



HOUSE OF REPRESENTATIVES

House Bill No. 1216

INTRODUCED BY **HON. CYNTHIA A. VILLAR**

EXPLANATORY NOTE

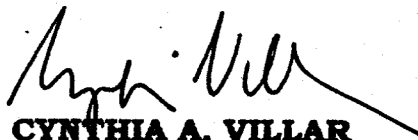
With the changing times, the number of children born to unmarried couples below eighteen (18) years of age has dramatically increased. Our Family Code provides that parties entering into the contract of marriage should at least be eighteen (18) years old. Thus, couples younger than eighteen (18) years that have decided to marry could not validly contract marriage.

Children born to these underage and unmarried couples, therefore, have to suffer illegitimate status and are bound to remain permanently illegitimate because no law provides otherwise.

On the other hand, the Child and Youth Welfare Code provides that the State shall promote the welfare and well-being of every child, safeguard their rights, dignity, and personality. It would seem that to deprive a child of legitimization by the subsequent marriage of his or her parents and the right to carry his or her father's surname for the basic reason of being conceived and born to underage parents is contrary and inconsistent with the provisions of the Child and Youth Welfare Code.

Under the existing law, the only solution and available recourse on the subject is through adoption. However, adoption is a painful, bitter and an impractical process of legitimizing one's own child for it involves the filing of a petition in the proper court which involves the payment of attorney's fees as well as other legal fees. Moreover, adoption creates a stigma to the child who may suffer personality problems.

In order to rectify the aforestated predicaments, the approval of this measure is earnestly recommended.


CYNTHIA A. VILLAR

13TH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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INTRODUCED BY HON. CYNTHIA A. VILLAR

AN ACT PROVIDING FOR THE LEGITIMATION OF CHILDREN BORN TO PARENTS BELOW MARRYING AGE, AMENDING FOR THE PURPOSE THE FAMILY CODE OF THE PHILIPPINES, AS AMENDED.

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

SECTION 1. Article 177 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, as amended, is hereby further amended to read as follows:

"ART. 177. 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: **PROVIDED, THAT THOSE CONCEIVED AND BORN TO PARENTS UNDER AGE OF MAJORITY MAY BE ELIGIBLE FOR LEGITIMATION.**".

SEC. 2. *Repealing Clause.* - All laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act, are hereby amended, modified, superseded or repealed accordingly.

SEC. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) newspapers of national circulation.

Approved,