



SENATE

SENATE BILL NO. 82

'19 JUL -1 P2:34

Introduced by **SENATOR RICHARD J. GORDON**

RECEIVED

**AN ACT ESTABLISHING THE RIGHT OF CHILDREN FOR THE ESTABLISHMENT  
OF THEIR FILIATION, REQUIRING THEREFOR MANDATORY PATERNITY TEST  
FOR THE DETERMINATION OF THEIR FILIATION**

**Explanatory Note**

The State has the paramount duty to protect the rights of the children regardless of their status- legitimate or illegitimate. Section 3, paragraph (2) of the 1987 Philippine Constitution provides that:

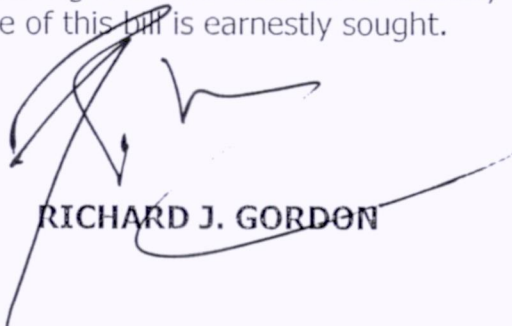
"SECTION 3. The State shall defend:

XXX

(2) right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."

According to the Philippine Statistics Office, almost half 49.2% or 851,088 of children born in 2016 are illegitimate. The rising number of illegitimate children poses a threat unto the welfare of the child. Many of these children borne out of wedlock have issues on filiation and are struggling to secure appropriate support.

In order to protect the right and the welfare of children for proper nourishment, guidance and development, this bill proposes mandatory DNA test of the putative parent, in order to expedite the process resolving issues on support. It is the position of this representation that justice and equity leans towards the right of the children to identity and to support, for this purpose, the immediate passage of this bill is earnestly sought.

  
**RICHARD J. GORDON**



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

1 SECTION 1. *Right To Filiation.*- Each child regardless of status has the  
2 indistinguishable right for the establishment of their filiation. For this purpose, the State,  
3 in the determination of filiation shall employ latest technologies such as DNA test and  
4 such other technologies as may thereafter be developed for the establishment and  
5 settlement of issues pertaining to filiation and support.

6 The Supreme Court shall promulgate rules and regulations for the mandatory use of  
7 DNA testing in resolving issues on paternity and filiation.

8 Sec. 2. *Use of Mandatory Tests.*- The results of DNA test and such other tests for  
9 the determination of filiation as may thereafter be developed shall not be used in any civil,  
10 criminal or administrative proceeding other than the establishment of rights and  
11 obligations for the establishment of filiation and for the determination and enforcement  
12 of Support.

13 Sec. 3. *Separability Clause.*- If any provision of this act is subsequently declared  
14 unconstitutional, the validity of the remaining provisions hereof shall remain in full force  
15 and effect.

16 Sec. 4. *Repealing Clause.*- All laws, decrees, orders, proclamations, rules and  
17 regulations or other issuances or parts thereof inconsistent with the provisions of this act  
18 are hereby repealed or modified accordingly.

19 Sec. 5. This Act shall take effect fifteen (15) days after its publication in the *Official*  
20 *Gazette* or in a newspaper of general circulation.

21  
22 Approved,