

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2586

Introduced by: REP. MEL SENEN S. SARMIENTO

EXPLANATORY NOTE

The past years have been witness to the passage of legislations that tried to address the rights of Filipino illegitimate children. This bill seeks to be one of those. Under the current Family Code of the Philippines, illegitimate filiation may be proved through record of birth or through public or private documents containing admission of filiation by concerned parent. When the first two documents could not be presented, the claim may be proved by the open and continuous possession of the status of an illegitimate child or other means allowed by the Rules of Court as long as the claim is brought during the lifetime of the alleged parent.

This provision would marginalize illegitimate children whose parents have already died and who did not take necessary steps to acknowledge them as their illegitimate children. This bill seeks to amend this by proposing that DNA testing be recognized as one way to prove filiation even after the lifetime of the alleged parent. This would ensure that claims of filiation will be settled through a tried and tested scientific method that has no bias to any of the parties.

The approval of this bill is earnestly requested to make sure that implementation of the Family Code of the Philippines utilizes to its advantage advancements in technology.


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**AN ACT AMENDING ARTICLES 172, 173 AND 175 OF THE FAMILY CODE OF
THE PHILIPPINES**

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

1 **SECTION 1.** Section 172 of the Family Code of the Philippines is hereby amended and shall
2 read as follows:

3
4 Art. 172. The filiation of legitimate **OR ILLEGITIMATE** children is established by
5 any of the following:

6 (1) The record of birth appearing in the civil register or a final judgement; or

7 (2) An admission of legitimate **OR ILLEGITIMATE** filiation in a public
8 document or a private handwritten instrument and signed by the parent
9 concerned.

10
11 In the absence of the foregoing evidence, the legitimate **OR ILLEGITIMATE**
12 filiation shall be proved by:

(1) The open and continuous possession of the status of a legitimate **OR**
ILLEGITIMATE child; or

(2) **DNA TESTING BETWEEN CHILD AND ALLEGED PARENT/S. IF**
THE ALLEGED PARENT HAS ALREADY DIED AND NO
BIOLOGICAL SAMPLE COULD BE RETRIEVED, DNA TESTING
WILL BE DONE BETWEEN CHILD AND OTHER CHILDREN OF
SAID DECEASED PARENT/S. (Any other means allowed by the Rules of
Court and special laws.)

(3) **ANY OTHER MEANS ALLOWED BY THE RULES OF COURT**
AND SPECIAL LAWS.

SECTION 2. Article 173 of the Family Code of the Philippines is hereby amended and shall
read as follows:

Art 175. The action to claim legitimacy **OR ILLEGITIMACY** may be brought by
the child during his or her lifetime and shall be transmitted to the heirs should the child die
during minority or in a state of insanity. In these cases, the heirs shall have a period of five
years within which to institute the action.

SECTION 3. Article 175 of the Family Code of the Philippines is hereby amended and shall
read as follows:

WHEN THE ACTION TO CLAIM ILLEGITIMACY IS BASED ON THE
SECOND PARAGRAPH OF ARTICLE 172, THE ACTION MAY BE BROUGHT
DURING OR AFTER THE LIFETIME OF THE ALLEGED PARENT AS LONG AS
STRONG EVIDENCE IS PRESENTED BY THE PARTIES CONCERNED.

1 (Illegitimate children may establish their illegitimate filiation in the same way and on
2 the same evidence as legitimate children.

3 The action must be brought within the same period specified in Article 173, except
4 when the action is based on the second paragraph of Article 172, in which case the action
5 may be brought during the lifetime of the alleged parent.).

6
7 **SECTION 4. Repealing Clause.** – All laws, decrees, executive orders, proclamations, rules
8 and regulations, or parts thereof inconsistent herewith are hereby repealed or modified
9 accordingly.

10
11 **SECTION 5. Separability Clause.** – If any provision of this Act is held invalid or
12 unconstitutional, the other provisions not affected hereby shall remain valid and subsisting.

13
14 **SECTION 6. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
15 publication in at least two (2) national newspapers of general circulation.

16
17 Approved,
18