Law of persons

CHAPTER 5

CAPACITY OF PHYSICAL PERSON

Introduction

- Every person without distinction *holds rights of personality. And* such right normally starts as of birth. Art 1 but
- *As* an exception *rights of personality may starts from date of conception (eg. during successions, art 2-4 and 834)*
- So holding of civil right starts at birth or at date of conception, even if exercising it has certain limitation.
- Q) does all kind of rights held by the person starts up on his/her birth or conception? Think some political rights
- However, certain political right is held by persons who have attained the age required by law.
  - ✓ *(eg. To elect 18 yrs, to be elected 21 yrs, to be appointed as PP, 21, as a Judge 25 yrs etc)*

Introduction con’t

- Except holding of political rights, which require a certain level of maturity and experience, every person holds right of personality
- However, there are restrictions in **the *exercise*** *these rights due to* ***age, mental or physical condition, sentence*** *etc*
- A person who hold and exercise right of personalities is said to have a capacity to inter in to legal relation. While
- A person who holds rights, but exercises them through a guardian or tutor is referred to as *a* ***person with lessened capacity***
- Eg., minors, insane persons, interdicted person, etc

Capacity to *exercise rights and duties*

General principles (art 192-197**)**

1. Capacity is the rule and incapacity is the exception (art192)

- Every physical person is **capable** of performing all acts of civil life **unless he is declared incapable by the law**, art 192
- everyone has the *capacity to* ***exercise*** *the rights he holds unless*
- ✓ *he is within the group of persons whom the law declares incapable of performing juridical acts on their own,*
- *i.e.- without being represented by a guardian or a tutor.*

Con't

2. ***Capacity is presumed unless proved otherwise*** (art 196)

- A person's capacity to exercise juridical acts is presumed (196/1), and
- anyone who invokes the issue of incapacity bears the burden of proof (196/2).
- Not only 3rd party but also the person who alleges his own incapacity has a burden to proof it.
- **Q)** What if the incapacity of a person is apparent? Does s/he has to prove the same?
- For instance what if the infirmity is apparent? Does s/he has to prove it?

Con't

3. The deprivation in the exercise of rights is not absolute

- Even if a person is declared incapable by law, his incapacity is not *absolute or total to perform any act of civil life,*
  - ✓ *he* is declared incapable of performing only **Juridical acts**
- (i.e. juridical acts are acts that entail legal consequences) and it is only small part of acts of civil life in persons day to day activities)
- So the exercise of his rights and performance of his duties remain unaffected in most domains of civil life, other than juridical acts
- Eg, birth day invitation, gentle men agreements etc ….

- i.e., the incapacitated person is not deprived of holding these rights; but, he is required to exercise them through a guardian or tutor.

Con’t

4. The prohibition of renunciation and voluntary restriction of rights

- The exercise of rights cannot be renounced (195/1). And,
- voluntary limitation in the exercise (enjoyment) of rights is void “**unless it is justified by lawful interest** art 195/2
- The phrase ***“legitimate interest”*** *in Article 9/2 is replaced by “**lawful interest**” in Article 195/2. and both are* vague word.
- So we may use the French master draft that uses the words “***law and public order*** *“*
- *Q) can you give me some example?*

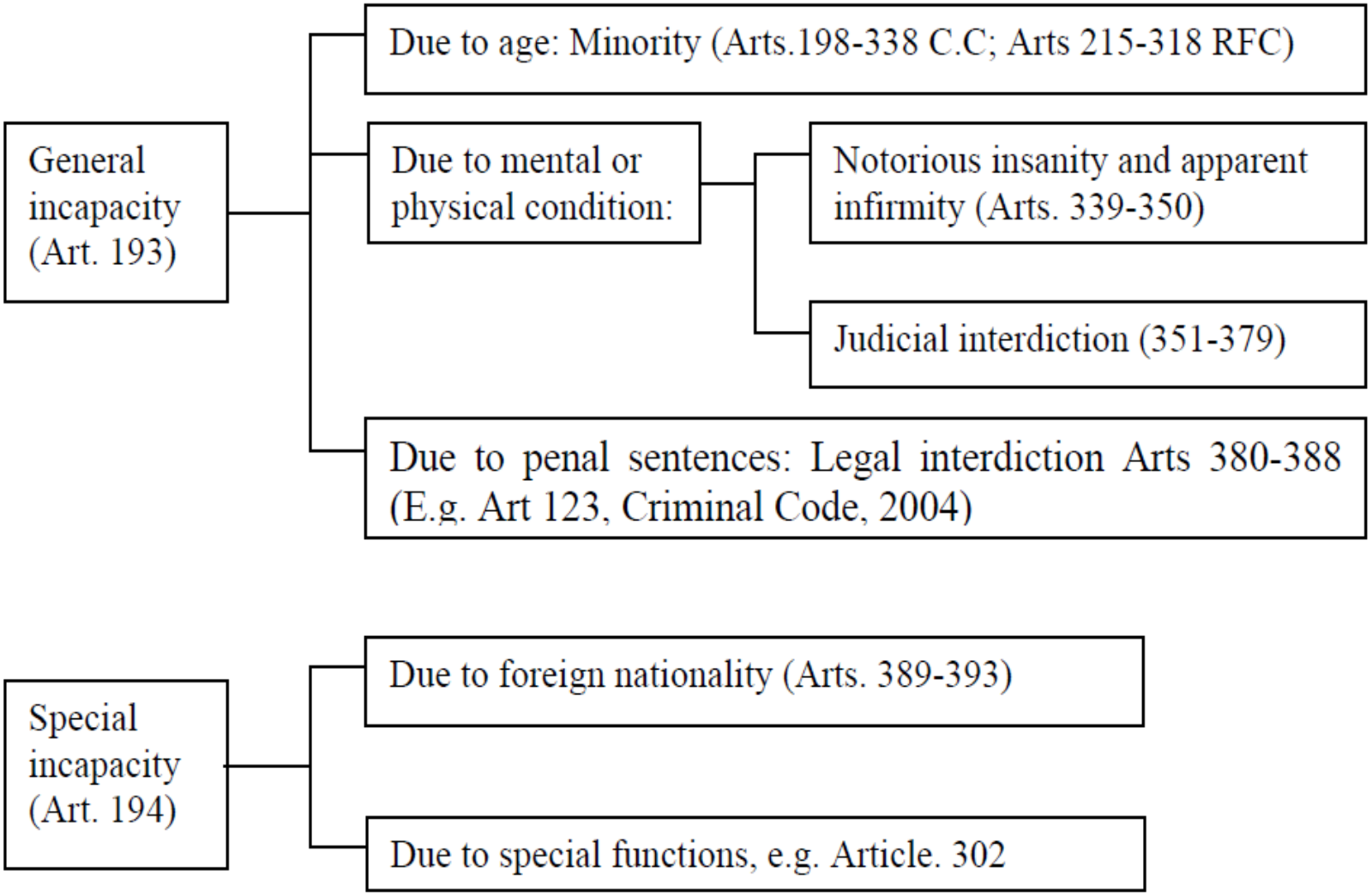
Categories of lessened capacity

- persons with lessened capacity may be categorized in to ***General incapacity*** *and* ***Special incapacity.***
- **General incapacity:-** is when a person generally prohibited from performing any array of **juridical acts**, while
- **Special incapacity:-** deals with single or only few juridical acts that are ***specifically mentioned*** *in the law* and that can apply only *to certain categories of persons*.
- *Age, Mental or physical condition* and *Sentence* are grounds of General incapacity (lessened capacity)
- the law does not specifically enumerate the juridical acts that can not be performed by this category of persons except for legal interdicted person. but

Categories …. con’t

- For persons with **special incapacity**, the law **specifically enumerates** the juridical acts that are **not allowed** to be performed
- **foreigners** are categorized under special incapacity and they are capable of performing all juridical acts except those specifically indented and prohibited by the law,
- ✓ Eg, voting or ownership of immovable property with out permission.
- **Special function** may also entail special incapacity.
- ✓ Eg, A tutor can’t conclude contract with the minor, nor can he accept the assignment of any right or claim against the minor, unless he is authorized by court art 289 of RFC

Categories …. con't



Purposes of lessened capacity

- Rights of personalities are *held by every person regardless of race, colour, religion or gender, etc but*
- the direct *exercise of certain juridical acts requires a certain level of maturity, mental condition and the like.*
- *So the major purpose of lessened capacity except for legal interdicted persons are:-*

1. To protect the incapacitated persons from others who may take advantage of their inexperience, inferior judgment, etc.;
2. To protect these persons of lessened capacity from their own erroneous decisions and acts that could be detrimental to their interests. but

- In the case of **legal interdiction**, the incapacity has the purpose of protecting society from offenders. Eg art 123 of criminal code.

Minority

- A minor is a person of either sex, who is below eighteen years of age and it starts from the beginning of physical personality. Art 1 & 198 of CC
- The Civil code and RFC do not make any distinction among minor, but the Criminal code did.

1. Minors below the age of nine are called ***infant*** and they are exonerated from criminal responsibility (art 52 of Cr. c)
2. Minors b/n the age of 9-15 yrs are called **young persons** and they are subject to special measures and penalties d/t from the one applied to adult (art 53 of Cr.c)
3. Minors b/n the age of 15-18 yrs are considered **as a major** and subject to ordinary laws and penalties but the age taken as a **mitigating circumstance**. (art 56 and 179 of Cr.c)

Juridical acts that can be performed by minors

- A minor cannot perform juridical acts i.e.-acts that entail legal consequences) “except in cases provided by law” (216/3- RFC)
- Which means there are certain juridical acts a minor are allowed to perform.

1. Guardianship and tutorship *(art 242 of RFC)*

- A minor can be a guardian or tutor of his own children
- It applies where a minor became a parent *outside wedlock,*
- because marriage (upon dispensation of not more than two years) emancipates a person from minority (Art. 311 –RFC).

Q) Can such minor perform juridical acts on behalf of his own minor? What is your solution. ?

Con’t

2. ***Receiving income from work*** *(Art. 263 of RFC and 272 of civil code)*

- From the age of fourteen (15 in civil code) onwards, the minor himself shall receive the income deriving from his work and
- He may freely dispose such income in accordance with the law, after making contribution *to his own maintenance*
- Making contribution does not mean covering all his expenses but making contribution to cover same portion of it.

Q) Can a minor spend significant amount of his income as he wish? Or can he enter into contract of sale?

- It has to be In accordance with the law. (which means it is subject to art 292 and 293 of RFC (305 and 306 of CC)

Con't

3. ***Receiving income from donated or bequeathed property*** *(art 264 of RFC/ art 273 of CC)*

- A minor may receive income from property donated or bequeathed
- ✓ if the person who donates, bequeaths the property orders that the minor and not his guardian receive and use the income.
- Contract of donation or will can also enable the minor to administer and use of such income.
- i.e but not to administer the property. Only the income derived from such property.

Con’t

4. *Acknowledging a child*

- A minor shall personally make declaration to acknowledge that he is the father of a child art 134/1 of RFC
- Where the acknowledgment is made without the guardian’s authorization, the minor can revoke such acknowledgment.
- Revocation is possible as long as he is a minor or within one year following his attainment of majority art 140/2 of RFC and
- the right of revocation can only be exercised by the minor himself and not by his representatives (such as guardian or tutor) or heirs art 140/3 of RFC

Con’t

5. Acts of everyday life

- The tutor may expressly or tacitly authorize the minor to perform *acts of everyday life. Art 192 0f RFC.*
  - ✓ by considering his age and his financial position
- *acts of everyday life:- defined as acts, which do not require authorization of the court art 293/1 of RFC and*
- acts that entail expense or obligation whose value does not exceed *300 Birr art 293/2 of RFC (100 birr under civil code).*
- ***Q)*** *is this a commutative requirement or optional?*
- so the tutor can authorize the minor to perform acts of every day life by considering his age and his financial position

Con’t

- **Q)** What if a minor spent 1000 birr in series of transaction which individually nor exceeds 300 birr?
- Acts such as loan (Art. 290), lease (284), and compromise involving an amount more than *one thousand Birr (Art. 288) cannot be performed by the tutor without the authorization of the court*
- *So that,* the tutor cannot authorize the minor to perform such acts. Acts other than acts of every day life.

Con’t

6. *Will, marriage and being adopted*

- A minor is entitled to make a *will on his own as of his attainment of sixteen years art 295(2) of RFC*
- *A minor over sixteen years who is allowed to marry according to Art 7/2 (RFC), is entitled to give his consent* because Art. 6 (RFC) applies regardless of age.
- Opinion of the child may be considered before the court approves the agreement of adoption (Art. 194/3/a -RFC).

Con’t

7. *Other juridical acts*

- A minor has the right to bring an action in court as stipulated under Articles 300, 160/1 and 161/1 of RFC
- i.e the minor may bring claims of filiations and action for invalidation as per art 300 and 161/1
- the tutor shall consult the minor (aged fourteen or above) in all important acts concerning him (Art.291/1 -RFC),
- The right to be consulted is of course a fundamental right

Sanctions against the acts of a minor performed in excess of his powers

- Juridical acts of a minor performed within the limits of his power are valid and binding. Therefore,
- The issue of invalidation arises only where the minor acts in excess of his powers.
- “The juridical acts performed by a minor in excess of his powers shall be of no effect”. Art 299 of the RFC.
- “The nullity of juridical acts performed by the minor may be applied for only by the minor, his heirs, or his representatives”.

Q) Is the juridical acts performed by a minor in excess of his power void or voidable?

Con’t

- The literal reading of this provision renders the contract void from the very beginning (void ab initio)
- but art 300 and the over all sprit of the law render such acts as voidable ((i.e.-subject to invalidation).
- **Void:-** has no effect from the very beginning (void ab initio)
- **Voidable:-** subject of invalidation but valid until invalidated.
- Therefore, juridical acts of a minor (that are beyond his powers) is voidable, since the act remains valid unless invalidated and the right to invalidate is given only to the minor, his heirs or representatives.
- Had such contracts been void , any party could have been able to declare that the contract is null and void from the very beginning.

Exceptions where contracts with minors are not invalidated

- Contracts performed by the minor shall remain valid where:-301

1. the other contracting party *could in good faith (believe that the minor had received the authorization to conclude them)*
2. *has not taken advantage of the inexperience of the minor.*

- This provision is applicable only to acts of every day life but not for other juridical acts other than acts of every day life.
- Since the contracting party is not presumed to believe that the minor is authorized to perform an act that is beyond the tutor's power of authorization.
- Payment made to a minor remains valid "to the extent of the enrichment which remains to his benefit on the day when the action of invalidation is instituted" . Art 302/1 of RFC and
- If there is no enrichment, then there is no repayment. Art 302/2

Reinstatement, extra-contractual-liability and damages

- Invalidation of contracts has the effect of reinstatement (1815/1).
- By virtue of Article 303 (RFC), the provisions relating to extra-contractual liability (2027-2161) and unlawful enrichment (2162-2178) shall apply to minors as well.
- The father, the mother, the person in charge of the minor, etc. (Arts, 2124, 2125) shall be liable under the law where the minor child incurs an extra- contractual liability
- The mere false statement of the minor that he is the major doesn‘t deprive the minor’s legal protections. Art 304/1 and
- The statement doesn‘t constitute fault of extra-contractual liability.
- Therefore fair balance has to be made ‘**protection**’ and ‘**liability**’.

Termination of minority

- The lessened capacity of the minor shall cease

1. upon his attainment of majority (i.e. –eighteen years) or
2. upon being emancipated. Art 310 RFC.

- emancipation of a minor results from marriage or explicit emancipation. Art 311-14 of RFC.

a)Emancipation due to marriage :-

- Article 7/1 of RFC prohibits both genders from concluding marriage before the attainment of the full age of eighteen years
- Article 7/2 RFC enables the Minister of Justice to grant dispensation of not more than two years upon the application of future spouses, or the parents or guardian of one of them, **for serious cause**. What is this good cause?

Termination … con't

- The dispensation is granted under 581/2 of CC and Art.7/2 of RFC thereby rendering marriage possible before the attainment of majority
- Such marriage emancipates the minor by virtue of Article 311 of RFC and Article 329 of the Civil Code.

b) Explicit emancipation

- The guardian or tutor of a minor or any interested party may apply to court for the emancipation of a minor who has attained the age of fourteen years. Art 312/1 of RFC. And
- The court may emancipate the minor after considering the factors stated under Art 312/2 of RFC.

i.e., Reasons such as the minor's conditions, whether it is for the best interest of the child or not and the reason applied for the emancipation.

Effects and irrevocability of emancipation

Effects:- art 313 of RFC

- An emancipated minor is deemed to have attained **majority.**
- The emancipation of the minor **cannot be revoked**, despite the dissolution of the marriage (314/1 and 2 of RFC).
- The only exception where a court may revoke a mino r's emancipation is:-
  - ✓ where it has pronounced the dissolution of the marriage on the ground that one of the spouses (or both) had not attained the age prescribed by law for marriage. art 314/3
  - ✓ i.e., 16 years/

Insane and infirm persons

- The law classify insane and infirm persons into two groups,
- Namely those who are not interdicted and those whose interdiction is pronounced by court.

Insanity that is not notorious :-

- Blacks law dictionary define insane as “Mentally deranged, suffering from one or more delusions or false beliefs that Have no foundation in reason or reality, Are not credible to any reasonable person of sound mind and Cannot be overcome in a sufferer’s mind by any amount of evidence or argument”
- Art 339/1 define insane person as some one
  - ✓ Who can not understand the importance of his actions
  - ✓ As a result of being insufficient developed (retarded development), mental disease or senility

Con’t

- This definition has two cumulative elements .

1. **The 1st element is The psychological element:-** it refers to the inability to understand the importance of ones action as a result of the 2nd element
2. **The 2nd element is the Biological element:-** it refers to the cause of insanity such as retarded development, mental disease or senility.

- So if the person could not understand the importance of his action due to biological reason listed above, he can be considered as an insane person.
- The word ‘importance’ in the psychological element of insanity seems vague but the criminal code under art 48 and 49 uses clear term. And accordingly it say
- “..the inability to understand the nature and consequence of ones act or regulating ones conduct according to such understanding.

Con’t

- In appropriate cases persons who are
- ✓ **feeble minded**
- ✓ **Alcoholic** (drunkards or habitual intoxicated person)
- ✓ **Prodigals**, shall assimilated to insane persons and entitled to the protection given to insane person. Art 339(2)

Q) What about a drug addicted person?

- drug addicted person shall also assimilated to insane person by a fortiori of interpretation.
- Drug addiction is not expressly included due to the non-existence of the problem as an issue of public concern when the Civil Code was enacted in 1960

Con’t

- Juridical acts performed by an insane person are not invalidated on mere grounds of insanity unless the **insanity is notorious** (347/1, 341, 342).
- Q) then what kind of protection does they have?
- the insane person can invoke *defects in consent (1696-1710) on account of his insanity (347/2)*
- This remedy (invalidation) can be invoked only by the insane person himself and not by his heirs or his creditors (348).
- There are two exceptions (Art. 349) where heirs or creditors may invoke defects in consent on account of insanity,
- namely:

1. where the terms of the contract clearly reveal insanity or
2. where the judicial interdiction of the person has been demanded. Art 349.

Notorious insanity and apparent infirmity

- Legal protection is given to a person whose insanity is *notorious (publicly known) or whose infirmity is evident (343}.*

Definition of notorious insane person

1. A person is notoriously insane where: (341)

- ✓ he is an inmate of a hospital or an institution for insane persons or nursing home
- ✓ by reason of his mental condition (339)
- ✓ for the period for which he remains an inmate.

2. In rural communities of less than two thousand inhabitants the insanity of a person shall be deemed notorious, where

- ✓ his family or those with whom he lives watch over him and restrict his liberty of movement due to his mental condition (342).
- It presume that they has close r/n ship to know his mental condition

Con’t

Apparent infirmity :-

- the definition for apparently infirm person is provided under art 340 and it has two elements

1. **The physical condition of a person** (deaf-mute, blind, etc) and
2. **The result** (the inability to take care of oneself or administer property).

- infirm person are **not availed themselves** with the protection unless they demand it. Art 347(2)
- The civil code doesn‘t provide a situation where infirmity is apparent.
  - ✓ So it is the court power to decide the matter.
- The court may thus take notice of the apparent visibility of the infirmity or receive medical evidence

Juridical acts of notoriously insane and apparently infirm persons

- Juridical acts performed by a notoriously insane or apparently infirm person **may be invalidated** upon the request of that person, his representatives or his heirs. Art 343.
- Their acts are subject to invalidation on mere ground of notorious insanity or apparent infirmity. Art 344
- Parties who had *in good faith* concluded contracts with notoriously insane or apparently infirm persons are entitled to damages caused by the invalidation. Art 345 & 346. bad faith if he is…….46/2
- notoriously insane person is extra-contractually liable and
- is bound by obligations resulting from unlawful enrichment as though they were of a sound mind. Art 350

i.e., unless otherwise provided by the law art 2030/3 requires assessment of fault with out regard to age or mental condition of a person for extra-contractual liability.

