

## **What is RA No. 9858?**

It is an Act providing for the legitimation of children born to parents below marrying, amending Article 177 of Executive Order No. 209 (Family Code of the Philippines).

It was signed into law by President Arroyo on December 20, 2009 and took effect on December 1, 2010, fifteen days after its publication.

The implementing rules and regulations (IRR) was approved on October 26, 2010 and took effect on November 10, 2010, fifteen days after its publication.

## **Coverage of RA 9858**

This law applies to all children conceived and born outside of marriage of parents who:

- a. At the time of conception of the child, were not disqualified by any impediment to marry each other; or
- b. Were so disqualified only because either or both of them were below eighteen (18) years of age.

## **What is the requirement in order that a child may be legitimated?**

The following must be established:

- a. The parents are not disqualified to marry each other by any legal impediment at the time of conception of the child, or are so disqualified because either or both of them is/are minor parent/s;
- b. The child conceived and born outside a valid marriage;
- c. The parents subsequently enter into a valid marriage.

## **Who shall execute?**

- a. Both parents shall execute a Joint Affidavit of Legitimation; and
- b. The surviving parent in case one of the parents dies or is presumed dead, shall execute an Affidavit of Legitimation;
- c. In case where both parents died without executing any Affidavit of Legitimation, the child, if of age, may file a petition for legitimation in court. If the child is a minor, the judicially appointed guardian or by person authorized by law to exercise substitute parental authority as enumerated under Article 216 of the Family Code of the Philippines may file the petition in court.

## **Who shall Register?**

The following shall register the affidavit of legitimation:

- a. The father and/or mother of the child to be legitimated; or
- b. The child if of legal age; or
- c. Any person authorized by the above or by law as provided by Article 216 of the Family Code.

## **What to Register?**

The Affidavit of Legitimation shall be registered. It shall be supported by the following documents:

- a. Certified True Copy (CTC) of the Certificate of Live Birth of the Child;
- b. CTC of the Certificate of Marriage of parents;
- c. Certificate of No Marriage of both parents;
- d. Death Certificate of the deceased parent/s in case of death of either parent; and
- e. Court order of the presumptive death, in case one of the parents is presumed dead.

## **Where to file the public document or the RA 9858?**

>> If the child was born in the Philippines and the public document or the Affidavit of Legitimation was executed in the Philippines, the public document or the Affidavit of Legitimation shall be registered at the Local Civil Registry Office (LCRO) of the place where the child was born.

>> If the child was born in the Philippines and the public document or the Affidavit of Legitimation was executed outside the Philippines, the public document or the Affidavit of Legitimation shall be registered at the LCRO of Manila.

>> if the child was born outside the Philippines and the public document or the Affidavit of Legitimation was executed or the Affidavit of Legitimation was executed in or outside the Philippines, the public document or the Affidavit of Legitimation shall be registered at the LCRO of Manila.

After registration of the public document or the Affidavit of Legitimation, the LCRO of the place of birth shall annotate the record of birth and the appropriate entry in the registry book. For births, which occurred outside the Philippines, the annotation of the record of births shall be done by the OCRG.

## **When should the public document or the Affidavit of Legitimation be filed?**

Recognition or acknowledgment made in a public document other than the record of birth or the Affidavit of Legitimation shall be registered within 30 days from the date of execution.

**For registered births, can the original surname of the child in the Certificate of Live Birth be changed or corrected after availing of RA 9858?**

No, No entry in the Certificate of Live Birth shall be changed or corrected. Only annotations shall be written in the Certificate of Live Birth indicating the surname that the child shall use.

**How much is the processing fee for an annotated document?**

Processing fee is Php 155 per copy.

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. ..."

*-Article 7*

*UN Convention on the rights of the Child  
(Ratified by the Philippines in July 1990)*



**Philippine Statistics Authority**  
National Capital Region

What You Need to  
Know About

# Republic Act 9858

An Act Providing for Legitimation of  
Children Born to Parents Below  
Marrying Age, Amending for the  
Purpose the Family Code of the  
Philippines

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