

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

H.B. No 2355



Introduced by **HON. AL FRANCIS C. BICHARA**

EXPLANATORY NOTE

This Bill seek to redress a wrong and correct an injustice against millions of children who, by no fault of their own, have been labeled by operation of law with the unsavory and odious term, "illegitimate" – a stigma which they are suffering and will continue to suffer for the rest of their lives.

Under the Family code, there are three kinds of children namely : legitimate, illegitimate and legitimated. Article 164 of the same law specifically defines an illegitimate child as one conceived and born outside of a valid marriage or outside lawful wedlock while a legitimated child is one who is originally illegitimate but later considered legitimate by legal fiction because of the subsequent marriage of parents.

While framers of the Family Code may have their own reasons for classifying children as legitimate, illegitimate or legitimated, the rationale for this distinction, however, should give precedence of the personal sufferings, humiliation, moral anguish and social costs being suffered by children and adults as a result of this unwarranted labeling. Indeed, a child who was born out of wedlock should not be faulted by branding him or her as illegitimate for having parents who are not married to each other. Neither should a child, who by accident was born before his or her parents were married, be punished to undergo a "legitimate process" and be considered as "legitimated".

Indeed from the day a child is born out of wedlock, her or she automatically becomes a marginalized citizen, socially and economically. More often not, children born out of wedlock grew under the care of a single parent, relatives, foster families or adoption homes. From birth, this child may never experience the love and care a traditional family usually gives. Worse, this child is prone to ridicule by his peers and ostracize by an unforgiving society. Putok sa buho, anak sa labas, bastardo;bastarda-are the common painful terms which our society usually attribute to children born out of wedlock.

Despite the utter disadvantage being suffered by a child born out of wedlock, our laws further add injury by labeling and branding them as –"illegitimate" or " legitimated". Black Law Dictionary defines "illegitimate" as "contrary to law " or "referring to child born out of wedlock" while Webster Dictionary defines the term as "against the law; illegal; born out of wedlock." In effect, an illegitimate child is not only a child born out of

wedlock but a child that is against the law or a child that is contrary to law. Sad to say, this unsavory label is carried by this child to adulthood and until his death. This is further worsened by the negative connotations of the term illegitimate which is now being widely used to refer to anything unlawful or illicit such as an illegitimate government, illegitimate means, illegitimate deals, illegitimate business etc., etc. Even worst, aside from being marginalized by society as a result of this unwarranted label, children born outside of marriage have limited rights and privileges, specially with respect to successional rights.

It is unfortunate that our laws, instead of protecting children who are marginalized by accident of their birth, further perpetuate oppression and inequality. Classifying children into different kinds based on their filiations has created second-class or third class children which do more harm not only to these children but to our society, in general.

Finally, our society always consider children as gifts from God. As gifts, the least that we can do is to take care and nurture these gifts by considering them as equal not only in the eyes of their Creator but also in the eyes of man. This bill therefore , seeks to maintain and protect these gifts as co-equal to each other without any distinction or discrimination whatsoever. For after all, our Constitution itself recognizes that we are all created equal.

In view of the foregoing considerations, the approval of this bill is highly recommended.



AL FRANCIS C. BICHARA
2nd District, Albay

H.B. No. 2355

Introduced by **HON. AL FRANCIS C. BICHARA**

**AN ACT AMENDING TITLE VI OF E.O. NO. 209, AS AMENDED, OTHERWISE
KNOW AS THE FAMILY CODE BY REMOVING AND/OR ERASING DISTINCTIONS
BETWEEN LEGITIMATE, ILLEGITIMATE AND LEGITIMATED FILIATION, AND FOR
OTHER PURPOSES**

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

Section 1. 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 2. Articles 164, 165, 168, 169, 170 and 171 all of Chapter 1, Article 172, 173 and 174 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 3. 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 a private handwritten instrument and signed by the parties concerned; and
- c) Any other means allowed by the Rules of Court and Special Laws.

Section 4. 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 distinction whatsoever.

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- c) To be entitled to the legitimate and other successional rights without any distinction whatsoever.

Section 5. Parents shall have joint parental authority over their children, provided however, the parent intending to exercise parental authority recognizes and/or acknowledges such child as his or her own.

Section 6. 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 7. 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 8. This Act shall take effect within fifteen (15) days upon publication in a newspaper of general circulation.

Approved,