

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

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RECEIVED BY: 

SENATE
S.B. No. 718

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Under the Family Code, illegitimate children are granted the right to use their father's surname with the intention of removing, or at least diminishing, the stigma and shame which accompanies illegitimacy.

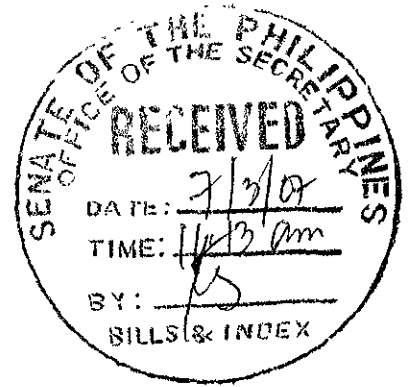
This bill aims to emphasize the primordial importance of the role of mothers when it comes to the surname of their illegitimate children. The proposed amendment, in recognition of the fact that mothers have the sole parental authority over their illegitimate children, mandates that mothers should give express prior consent to the use of the father's surname. There is a danger that a father might use this right as leverage over the mother, either to avoid obligations or to impose unreasonable demands, and as a result undermine the parental authority of a mother over her illegitimate child.

Furthermore, the amendment seeks to negate the presumption that every mother is willing to assent to the use of the father's surname and that such use is always for the best interest of the child. Bearing in mind the welfare of the illegitimate child, there may be instances where the mother strongly believes that her son or daughter's well-being would be better protected if the surname of the father will not be used.

In this light, the approval of this bill is highly recommended.


RAMON BONG REVILLA, JR.

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SENATE
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AN ACT AMENDING SECTION ONE OF REPUBLIC ACT NUMBER NINE THOUSAND TWO HUNDRED AND FIFTY-FIVE, OTHERWISE KNOWN AS AN ACT ALLOWING ILLEGITIMATE CHILDREN TO USE THE SURNAME OF THEIR FATHER, AMENDING FOR THE PURPOSE ARTICLE 176 OF THE FAMILY CODE OF THE PHILIPPINES

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

SECTION I. Article 176 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, is hereby further amended to read as follows:

"Article 176. Illegitimate children shall use the surname and shall be under the parental authority of their mother, and shall be entitled to support in conformity with this Code. However, illegitimate children may use the surname of their father if their affiliation has been expressly recognized by the father through the record of birth appearing in the civil register, or when an admission in a public document or private handwritten instrument is made by the father. Provided, the father has the right to institute an action before the regular courts to prove non-filiation during his lifetime. **AND PROVIDED FURTHER, THAT IN ANY CASE, THE MOTHER SHALL GIVE HER EXPRESS AND PRIOR CONSENT TO THE USE OF THE SURNAME OF THE FATHER.** The legitime of each illegitimate child shall consist of one-half of the legitime of a legitimate child."

Sec. 2. Effectivity Clause. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes earlier.

Approved,