

Chapter 3, Section 5

Art 1223

- deals with obligations where there is only one debtor and creditor.
- Divisible obligations
 - o Capable of partial fulfillment
- Indivisible obligations
 - o Not capable of partial fulfillment

Kinds of division

1. Qualitative – based on quality and not on number.
2. Quantitative – based on quantity rather than quality
3. ideal or intellectual – exists only in the minds of the parties

Kinds of indivisibility

1. legal – specified by law as indivisible but divisible by nature
2. conventional – by will of the parties they are indivisible but divisible by nature
3. natural – when the nature does not admit division

Art 1224

A joint indivisible obligation gives rise to indemnity for damages from the time any one of the debtors does not comply.

Art 1225

Obligations to give definite things and not susceptible to partial performance are **INDIVISIBLE**.

Obligations deemed **DIVISIBLE**

1. obligations which has be for their object of execution of a certain number of days work
2. obligations for their object of accomplishment of work by metrical units
3. obligations by their nature are susceptible to partial performance