

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3138**



Introduced by Representatives EMMI A. DE JESUS, LUZVIMINDA C. ILAGAN,
FERNANDO HICAP, CARLOS ZARATE, NERI COLMENARES, JAMES MARK TERRY RIDON and
ANTONIO TINIO

EXPLANATORY NOTE

The Philippine government as a signatory to the United Nations Convention on Rights of the Child, is obliged to ensure that the best interests of the child is the primary consideration in all actions including those undertaken by legislative bodies. It also has a primordial duty to take all appropriate measures to ensure that children are protected against all forms of discrimination.

The Family Code of 1987 contravenes this duty of the State when it discriminates against children conceived or born out of wedlock. It is prejudiced against "*illegitimate*" children, or those conceived and born out of marriage, who cannot and should not be faulted for their parents' marital impediment/s in the first place. Yet, these children suffer the consequences of this infirmity in the law.

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 former 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 and discriminatory against the child.

The rights of a legitimate and an illegitimate child are not equal in the eyes of the law. Illegitimate children have lesser rights compared to legitimate children. In terms of inheritance, the illegitimate child is entitled only to one-half of the inheritance of a legitimate child. In terms

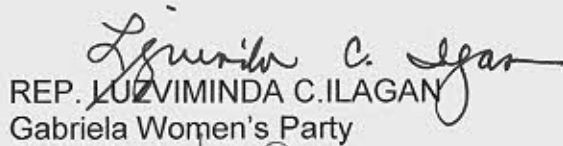
of name bearing, an illegitimate child cannot use the surname of the father without an established filial recognition.

This bill seeks to rectify such situation that discriminates against the rights of children just because they are born out of their parents' choices or mistakes. Furthermore, this bill advocates for the consideration of all children as legitimate.

In view of the foregoing, the approval of this bill is earnestly sought.

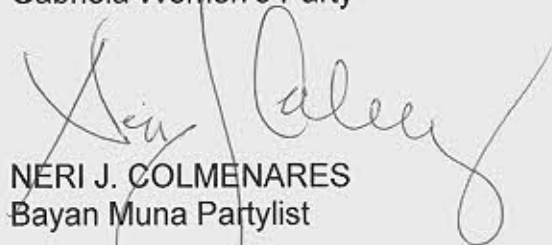


REP. EMMI A. DE JESUS
Gabriela Women's Party



REP. LUZVIMINDA C. ILAGAN
Gabriela Women's Party

FERNANDO L. HICAP
Anakpawis Partylist



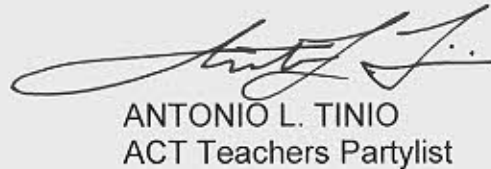
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Kabataan Partylist



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**AN ACT AMENDING TITLE VI OF E.O 209 AS AMENDED, OTHERWISE KNOWN AS THE FAMILY
CODE BY REMOVING AND/OR ERASING CLASSIFICATION BETWEEN LEGITIMATE,
ILLEGITIMATE AND LEGITIMATED (FILIAION OF) CHILDREN, AND FOR OTHER PURPOSES**

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

Section 1. This Act shall be known as "The Anti-Discrimination of Children Born Out of
Wedlock Act of 2013."

Section 2. 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 3. 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 4. Maternal affiliation of every child born out of wedlock shall be based solely
on the fact of the birth of the child.

Section 5. Paternal affiliation of every child born out of wedlock may be evidenced or
established by voluntary recognition or by judicial decision.

Section 6. The voluntary recognition of paternity may not be opposed or contested unless the person seeking to recognize or having recognize the child is not the biological father.

Section 7. In actions relating to paternal affiliation scientific evidence which may help to establish or disprove paternity shall be admissible.

Section 8. 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 private handwritten instrument and signed by the parties concerned; and
- c.) Any other means allowed by the Rules of Court and Special Laws.

Section 9. All children shall have the right:

- a.) To bear the surname of father and mother in conformity with the provisions of the Civil Code ad 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 distinctions whatsoever.

Section 10. Parents shall have joint parental authority over their children, provided however, the parents intending to exercise parental authority recognizes and/or acknowledges such child as his or her own. The father and mother of a child born out of wedlock shall have the same obligation to maintain the child as if it were born in wedlock. Where a legal obligation to maintain a child born in wedlock falls on certain members of the family of the father or mother, this obligation shall also apply for the benefit of a child born out of wedlock.

Section 11. 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 12. 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 13. This Act shall take effect within fifteen (15) days upon publication in a newspaper of general circulation.

Approved,