

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

7 JUL 31 1976

SENATE

RECEIVED BY: [Signature]

S.B. No. **1406**

Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

EXPLANATORY NOTE

The duty of the State to protect and strengthen the family is enshrined in the 1987 Philippine Constitution. It is the task of legislators to review and amend existing laws and enact new ones toward this goal.

One of the frequently encountered problems in radio shows providing free legal advice is illegitimacy. It is indeed sad to hear about children being considered as illegitimate simply because they were conceived or born at the time their parents were not of legal age, even if there were no other legal impediments to marry. This may seem like a simple question on the legitimacy of the child. However, from the legal point of view, what seems like a simple issue actually carries with it legal consequences prejudicial to the illegitimate children, who should not be made to suffer because of the mistake of their parents. These legal consequences include entitlement to a share equivalent to only half of that given to legitimate children from the estate of their parents, being barred from inheriting from the legitimate children and relatives of their father or mother, and the condition in the law that a legitimate brother or sister may not be compelled to support an illegitimate brother or sister if the cause for the need of support is imputable to the claimant's fault or negligence.

This bill therefore seeks to allow children conceived and born out of wedlock to parents who were then below marrying age and who subsequently contracted a valid marriage, to be considered legitimate.

With the welfare of these children in mind, I strongly urge for the immediate passage of this bill.

[Signature]
COMPAÑERA PIA S. CAYETANO
Senator

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

7 JUL 31 1915

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SENATE

S.B. No. ~~1406~~

Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

**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 TO [of] parents who, at the time of the conception of the former, were not disqualified by any impediment to marry each other may be legitimated[.] UPON THE SUBSEQUENT CONTRACTING OF A VALID MARRIAGE OF THEIR PARENTS. *PROVIDED*, THAT CHILDREN CONCEIVED AND BORN OUT OF WEDLOCK TO PARENTS BELOW MARRYING AGE AND WITHOUT HAVING ANY OTHER LEGAL IMPEDIMENT TO MARRY, MAY BE LEGITIMATED BY THE SUBSEQUENT VALID MARRIAGE BY THEIR PARENTS.

SECTION 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 repealed, superceded, modified or amended accordingly.

SECTION 3. Effectivity. - This act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,