

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 2642



Introduced by Hon. Juliet Marie D. Ferrer

EXPLANATORY NOTE

Article 177 of the Family Code provides:

Art. 177. Only children conceived and born outside of wedlock 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.

Under the afore-quoted law and present jurisprudence, only children whose parents have no legal impediments at the time of their conception shall have the right to be LEGITIMATED. Those others cannot be legitimated. Such condition give rise to an awkward scenario whereby a child born of the same parents will have to undergo a process of adoption in order to elevate the status of the child. The child then would become an ADOPTED CHILD of his/her BIOLOGICAL PARENTS.

Aside from undergoing such tedious process of adoption, parents would have to spend tremendous amount of legal and judicial costs not to mention the confusion and trauma the process would have on the child, wondering why he/she being adopted by his/her own parents.

It is for these reasons that I seek the approval of this bill.


JULIET MARIE D. FERRER

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS
_____ Regular Session

HOUSE BILL NO. 2642

Introduced by Representative Hon. Juliet Marie D. Ferrer
(4th District Negros Occidental)

AN ACT
ELEVATING THE STATUS OF THE CHILDREN BORN OUT OF WEDLOCK, AMENDING
FOR THIS PURPOSE ARTICLE 177 OF EXECUTIVE ORDER 209, OTHERWISE
KNOWN AS THE FAMILY CODE OF THE PHILIPPINES

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

SECTION 1. Article 177 of the Family Code of the Philippines is hereby, amended to read as follows:

"Art. 177. Children conceived and born outside of wedlock may be legitimated by a subsequent valid marriage of their parents."

SECTION 2. *No Court Declaration is Necessary to effect legitimation.- An Affidavit of Legitimation executed by either or both parents of the child or by the child himself acting thru a guardian if he is minor, may be filed with the Civil Registrar where the records of birth of the child is registered.*

Section 3. *The Affidavit of Legitimation shall contain the following statements of facts and supported by the duly authenticated documents by the National Census Office and/or concerned Civil Registrar, to wit:*

- 1. The fact that the child is born of wedlock with his authenticated Birth Certificate indicating such fact;*
- 2. The fact of the legal impediments of the child at the time the child was born;*
- 3. The fact of the subsequent valid marriage of the child's parents supported by the duly authenticated marriage certificate of the said parents;*
- 4. The fact that the said marriage has not been revoked, annulled otherwise voided by the court of competent jurisdiction supported by the duly authenticated Certificate of such fact from the Civil Registrar where such marriage was registered.*

Section 4. *Reversion to Illegitimacy. The declaration of nullity of the marriage of the parents of the child aforesaid, other that the ground of psychological incapacity shall automatically revert the status of the child to illegitimate, and all laws and rules applicable to illegitimate children shall apply as if no illegitimacy proceeding had taken*

place. The same conditions or consequences shall be imposed in cases falling under voidable and void marriages.

Section 5. Pending cases of Adoption. Cases for adoption filed by reason of the provision of Article 177 prior to its amendment may be dismissed and the remedies outlined in this provision may be pursued.

Section 6. All laws, presidential decrees, executive orders, ruled and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified or amended accordingly.

Section 7. Effective Clause. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved.