

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 373

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>30 JUN 2016</u>
TIME:	<u>12:30 PM</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by GABRIELA WOMEN'S PARTY Representatives
ARLENE D. BROSAS and EMMI A. DE JESUS

EXPLANATORY NOTE

The Philippine government, as a signatory to the UN Convention on the Rights of the Child (UN CRC), is obliged to ensure that the best interests of the child must be the primary consideration in all actions concerning children, including those undertaken by legislative bodies. It also has a primordial duty to take all appropriate measures to ensure that children are protected against all forms of discrimination.

The Family Code of 1987 contravenes this duty of the State when it discriminates against children conceived or born out of wedlock. It is prejudiced against "illegitimate" children, or those conceived and born out of marriage, who cannot and should not be faulted for their parents' marital impediment/s in the first place. Yet, these children suffer the consequences because of this infirmity in the law.

Article 177 of the Family Code (Executive Order No. 209, as amended) provides that only children conceived and born outside of wedlock of parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other, may be legitimated.

This may be interpreted to mean that a child who was born outside of wedlock may never be legitimated, if at the time of his/her conception, his/her parents were disqualified by any impediment to marry each other. The child may therefore carry an illegitimate status all his/her life.

For example, a child born to a couple, one or both of whom is/are below eighteen years of age, will never have the opportunity to be legitimated under Articles 177-182 of the Family Code. Under the existing legal procedure, to legitimize a child who was born in such situation, parents will adopt their every own natural child. Yet, the adopted natural child has less successional rights compared to that of his or her full-blooded sibling who was born when their parents are already legally married.


If the parents who were earlier disqualified to marry each other, but are later on allowed under the law to marry, there is no reason why their child born out of wedlock should not be legitimated by their marriage when the impediment ceases to exist.

This situation is unjust and discriminatory against the child.

The rights of a legitimate and an illegitimate child are not equal in the eyes of the law. Illegitimate children have lesser rights compared to legitimate children. In terms of inheritance, the illegitimate child is entitled only to one-half of the inheritance of a legitimate child. In terms of name bearing, an illegitimate child cannot use the surname of the father without an established filial recognition.

This bill seeks to redress such situation that discriminates against the rights of children just because they are born out of their parents' mistakes. Furthermore, this bill advocates for the consideration of all children as legitimate.

In view of the foregoing, the approval of this bill is earnestly sought.


REP. ARLENE D. BROSAS


REP. EMMI A. DE JESUS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **373**

Introduced by GABRIELA WOMEN'S PARTY
Representatives ARLENE D. BROSAS and EMMI A. DE JESUS

AN ACT AMENDING TITLE VI OF E.O 209 AS AMENDED, OTHERWISE KNOWN AS THE FAMILY CODE BY REMOVING AND/OR ERASING CLASSIFICATION BETWEEN LEGITIMATE, ILLEGITIMATE AND LEGITIMATED (FILIAION OF) CHILDREN, AND FOR OTHER PURPOSES

Be it enacted in Senate and House of Representatives of the Philippines in Congress assembled.

Section 1. This Act shall be known as “**The Anti-Discrimination of Illegitimate Children Act of 2016.**”

Section 2. Article 163, Chapter 1, Title VI of E.O. No. 209, as amended otherwise known as the Family Code is hereby amended to read as follows:

ARTICLE 163. The filiation of children may be by nature or adoption.

Section 3. Articles 164, 165, 168, 169, 170 and 171 all of Chapter 1, Article 173 of Chapter 2, 175 and 176 of Chapter 3 and Article 177, 178, 179, 180, 181 and 182 of Chapter 4 of the same Code are hereby expressly repealed and abrogated.

Section 4. Article 172 is hereby amended to read as follows:

ARTICLE 172. The filiation of natural children is established by any of the following:

- a.) The record of birth appearing in a civil register or final judgment;
- b.) An admission of natural filiation in a public document or private handwritten instrument and signed by the parties concerned; and
- c.) Any other means allowed by the Rules of Court and Special Laws.

Section 5. Article 174 is hereby amended to read as follows:

Article 174. All children shall have the right:

- a.) To bear the surname of father and mother in conformity with the provisions of the Civil Code and Special Laws.
- b.) To receive support from their parents, their ascendants and in proper cases, their brothers and sisters in conformity with the provisions of the Family Code;
- c.) To be entitled to the legitimate and other successional rights without any distinctions whatsoever.

Section 6. Article 211 is hereby amended to read as follows:

Article 211. Parents shall have joint parental authority over their children, provided however, the parents intending to exercise parental authority recognizes and/or acknowledges such child as his or her own. The father and mother of a child born out of wedlock shall have the same obligation to maintain the child as if it were born in wedlock. Where a legal obligation to maintain a child born in wedlock falls on certain members of the family of the father or mother, this obligation shall also apply for the benefit of a child born out of wedlock.

Section 7. Maternal affiliation of every child born out of wedlock shall be based solely on the fact of the birth of the child.

Section 8. Paternal affiliation of every child born out of wedlock may be evidenced or established by voluntary recognition or by judicial decision.

Section 9. The voluntary recognition of paternity may not be opposed or contested unless the person seeking to recognize or having recognized the child is not the biological father.

Section 10. In actions relating to paternal affiliation scientific evidence which may help to establish or disprove paternity shall be admissible.

Section 11. Repealing Clause - All other laws, acts, decrees, executive orders, issuances and rules and regulations or part thereof which are inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

Section 12. Separability Clause – If any provision of this act is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

Section 13. Retroactivity Clause – The provisions of this law shall have retroactive application.

Section 14. Effectivity Clause - This Act shall take effect within fifteen (15) days upon publication in a newspaper of general circulation.

Approved,