

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 6180

EXPLANATORY NOTE

Under the Article 165 of the Family Code of the Philippines, Children conceived and born outside a valid marriage are illegitimate, unless otherwise provided in this Code.

Under the same law, there are prejudices or discriminatory provisions against an illegitimate child, who should not be faulted for being “illegitimate”.

Some of these provisions include:

- Article 177 which 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;
- Article 176 as amended by RA 9255 which provides that illegitimate children 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, illegitimate children 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;
- Article 176 also provides that the legitime of each illegitimate child shall consist of one-half of the legitime of a legitimate child;

Also, under our laws, an adopted child, by legal fiction, becomes the legitimate child of the adopting parents and will have the same legitime as a legitimate child, which means he/she, even if not related by blood, will receive more compared to an illegitimate child who is related by blood.

This bill seeks to address the situation that discriminates against the rights of children just because they are born out wedlock.

In view of the foregoing, immediate approval of this measure is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

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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 (FILIACTION OF) CHILDREN, AND FOR OTHER PURPOSES

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

Section 1. Article 163 of the Family Code of the Philippines is hereby amended to read as follows:

Art. 163. The filiation of children may be by nature or by adoption. [Natural filiation may be legitimate or illegitimate.]

Section 2. Articles 164, 165 168, 169, 170, 171, 173, 175, 176, 177, 178, 179, 180, 181 and 182 of the Family Code of the Philippines are hereby expressly repealed and abrogated.

Section 3. Article 172 of the Family Code of the Philippines is hereby amended to read as follows:

Art. 172. The filiation of [legitimate] **NATURAL** children is established by any of the following:

(1) The record of birth appearing in the civil register or a final judgment; or

(2) [An admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned.] **AN ADMISSION OF NATURAL FILIACTION IN A PUBLIC DOCUMENT OR PRIVATE HANDWRITTEN INSTRUMENT AND SIGNED BY THE PARTIES CONCERNED**

[In the absence of the foregoing evidence, the legitimate filiation shall be proved by:]

[(1) The open and continuous possession of the status of a legitimate child; or]

[(2)] **(3)** Any other means allowed by the Rules of Court and special laws.

Section 4. Article 174 of the Family Code of the Philippines is hereby amended to read as follows:

Art. 174. [Legitimate] **ALL** children shall have the right:

(1) To bear the surnames of the father and the mother, in conformity with the provisions of the Civil Code [on Surnames] **AND SPECIAL LAWS;**

(2) To receive support from their parents, their ascendants, and in proper cases, their brothers and sisters, in conformity with the provisions of [this Code on Support] **THE FAMILY CODE**; and

(3) To be entitled to the legitimate and other successional rights granted to them by the Civil Code.

Section 5. Repealing Clause - All other laws, acts, decrees, executive orders, issuances and rule and regulations or part thereof which are inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

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

Approved,