

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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JUN 21 1923

SENATE

S. No. 709

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

With the changing times, the number of children born to unmarried couples below eighteen (18) years of age has dramatically increased. With the implementation of the Family Code, the marrying age has been raised to eighteen (18) years. Couples younger than eighteen (18) years who have decided to marry could not, therefore, validly contract marriage.

Children born to these underage and unmarried couples, therefore, have to suffer illegitimate status and are bound to remain permanently illegitimate because no law provides otherwise.

On the other hand, the Child and Youth Welfare Code provides that the State shall promote the welfare and well-being of every child, safeguard their rights, dignity, and personality. It would seem that to deprive a child of legitimization by the subsequent marriage of his or her parents and the right to carry his or her father's surname for the basic reason of being conceived and born to underage parents is contrary and inconsistent with the provisions of the Child and Youth Welfare Code.

Under the existing law, the only solution and available recourse on the subject is through adoption. However, adoption is a painful, bitter and an impractical process of legitimizing one's own child, notwithstanding the high costs of adoption. Moreover, adoption creates a stigma to the child who may suffer personality problems.

In order to correct these problems, the approval of this measure is earnestly sought.


MANUEL B. VILLAR, JR.

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AN ACT PROVIDING FOR THE LEGITIMATION OF CHILDREN BORN TO PARENTS BELOW MARRYING AGE, AMENDING FOR THE PURPOSE THE FAMILY CODE OF THE PHILIPPINES, AS AMENDED

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

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

“ART. 177. 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, **EXCEPT BY IMPEDIMENT OF BEING UNDERAGE**, may be legitimated.”

SEC. 2. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations and/or administrative regulations which are inconsistent with the provisions of this Act, are hereby amended, modified, superseded or repealed accordingly.

SEC. 3. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the *Official Gazette* or in at least two (2) newspapers of national circulation.

Approved,