

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

1385

House Bill No. _____

Introduced by GABRIELA Women's Party Representatives
EMERENCIANA A. DE JESUS and LÚZVIMINDA C. ILAGAN

EXPLANATORY NOTE

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 form, 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.

This situation is unjust to the child.

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.

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.

No less than the UN Committee on the Rights of the Child has commented on this legislated discrimination against children born out of wedlock. In its concluding observations on the 3rd and 4th periodic report of the Government of the Republic of the Philippines issued 2 October 2009, the Committee stated:

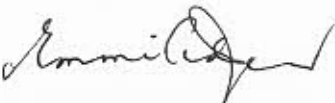
While noting a number of legislative initiatives in the State party, the Committee remains concerned at the lack of legislation with regard to the

prohibition of corporal punishment, the prohibition of torture and the status of children born out of wedlock.

The Committee further recommended "that the State party enact legislation to address the status of children born out of wedlock."

This bill seeks to address such a situation.

Immediate passage of this bill is earnestly requested.


EMERENCIANA A. DE JESUS


LUZVIMINDA C. ILAGAN

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**AN ACT AMENDING ARTICLE 177 OF EXECUTIVE ACT NO. 209, OTHERWISE
KNOWN AS THE FAMILY CODE, AS AMENDED BY EXECUTIVE ORDER 227**

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

SECTION 1. Article 177 of the Republic Act No. 209, otherwise known as the Family Code,
is hereby amended as follows:

*Article 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.*

SECTION 2. *Separability Clause.* -If any portion of this Act is declared unconstitutional, the
same shall not affect the validity and effectivity of the other portions thereof.

SECTION 3. *Repealing Clause.* -All laws, decrees, executive orders, presidential
proclamations, rules and regulations or parts thereof contrary to or inconsistent with the
provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. *Effectivity Clause.* -This Act shall take effect fifteen (15) days after its
publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved: