


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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SENATE
S. No. 1061

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

Under the 1987 Constitution, the State substantially recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development. As such, the government is mandated by law to undertake measures to preserve the unity of family, setting aside if it must technicalities and certain norms of conduct.

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. In other words, legitimation is defined as a remedy by means of which those who in fact were born out of wedlock and should, therefore, be considered illegitimate, are by fiction, subsequently considered legitimate, it being supposed that they were born when their parents already validly married.

Nowadays, the incidents of children born out of wedlock to parents who are disqualified under the law to marry each other because of the issue of minority are almost an every day occurrence. Certainly, the sins of the parents must not be attributed to the children.

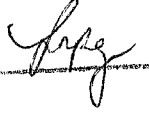
In the light of the foregoing that the amendment of a proviso of the Family Code is earnestly sought in order to uphold the rights of children as well as their human dignity.


EDGARDO J. ANGARA

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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:

“Article 17. Only children conceived and born outside of wedlock [of] TO parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other may be legitimated[.] BY THE PARENTS’ VALID SUBSEQUENT MARRIAGE.

HOWEVER, CHILDREN CONCEIVED AND BORN OF WEDLOCK TO PARENTS BELOW MARRYING AGE AND NOT SUFFERING FROM ANY OTHER IMPEDIMENT MAY ALSO BE LEGITIMATED BY THE LATTERS’ VALID SUBSEQUENT MARRIAGE, WITHOUT HAVING TO COMPLY WITH ARTICLE 40 OF THE FAMILY CODE.

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, superceded or repealed accordingly.

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

Approved,