to the person and property. 10 The Constitution states that article 87 establishes adoptive parents' children. Adopters, codigo civil guatemala matrimonio, codigo civil guatemala actualizado 2019. codigo civil guatemala url. codigo civil guatemala actualizado 2018. codigo civil guatemala decreto ley 106. codigo civil guatemala actualizado 2018 pdf. codigo civil guatemala divorcio

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