Judicial interdiction

- Notorious insanity only lasts for the period during which the person is an inmate of a hospital, an institution for insane persons or a nursing home by reason of his mental condition
- And the issue whether an infirmity is apparent is at times controversial.
- Therefore, the best means of securing adequate and sustained legal protection for insane and infirm persons is thus through judicial interdiction.
- i.e. the withdrawal of the **capacity to perform juridical** acts in order to **protect the interest** of the interdicted person and his presumptive heirs.

The phases involved from application to appeal

1. Application for interdiction:-

- Judicial Interdiction may be applied for "…
  - ✓ by the insane or infirm person himself, or
  - ✓ by his spouse, or
  - ✓ by any of his relatives by consanguinity or affinity, or
  - ✓ by the public prosecutor" (353/1).
- The judgment of interdiction may be given before the person attains his majority but not after his death. 353/2 & 3

2 ***Examination of the application***

- The court is required to see the person whose interdiction is applied for (354/2), and

The phases involved … con’t

- where his personal appearance is impossible, the court may have the condition of the insane person examined by delegating one of its members or by appointing an expert (354/3).
- Before its pronouncement, the court should be convinced that interdiction is necessary (354/1). Q)……

3 ***Judgment and registration of interdiction***

- Where the health and interest of the insane person (351/1) or his presumptive heirs (351/2) so require, the court may pronounce interdiction.
- The same reasons justify the pronouncement of interdiction with regard to infirm persons (351/3, 340).
- The court may define the scope of the interdiction in its judgment (371/1)

The phases involved … con’t

- and can authorize the interdicted person to do certain acts himself (371/2).
- Art 356 & 357 stipulate the requirement and procedures of registering judgments of interdiction and any judgment modifying the effects of interdiction.

4. Retroactive effect of judicial interdiction

- The condition of insanity obviously precedes the date of application and judgment.
- The court can thus “declare that the insanity of such person was publicly known since such date as may be fixed in the judgment” (352/1).
- But the date fixed in the judgment should not precede that of the application for interdiction by more than 2 years (352/3).

The phases involved … con't

5. Appeal

- Article 355 enumerates the parties who may appeal *against a judgment of interdiction*. And it says
- "The insane or infirm person himself, his spouse, any of his relatives by consanguinity or affinity, or the public prosecutor may enter an appeal **against a judgment of interdiction**".
- Q) Is it possible to appeal against the court's refusal to pronounce interdiction?
- The literal reading of the provision seems to exclude the right to appeal against the court's refusal to pronounce interdiction.
- But the Amharic version say "against the judgment with regard to interdiction", so it allow appeal against the court's refusal to pronounce interdiction.

Acts that may be performed by judicially interdicted persons

- a person who has been judicially interdicted shall be subject in respect of his person and of his property to the same rules of protection as a minor. Art 358
- In principle, JIP cannot perform juridical acts, since their capacity is withdrawn by court decision, but there are exception such as:-

1) JIP can contract *marriage* if he is authorized by court (369) upon application by the interdicted person or by his guardian.
2) The personal consent of the interdicted person and his guardian are required for requesting divorce or end an irregular union (370).
3) The action to disown a child “may, with the permission of the court be instituted by the interdicted person…” (370/2, 791/1).

Acts that may be performed by JIP, con't

4) The judicially interdicted person can acknowledge paternity with the permission of the court (749/3).
5) The concurrence of the interdicted to certain acts of the tutor may be made a requirement. (371/3)

- The juridical acts that can be performed by JIP are relatively fewer as compared to the acts performed by minors
- Nevertheless, the court may authorize the interdicted person (371/2) to do *certain acts* himself.
- The word "certain acts" seem to refer to the authorization of acts other than those stated above.
- b/c Art 371 becomes redundant if it is interpreted to refer to acts already enumerated in the provisions that precede it, i.e. Articles 369 and 370

