



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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4848



Introduced by
REPRESENTATIVE PANTALEON D. ALVAREZ

AN ACT

RECLASSIFYING LEGITIMATE CHILDREN INTO CHILDREN BORN WITHIN WEDLOCK AND ILLEGITIMATE CHILDREN INTO CHILDREN BORN OUT OF WEDLOCK, HEREBY AMENDING THE PERTINENT PROVISIONS OF THE CIVIL CODE OF THE PHILIPPINES, THE FAMILY CODE OF THE PHILIPPINES, AND OTHER PERTINENT LAWS PERTAINING TO THE DISTINCTION BETWEEN CHILDREN BORN WITHIN OR OUT OF WEDLOCK FORMALLY KNOWN AS LEGITIMATE AND ILLEGITIMATE CHILDREN

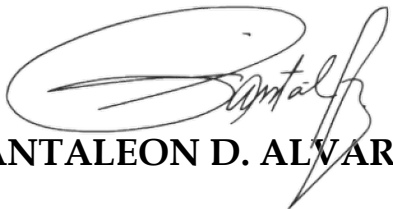
EXPLANATORY NOTE:

This Bill seeks to remove the distinction between children born within wedlock and children born out of wedlock, formally known as legitimate and illegitimate children, as provided under Articles 163 – 182 as amended, Executive Order No. 209, s. 1987, as amended, and other pertinent laws of the land.

Under our existing laws, illegitimate children have lesser rights compared to legitimate children. In terms of inheritance, the illegitimate child is only entitled to one-half of the inheritance of a legitimate child. As a signatory of the UN Convention on the Rights of the Child, the Philippine government is obligated to ensure that the best interests of the child must be the primary consideration in all actions concerning children. This bill seeks to address such inequality before the law.

This Bill was filed in the 18th Congress on August 26, 2020 and docketed as House Bill No. 7500. Unfortunately, said Bill did not progress after the 1st reading.

Hence, it is refiled and its approval is earnestly sought.



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

SECTION 1. - All provisions in the Civil Code of the Philippines, the Family Code of the Philippines, and other pertinent laws classifying children born inside a valid marriage as legitimate children are hereby amended to classify them as “children born within wedlock”. All provisions classifying children born outside of a valid marriage as illegitimate children are hereby amended to classify them as “children born out of wedlock”.

SECTION 2. Art. 164 is hereby amended to read as follows -

“Article 164. Children conceived and born during the marriage of the parents are [~~legitimate~~] **CHILDREN BORN WITHIN WEDLOCK.**

Children conceived as a result of artificial insemination of the wife of the sperm of the husband or that of a donor or both are likewise ~~[legitimate children]~~ **CHILDREN BORN WITHIN WEDLOCK** of the husband and wife provided that both of them authorized or ratified such insemination in a written instrument executed and signed by them before the birth of the child. The instrument shall be recorded in the civil registry together with the birth certificate of the child.

IN THE ABSENCE OF SAID WRITTEN INSTRUMENT, THE MOTHER AND THE FATHER OF THE CHILD WILL BE THE PERSONS FROM WHOM THE SPERM AND THE EGG WERE SOURCED FROM.

SECTION 3. Article 176 of the Family Code of the Philippines is hereby amended to read as follows -

"Article 176. ~~[Illegitimate children]~~ **CHILDREN BORN OUT OF WEDLOCK** shall use the surname and shall be under the parental authority of their mother, and shall be entitled to support in conformity with this Code. **HOWEVER, CHILDREN BORN OUT OF WEDLOCK MAY USE THE SURNAME OF THEIR FATHER IF THEIR FILIATION HAS BEEN EXPRESSLY RECOGNIZED BY THE FATHER THROUGH THE RECORD OF BIRTH APPEARING IN THE CIVIL REGISTER, OR WHEN AN ADMISSION IN A PUBLIC DOCUMENT OR PRIVATE HANDWRITTEN INSTRUMENT IS MADE BY THE FATHER. PROVIDED, THE FATHER HAS THE RIGHT TO INSTITUTE AN ACTION BEFORE THE REGULAR COURTS TO PROVE NON-FILIATION DURING HIS LIFETIME.** The legitime of each ~~[illegitimate child shall consist of one-half of the legitime of a legitimate child. Except for this modification, all other provisions in the Civil Code governing successional rights shall remain in force.]~~ **CHILD BORN OUT OF WEDLOCK SHALL BE EQUAL TO THE LEGITIME OF A CHILD BORN WITHIN WEDLOCK.**

FOR PURPOSES OF THIS PROVISION, CHILDREN BORN WITHIN WEDLOCK ARE CHILDREN CONCEIVED OR BORN DURING THE MARRIAGE OF THE PARENTS. CHILDREN BORN OUT OF WEDLOCK ARE CHILDREN CONCEIVED AND BORN OUTSIDE A VALID MARRIAGE."

SECTION 4. Separability Clause. If any part of provision of this Act be considered as unconstitutional, the remaining parts not affected shall remain valid and in full effect.

SECTION 5. Repealing Clause. All laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. Effectivity. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,