

Congress of the Philippines]
TWENTIETH CONGRESS]
First Regular Session]

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
TWENTIETH CONGRESS
_____ Regular Session

House Bill. No. 7348



BY REPRESENTATIVE SUN J. SHIMURA

**AN ACT AMENDING ARTICLE 167 OF EXECUTIVE ORDER NO. 209,
OTHERWISE KNOWN AS "THE FAMILY CODE OF THE PHILIPPINES,"
TO CONFORM TO THE RULING IN RICHELLE BUSQUE ORDOÑA v.
LOCAL CIVIL REGISTRAR OF PASIG CITY AND ALLAN D. FULGUERAS,
G.R. NO. 215370 (09 NOVEMBER 2021), AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

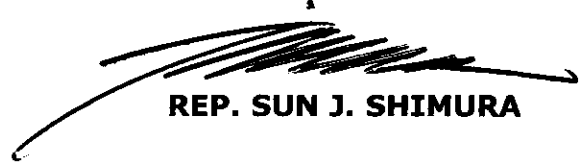
This bill proposes to amend the Family Code and related laws on filiation, legitimacy, and civil registration to expressly recognize the right of the mother to impugn the legitimacy of her child, in harmony with the Constitution and the Philippines' obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The current legal framework primarily centers on the rights of the husband and, secondarily, the child, leaving mothers without clear, direct legal standing to challenge the civil status of their children even when truth and justice so require.

In *Richelle Busque Ordoña v. Local Civil Registrar of Pasig City and Allan D. Fulgueras*, G.R. No. 215370 (9 November 2021), the Supreme Court highlighted the serious doctrinal and procedural gaps that hinder a mother from effectively asserting the truth of her child's filiation. The Court's ruling underscored that laws which effectively sideline mothers in actions to impugn legitimacy perpetuate gender-based discrimination, impede women's access to justice, and may result in inaccurate civil registry records that ultimately prejudice both the mother and the child.

To address these issues, this bill seeks to (1) clearly grant mothers legal standing to file actions to impugn the legitimacy of their children, within defined prescriptive periods and on strictly regulated grounds; (2) harmonize evidentiary rules to recognize modern scientific methods such as DNA testing in establishing or disproving paternity, while maintaining stability in family relations; and (3) install procedural safeguards that protect all parties, particularly the child, by ensuring that any such action accords with the best interests of the child and upholds the integrity of the civil registry.

By enacting this measure, Congress will align the Family Code with CEDAW and constitutional guarantees of equality before the law, dismantle outdated gender stereotypes embedded in family law, and provide women—especially mothers—with an effective legal remedy to vindicate their rights and those of their children. The proposed amendments will promote truth in public records, advance the best interests of the child, and reaffirm the Philippines' commitment to international human rights obligations.

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



REP. SUN J. SHIMURA

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

SECTION 1. Amendment of Article 167 of the Family Code. – Article 167 of Executive Order No. 209, otherwise known as "The Family Code of the Philippines," is hereby amended to read as follows:

Art. 167. Legitimate children may impugn the legitimacy of their filiation only upon reaching the age of majority, and solely on the grounds and in the manner prescribed by law.

In addition, the following may likewise impugn the legitimacy of a child in the cases and in the manner authorized by law:

(a) The husband, in accordance with Articles 166, 170, and 171 of this Code; and

(b) The mother, in her own name and/or in representation of the child, where the legitimacy ascribed by law or recorded in the civil registry does not conform to the truth of the child's filiation, as supported by competent evidence, including but not limited to documentary, testimonial, medical, or scientific evidence such as DNA testing.

The action of the mother to impugn the legitimacy of her child shall be exercised only on the grounds and within the periods provided in Articles 166 to 171 of this Code, with due regard at all times to the best interests of the child and the stability of family relations."**

SEC. 2. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Supreme Court, in coordination with the Department of Justice, the Philippine Statistics Authority, and other concerned agencies, shall promulgate the necessary rules and regulations to

implement this Act, including procedures and evidentiary standards for actions filed by mothers to impugn the legitimacy of a child.

SEC. 3. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 4. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 5. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.