

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

7 JUL -3 11:50

RECEIVED BY: 

SENATE

S. B. No. 604

Introduced by **Senator JINGGOY EJERCITO ESTRADA**

EXPLANATORY NOTE

The 1987 Constitution substantially provides that the state 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 the family, setting aside if it must technicalities and certain norms of conduct.

The Family Code of the Philippines provides for the requisites of the legitimation of children 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 is almost an every day occurrence. Certainly, the sins of the parent must not be attributed to the children.

It is 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.


JINGGOY EJERCITO ESTRADA
Senator

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

7 JUL -3 8:50

RECEIVED BY: 

SENATE

S. B. No. 604

Introduced by **Senator JINGGOY EJERCITO ESTRADA**

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 wedlock of parents who, at the time of conception to 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, proclamation and/or administrative regulations, which are inconsistent with the provision of this Act, are hereby amended, modified, suspended or repealed accordingly.

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

Approved,