Juridical acts in excess of the interdicted person's powers

- Acts that are performed by an interdicted person in excess of his powers shall be invalidated
  - ✓ upon application by the judicially interdicted person, his representatives or heirs (Art373/1 *cum* 314)
- In the case of marriage, however, Article 369/3 allows any interested party, other than the ones stated above,
  - ✓ to apply for the nullity of the marriage contracted by an interdicted person, without prior authorization by court.
- And apparently, third party in good faith who is not aware of the interdicted person's disability is entitled to damages caused by the invalidation of the contract (Articles 374, 375).
- Who is in Good faith? who has the burden and when?
- Art 376. liability of the registrar where …..and art 274…

Withdrawal of judicial interdiction

- *Application* for withdrawal of interdiction may be made by
  - ✓ the spouse,
  - ✓ by any relative (by consanguinity or affinity) or
  - ✓ by the public prosecutor (Articles 377/2 *cum* 353/1).
- It may also be made by the guardian or tutor of the interdicted person (377/3).

Q) What about the interdicted person himself?

- *Pronouncement* of withdrawal of the interdiction shall be made by court (378) where it appears that:
  - ✓ the causes of the interdiction have ceased, and that
  - ✓ the interdicted person can conduct himself and administer his property by himself.

Withdrawal of judicial interdiction con’t

- The disability of the interdicted person shall cease upon the court’s pronouncement of withdrawal of interdiction (377/1).
- The withdrawal shall have the same effects as the emancipation of the minor (Art.379 *cum* 333)
- ✓ in all matters that concerns the care of his person and the management of his pecuniary interests.

Legal Interdiction

- Unlike the other varieties of general incapacity, the rationale behind legal interdiction is not to protect the incapacitated individual, but instead,
  - ✓ Its to protect society from the legally interdicted person
- According to Article 380 “a person interdicted by law is one from whom the law withdraws the **administration of his property** as a consequence of a criminal sentence.”
- legal interdiction is determined by penal laws, Article 123 (c) of Criminal Code *inter alia* deprives an unworthy offender of his
  - ✓ **civil rights** such as right to vote, to be witness, or guarantor
  - ✓ **Family right** like parental authority, tutorship and guardianship
  - ✓ rights to exercise a profession, art, trade or to carry on any industry or commerce.

Legal Interdiction con't

- The rules governing judicial interdiction apply in cases of legal interdiction in appropriate cases (381).
- Juridical acts performed by a person interdicted by law in excess of his powers shall be of no effect. 387/1
- The acts that the interdicted person is not entitled to perform are subject to invalidation upon request by
  - ✓ the interdicted person him self,
  - ✓ the person who has contracted with the legally interdicted person, or
  - ✓ by the public prosecutor (387/2)

Legal Interdiction con't

- The words "of no effect" in Article 387/1 seem to imply the act's being void from the very beginning (*void ab initio*).
- Article 387/2 on the other hand, stipulates for invalidation upon request by the appropriate party,
- and in effect seems to render the juridical act of a legally interdicted person voidable rather than void.
- However, there are two strong grounds in favor of the first argument (juridical acts of a legally interdicted person as *void)*

1) the act can be considered as though *its subject matter is illicit*
2) the nullity of the juridical act may be requested not only by the interdicted person, heirs, representative and Public prosecutor

- ✓ but also by the person with whom the legally interdicted person contracted (Art. 387/2).

Legal Interdiction con’t

- The rights of the legally interdicted remain unaffected in relation to his person
  - ✓ (i.e. marriage, divorce, acknowledgement of a child and disowning a child).
- So legal interdicted person does not need a guardian, but only a tutor for his proprietary interests. Art 382
- This feature considerably distinguishes legal interdiction from the other kinds of general incapacity.
- Legal interdiction ceases when the interdicted
  - ✓ “has undergone the punishment for the duration of which the disability is to last” art 388.

Organs of protection

- The organs embodied in the Civil Code in order to protect, represent and care for **minors**, **judicially interdicted** persons and **legally interdicted** persons are
  - ✓ **the guardian,**
  - ✓ **tutor,**
  - ✓ **co-tutor,**
  - ✓ **tutor ad-hoc,**
  - ✓ **family council and the assistant tutor.**
- **Courts** also play a significant role as an organ of protection
- Note that Only some of these organs of protection are needed for certain categories of lessened capacity and
- Organs of protection for the minor under civil code is repealed by the Revised Family Code of 2000