Children's Rights and Welfare: A Case Study on the Effects of the 1988 Family Code to Illegitimate Children in Iloilo

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by
Liza Flor T. Bagsit
Andrea Fideliz T. Huesca

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Abstract

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This research paper looks into how the rights of illegitimate children has been changed with the passage of the 1988 Family Code. Using 6 case studies, this research examines how the Code affected the assertion of these children's rights by themselves or by their parent/guardian. It further looks into the avenues that can restrict or facilitate the exercise of these rights.

The 1988 Family Code has effected changes with regard to illegitimate children. It eliminated the classification of illegitimate children and it brought improvement on the law of succession wherein the illegitimate child gets ½ of the share of the legitimate child. Despite these gains, the Family Code brought about discrimination against illegitimate children in the sense that they cannot use their fathers' surnames unless acknowledged. Moreover, as illegitimate children, they get an unequal share in the inheritance from their fathers. In the eyes of the law there is still inequality between legitimate and illegitimate children. Illegitimate children are less protected by the law than their counterparts. The 1988 Family Code is an improvement with regard to the promotion of the rights of illegitimate children, but if we are to advocate equal rights between illegitimate and legitimate children, there is still a need to change the provisions of the said law.

There are also several factors which serve as obstacles to their assertion of rights. These are: concern with "shame"; time consuming to file cases in court; financial constraints; and, lack of incentive in establishing filiation when the father is penniless.