

**HONORABLE EDWARD VERA PEREZ MACEDA**

Chairperson  
Committee on Revision of Laws  
House of Representatives  
Quezon City

**Attn: ATTY. JEAN CELZO-DAPULA**  
Committee Secretary

**Dear Representative Maceda,**

This refers to your request for a position paper on House Bill No. 7440 entitled "An Act Reclassifying Legitimate Children Into Marital Children and Illegitimate Children Into Non-Marital Children, hereby Amending the Pertinent Provisions of the Civil Code of the Philippines, the Family Code of the Philippines and Other Pertinent Laws Pertaining to the Distinction Between Marital and Non-Marital Children Formerly Known as Legitimate and Illegitimate Children" as proposed by Representative Mary Mitzi L. Cajayon-Uy of District II, Caloocan City.

The proposed bill intends to change the terms "legitimate" and "illegitimate" to "marital" and "non-marital" in identifying the status of children in the pertinent provisions of our laws.

The Department of Social Welfare and Development (DSWD) supports the proposed legislations intended to protect and uplift the dignity of a child in line with the right of children to assistance and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development under the Constitution. Moreover, the Philippines is a signatory to the Convention on the Rights of the Child which states that "in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

Albeit the change of terms have no legal implications, the Department agrees that there is a stigma attached to the status of a child especially to the illegitimacy of children. As reiterated in the case of *Aquino vs. Aquino* (2021), "the law, reason and common sense dictate that a legitimate status is more favorable to the child. In the eyes of the law, the legitimate child enjoys a preferred and superior status" while "in the eyes of society, a 'bastard' [illegitimate child] is usually regarded as bearing a stigma or mark of dishonor." It cannot be denied that illegitimate children are discriminated against in social norms, societal practice, and even under the law.



Department of Social Welfare and Development

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Therefore, as a first step to eliminate such negative and derogatory connotations attached to such terms describing the status of a child, DSWD supports the renaming of such terms in applicable laws, especially those that intend to protect the rights of children.

Lastly, may we also suggest examining Republic Act No. 11642 or the "Domestic Administrative Adoption and Alternative Child Care Act of 2022" along with the Family Code and the Civil Code of the Philippines as it also incorporated legitimacy and illegitimacy in its provisions.

Thank you.

Very truly yours,

  
**REX GATCHALIAN**  
Secretary  
Date: MAY 23 2023