

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 4649

Introduced by Hon. ANGELO B. PALMONES

AN ACT
AMENDING TITLE XIII, ARTICLE 368 OF THE CIVIL CODE OF THE PHILIPPINES
AND CHAPTER 3, ARTICLE 176 OF THE FAMILY CODE (EO No. 209)
AUTHORIZING THE USE OF THE MIDDLE NAME OF THE MOTHER BY AN
ILLEGITIMATE CHILD, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Illegitimate children through no fault of their own suffer from discrimination from their colleagues denied because they are not recognized by their fathers. This often traumatizes illegitimate children and as a result they become shy and develop an inferiority complex. Sometimes even their own families are insensitive to the point of calling them names. Very few are cared for and loved as the legitimate children.

Even the Civil Code of the Philippines (RA No. 386) is insensitive to the plight of illegitimate children by prescribing in Title XIII (Use of Surnames), Article 368 that illegitimate children shall bear the surname of the mother. Likewise, the Family Code of the Philippines (EO No. 209) promulgates in Chapter 3, Article 176 that illegitimate children shall use the surname of their mother.

As a result, illegitimate children who are not recognized by their fathers nor given consent by their fathers to use the latter's surname, assumes the surname of their mother, but do not have a middle name because neither the Civil Code of the Philippines nor the Family Code prescribes what middle name to use by illegitimate children. This Act aims to correct this by amending both the Civil Code and the Family Code and prescribe the use by illegitimate children the middle name of the mothers.

This Act deserves early passage to reduce the suffering of illegitimate children.


ANGELO B. PALMONES
Representative, AGHAM Party-list

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*Be enacted by the Senate and the House of Representatives of the
Philippines in Congress Assembled*

SECTION 1. *Title* - The act shall be known as the "Middle Name of Illegitimate Children Act of 2011".

SECTION 2. *Use of the middle name of the mother of illegitimate child* - The first sentence of Chapter 3, Article 175 of the Family Code (EO No. 209) is amended to read as follows: Illegitimate children shall use the surname and middle name of their mother, and shall be entitled to support in conformity with this code.

Likewise, Title XIII, Article 368 of the Civil Code of the Philippines shall be amended to read as follows: Illegitimate children referred to in Article 287 shall bear the surname and middle name of the mother.

SECTION 3. *Addition of the middle name of illegitimate children* - Mothers or guardians of illegitimate children below 18 years old who wish to add the middle name of the mothers of their wards shall merely inform the local Civil Registrar in writing. The Civil Registrar will record the change in their books and in turn inform the National Statistics Office (NSO) of the change. The NSO shall issue a certification of the change in the name of the illegitimate child. Such change shall be entered into the books/records of the NSO. The services of the Civil Registrar and the NSO shall be for free.

Similarly, illegitimate children 18 years and older may on their own request the Civil Registrar, in writing of the addition of the middle name using the middle name of the mother. The same procedure shall be followed by the Civil Registrar and the NSO and their services shall be for free.

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

Enacted: