

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

04 JUN 30 P3:58

SENATE

S. No. 316

RECEIVED BY: *Osmeña*

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

“Legitimation” is a remedy by means of which those who in fact were not born in wedlock and should, therefore, be considered illegitimate, are, by fiction, considered legitimate, it being supposed that they were born when their parents were already validly married (I Manresa 550).

Executive Order No. 209, otherwise known as the Family Code of the Philippines, provides for the requisites of legitimation of children born out of wedlock and whose parent are not otherwise disqualified by law to marry each other at the time of the child's conception.

With the increasing incidents of children born out of wedlock to parents who are disqualified under the law to marry each other due to minority, there is a concurrent need to protect these children from suffering the sins of their parents. This bill, therefore, seeks to amend to Section 177 of E.O. 209, by allowing the legitimation of children born to parents who were disqualified to marry each other because of minority.

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

S. Osmeña III
SERGIO OSMEÑA III
Senator

SENATE

Sf. No. 316

RECEIVED BY: Adler

Introduced by Senator S. R. Osmeña III

AN ACT
PROVIDING FOR THE LEGITIMATION OF CHILDREN BORN TO PARENTS
BELOW MARRYING AGE, AMENDING FOR THE PURPOSE ARTICLE 177 OF
EXECUTIVE ORDER NO. 209, AS AMENDED, OTHERWISE KNOWN AS THE
FAMILY CODE OF THE PHILIPPINES

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

1 SECTION 1. Article 177 of Executive Order No. 209, as amended,
2 otherwise known as the Family Code of the Philippines, is hereby further
3 amended to read as follows:

4 "ARTICLE 177. Only children conceived and born outside of
5 wedlock of parents who, at the time of the conception of the former, were
6 not disqualified by any impediment to marry each other, EXCEPT BY
7 IMPEDIMENT OF BEING UNDERAGE, may be legitimated."

8 SEC. 2. All laws, decrees, executive orders, rules and regulations, or
9 parts hereof inconsistent with the provision of this Act are hereby repealed,
10 amended or modified accordingly.

11 SEC. 3. This Act shall take effect fifteen (15) days after its publication in
12 the Official Gazette or in at least two (2) newspapers of general circulation
13 whichever comes earlier.

14 Approved,