

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4578



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

EXPLANATORY NOTE

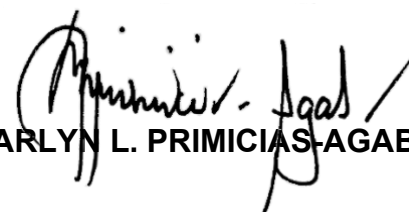
The right of every child to a name, identity, and equal protection under the law is a fundamental principle enshrined in the *1987 Constitution, Article XV, Section 3(2)* directs the State to defend the right of children from conditions prejudicial to their development.

Despite the progressive reforms introduced by *Republic Act No. 9858*, which expanded the grounds for legitimation to include children born to parents below marrying age, there remain children who, through no fault of their own, are denied the full benefits of legitimation due to technical legal impediments that have since been judicially resolved. In particular, children whose parents' previous marriages are subsequently declared void ab initio under *Articles 35, 36, 37, or 38 of the Family Code* continue to face legal and social disadvantages, even after the legal barrier to their parents' union has been removed.

This bill seeks to address this gap by further amending *Article 177 of the Family Code* to allow the legitimation of children conceived and born outside of wedlock whose parents' prior marriages are subsequently declared void by final judgment. By doing so, the measure aligns the law with the constitutional mandate to protect the best interests of the child and to promote social justice, while upholding the evolving standards of family law and equity.

The proposed amendment is consistent with the legislative intent behind *Republic Act No. 9858* and the *Family Code*, which is to provide children with the opportunity to enjoy the full rights and privileges of legitimacy when the legal impediment to their parents' marriage has been removed. It also responds to the need to balance the sanctity of marriage with the realities of modern family life.

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


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AN ACT
EXPANDING THE GROUNDS FOR LEGITIMATION OF CHILDREN BY AMENDING
FOR THE PURPOSE ARTICLE 177, CHAPTER 4 OF EXECUTIVE ORDER NO. 209,
AS AMENDED, OTHERWISE KNOWN AS THE “FAMILY CODE OF THE
PHILIPPINES”

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 repeated 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