

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19th CONGRESS

First Regular Session

House Bill No. 237



Introduced by: REPRESENTATIVE MARY MITZI CAJAYON-UY

AN ACT
PROVIDING FOR THE LEGITIMATION OF CHILDREN CONCEIVED AND BORN
OUTSIDE OF WEDLOCK OF PARENTS WHOSE SUBSISTING MARRIAGES ARE
SUBSEQUENTLY DECLARED VOID FROM THE BEGINNING AFTER THEIR BIRTH,
AMENDING FOR THE PURPOSE ARTICLE 177, CHAPTER 4 OF EXECUTIVE ORDER
NO. 209, AS AMENDED, OTHERWISE KNOWN AS THE FAMILY CODE OF THE
PHILIPPINES

EXPLANATORY NOTE

It is the mandate of the State to defend the right of children from all conditions prejudicial to their development¹. Likewise, the Supreme Court, in its issuances regarding the protection of the child², consistently defined the "best interest of the child" as "the totality of circumstances and conditions that are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development" or "the least detrimental available alternative for safeguarding the growth and development.

This bill seeks to elevate the status of illegitimate children to that of legitimate, whose parent/s' subsisting marriage was subsequently declared void from the beginning by final judgment rendered by a competent court after their birth.

The stigma that attaches to illegitimate children is both unfortunate and unfair to the child given that their status is not a result of their own doing or fault. This burden that the children carry certainly affects their wellbeing and is detrimental to their overall development as human beings.


MARY MITZI CAJAYON-UY
Representative
2nd District, Caloocan City

¹ 1987 Constitution, Art. XVI, Sec. 3(2).

² Rule on Examination of a Child Witness, Rule on Custody of Minors and Writ of Minors and Writ of Habeas Corpus In Relation to Custody of Minors, among others.

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

SECTION 1. *Short Title* – This Act shall be known as the “Expanded Legitimation Act”.

SECTION 2. *Declaration of Policy.* – Under Sec. 3(2), Art. XV, 1987 Constitution, it is the responsibility of the State to defend the right of children from conditions prejudicial to their development. Furthermore, the State recognizes the best interest of the child regardless of status.

SECTION 3. Art. 177 of E.O No. 209, as amended, is hereby amended to read as follows:

“Art. 177. Children conceived and born outside of wedlock of parents who, at the time of conception of the former, were not disqualified by any impediment to marry each other, or were so disqualified only because either or both of them were below eighteen (18) years of age, may be legitimated. Likewise, children conceived and born outside of wedlock of parents whose subsisting marriage at the time of the child’s birth is subsequently declared void under Arts. 35, 36, 37, and 38 of this Code by final judgment declaring such previous marriage void from the beginning may be legitimated.”

SECTION 4. *Repealing Clause.* A law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with any provision of this Act is hereby repealed or modified accordingly.

SECTION 5. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least one (1) national newspaper of general circulation, whichever date comes earlier.

Approved,