Persons & Family Relations
Course Syllabus

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Course Description

Persons and Family Relations is a (4) four unit course and a bar subject. It covers the preliminary titles of the Civil Code, the Family Code as well as supplementary laws on marriage, children and the family. *This course syllabus integrates components of the UNIFEM-LEGIS CURRENTS Project, which incorporates a framework and discussions of Women's Human Rights.*

Main References

A. Tolentino, Civil Code of the Philippines-Commentaries and Jurisprudence
A. Sempio-Dy, Handbook on the Family Code of the Philippines (Cases and Comments)
   New Civil Code of the Philippines (NCC), Articles 1-51; Articles 254-257; 305-310; 356-396; 407-413
   (Republic Act No. 386)
   Family Code of the Philippines (FC) (Executive Order 209)

Supplementary Materials

   Marriage Law (Act 3613)
   Civil Registry Law (Act No. 3753)
   Inter-Country Adoption Act of 1995 (Republic Act No.8043)
   Domestic Adoption Act of 1998 (Republic Act No.8552)
   Philippine Passport Act (Republic Act 8239)
   Child Youth and Welfare Code (P.D. 603)
   Code of Muslim Personal Laws (P.D. 1083)
   Convention on the Elimination of All forms of Discrimination against Women (CEDAW)

Structure

Part 1: Course Overview and Introduction to the Civil Code and Preliminary Title
Part 2: Introduction to the Family Code
Part 3: General Provisions: Persons, Civil Personality & Citizenship and Domicile
Part 4: Marriage, Formal and Essential Requisites
Part 5: Rights & Obligations Between Husbands & Wives
Part 6: Void & Voidable Marriages and Legal Separation

Mid-Term Exam: August 23, 2008

Part 7: Support, Parental Authority, Emancipation and Age of Majority

Final Examination Week: October 13-21

Evaluation

Class attendance is mandatory and will consist of 15 % of the final grade. Class Participation (Graded Recitation is 20 % and quizzes, 15 % of the final grade respectively. Two exams shall be given comprising 20% for the Mid Term Examination and 30% for the Final Exams. Students who miss three or more quizzes shall get an automatic 5 for the missed quizzes. No make-up quizzes will be given. A smoke-up list shall be made available after the mid-term examination in order to advise students with failing marks to drop the course on or before the deadline on September 8, 2008.
OVERVIEW

Part 1: Course Overview and Introduction to the Civil Code and Preliminary Title

(1) The Concept of Civil Law, Influences of Philippine Civil Law
(2) The Effect and Application of Laws (Art. 1-18, NCC)
(3) Human Relations (Art.19-36, NCC)

Part 2: Introduction to the Family Code

(4) Laws on the Family and Marriage & the concept of “Family”
(5) Women’s Status and Equality in Marriage and the Family : CEDAW, Art.16

Part 3: Persons, Civil Personality & Citizenship and Domicile

(6) Persons, Civil Personality, Natural & Juridical Persons
(7) Citizenship & Domicile

Part 4: Marriage, Formal and Essential Requisites

(8) Marriage, Definition
(9) Requisites of Marriage : Formal and Essential Requisites
(10) Valid Marriage License; Valid Marriage Ceremony

Part 5: Rights & Obligations between Husbands & Wives

(11) Obligations between the Husband and Wife
(12) The Family Home & Property Relations
    (a) Marriage Settlements, Donations
    (b) Absolute Community & Conjugal Partnership
    (c) Separation of Property and Property Relations of Unions without Marriage
    (d) The Family Home

Part 6: Void & Voidable Marriages and Legal Separation

(13) Lack of Essential and Formal Requisites
(14) Psychological Incapacity
(15) Incestuous Marriages and Marriages Void for reasons of Public Policy; Presumptive Death
(16) Deficiency in Consent; Prohibition on Collusion
(17) Legal Separation

Mid-Term Exam: August 7, 2008

Part 7: The Family/Family Relations; Support, Parental Authority, Emancipation and Age of Majority

(18) The Family & Family Relations
(19) Support, Definition, Who are Entitled to Support
(20) Amount, Liability, How to Fulfil; Non-Levy of Support
(21) Support Pendente Lite; Reimbursement and Contractual Support
(22) Parental Authority, Definition and Character of Responsibility; Rights and Duties
(23) Civil Liability for Damages; Child’s Property  
(24) Loss of Parental Authority and Substitute Parental Authority; Disciplinary Measures  
(25) Emancipation  


(26) Concept of Legitimacy: Legitimated Children; Extension of Legitimacy by Legal Fiction and Adopted Children  
(27) Action to Claim Legitimacy  
(28) Adoption  
(29) Summary Judicial Proceedings  


Final Examination Week: October 13-21
Course Syllabus-Persons and Family Relations

Part 1: Course Overview and Introduction to the Civil Code and Preliminary Title

(1) The Concept of Civil Law, Influences of Philippine Civil Law, Tolentino pp. 1-10

(2) The Effect and Application of Laws (Art. 1-18, NCC), Tolentino, pp. 11-58

(a) Date of Effectivity Art. 2, NCC
   Executive Order No. 200, 18 June 1987

  Tanada v Tuvera, 146 SCRA 446 (GR 63915 29 December 1986)
  a. Laws and Rules covered by the Rule on Publication

  Tayug Rural Bank v CB, GR 46158, 28 November 1986
  b. Computation of Time, Art. 13, NCC

  Firestone Tire and Rubber Co v Lariosa and NLRC L-70479 27 February 1987
  Gonzaga v de David L-14858 29 December 1960
  Rural Bank v Court of Appeals L-32116 21 April 1981
  c. Meaning of Weeks and Months Art. 13, NCC

  People v del Rosario L-7234 21 May 1955

(b) Principles on the Application of Laws
   a. Presumption of Knowledge of the Law, Art. 3, NCC

   In Re: Filart 40 Phil 205
   b. Prospective & Retroactive Effect of Laws, Art. 4 NCC

   ABS-CBN v Court of Tax Appeals L-52306 12 October 1981
   Lorenzo v Posadas 64 Phil 353
   c. Mandatory and Directory Laws Art. 5, NCC

   Ferrazini v Gsell 34 Phil 693
   d. Waiver of Rights and Exceptions Art 6, NCC

   Lichauco v Apostol 44 Phil 138
   Philippine Association of Service Exporters v Hon. Ruben Torres et.al., GR 10279 6 August 1992
   U.S. v Palacio 33 Phil 208
(c) Jurisprudence & Duty of the Courts to Decide Art 8-9 NCC

Floresca v Philex Mining GR 30642 30 April 1985

(d) Customs contrary to public order & proof Art. 9, 11-12, NCC
(e) Application of Laws

b. Application of Laws on Family Rights and Duties; Status Condition and Legal Capacity of Persons Art.15, NCC
c. Law on Property Art. 16, NCC
d. Forms, Solemnities of Contracts and Wills Art. 17, NCC

(f) Suppletory Effect of the Civil Code Art.18, NCC

(3) Human Relations (Art.19-36, NCC), Tolentino, pp. 59-152

Part 2: Introduction to the Family Code

(4) Laws on the Family and Marriage : Overview & the concept of “Family”

Tolentino, pp.217-218
Sempio-Diy, Introduction (Reasons for the Enactment of the Family Code)
Sec. 12, Art 11; Sec.1, Art XV, 1987 Constitution
Art.149-150, FC

Cortes, Irene, "Women & the Law," Opening Speech, Southeast Asian Regional Seminar held at the University of the Philippines (U.P.) College of Law, UP Law Center, 1980 (with support from the Asia Foundation on the 5th year of the 1975 UN decade for women.)


(5) Women’s Status and Equality in Marriage and the Family : CEDAW, Art.16

Part 3: Persons, Civil Personality & Citizenship and Domicile

(6) Persons, Civil Personality, Natural & Juridical Persons
Tolentino, pp. 156-186

(a) Capacity (Juridical Capacity & Capacity to Act), Art. 37, NCC
(b) Incapacity (Causes & Consequences), Art.38-39, NCC

Women in Nation Building Act of 1992, Republic Act No.7192, Sections 5-8
Changing Notions on Disability:

(c) Natural Persons Art.40-42, NCC; Survivorship Art 43, NCC
(d) Juridical Persons Art.44-46, NCC

(7) Citizenship & Domicile
Toletino, pp.187-214
1973 & 1987 Constitution on Citizenship; Article 4, Sec. 1-5 1987 Constitution
Article 2, Sec. 14, 1987 Constitution

Republic Act 8171 (1995)
Republic Act 9139, Administrative Naturalization Law, 2000
See Section 12

Republic Act 9225, Dual Citizenship Law, 2003

Political and Public Life (Article 7), Nationality, (Article 9) CEDAW
General Recommendation No. 23 (1997); General Recommendation No. 21, 9-10 CEDAW

Readings for Discussion:


*Van Dorn v Romillo*, 139 SCRA 139
*Pilapil v Ibay-Somera*, 174 SCRA 653

**Part 4: Marriage, Formal and Essential Requisites**

(8) Marriage, Definition Article 1, Chapter 1, FC

*Ty v Court of Appeals*, G.R. 127406, 27 November, 2000

Requisites of Marriage, Chapter 1, Articles 1-26 ; Article 149-151, FC
The Family, Article II, Sec. 12; Article XV, Sec.1-4, 1987 Constitution
Article II, Sec. 14; Article XIII, Sec.14, 1987 Constitution

Unions without the Benefit of Marriage, Article 147-148, FC

General Recommendation No. 21, 17-18 in relation to Art. 16; 36-39, in relation to Article 16, CEDAW

See: Rommel Jacinto Dantes Silverio v Republic, G.R. No. 174689, 22 October 2007
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(9) Requisites of Marriage: Formal and Essential Requisites
(a) Essential Requisites, Article 2; 4, FC
   a. Legal Capacity, Article 5; 35 (1); 37-38; 45 (1) FC; See also: Article 26 (2), FC

   General Recommendation No. 21, 36-39, in relation to Article 16, CEDAW

   b. Consent, Article 14-16; 35 (5); 45 (2) to (6); 46, FC

(b) Formal Requisites, Article 3; 4, FC
   a. Authority of the Solemnizing Officer, Article 3 (1); 7; 4 (2) FC

   b. Persons Authorized to Solemnize Marriage, Articles 7-8; 10; 21, FC

Eugenio v J. Velez, G.R. 85140 17 May 1990

(10) Valid Marriage License; Valid Marriage Ceremony Article 9; 11; 15-16, FC

Navarro v Domogtoy 259 SCRA 129
Pugeda v Trias 4 SCRA 49
People v Borromeo 133 SCRA 106
Martiatequi v CA 205 SCRA 337
Tenebro v CA GR 150158, February 18, 2004
RP v Dayot GR 175581, 28 March 2008 (false affidavit)

Marriages Exempt from License Requirement, Chapter 2, Articles 27-34, FC

Cariño v Cariño, G.R. 102569, 2 February 2001
Republic v C.A. and Castro 236 SCRA 257
Ninal v Bayadog GR 133778 14 March 2000

Marriage Counselling, Article 16, FC; Family Planning Seminar, Presidential Decree 965, (1976)

Health, (Article 12) CEDAW; General Recommendation No. 24 (Family Planning and Reproductive Health as Right to Information; Education and in relation to Decision-making by woman and/or spouses); General Recommendation No. 21, 21-23 in relation to Article 16

Article 15, Sec.3 (1) 1987 Constitution

Marriage Ceremony, Article 6; 8; FC

Marriages Solemnized Outside the Philippines Article 26, FC

Van Dorn v Romillo (Foreign Divorce Decree)
Pilapil v Ibay-Somera

Republic v Obrecido GR 154380 5 October 2005
Llorente v CA and Lorente GR 124371 November 23, 2000
Republic v Iyoy  GR 152577 21 September 2005
Republic v C.A. and Castro (Re: Secret Marriage)

Marriages by Ethnic Cultural Communities, Article 33, FC
Muslim Marriage, Presidential Decree 1083, Muslim Code of Personal Laws
Review: General Recommendation No. 21, 13-14 CEDAW

Part 5: Rights & Obligations Between Husbands & Wives

(11) Rights and Obligations Between Husbands and Wives, Title III

Lacson v Lacson 24 SCRA 837
Arroyo v Vasquez de Arroyo 42 Phil 54

a. Mutual Love, Respect, Fidelity, Article 68

Exception to Living together in relation to Fixing Domicile, Article 69 see par. (2)

Giota v Campos Rueda 35 Phil 252
Arroyo v Vasquez de Arroyo

See: Republic Act 9262, Anti-Violence Against Women and Children Act of 2004

b. Joint Support, Management of the Household, Relief for Neglect of Duty, Articles 70-72, FC

Arroyo v Vasquez de Arroyo (Contempt of Court)

(i) Exercise of Profession, Article 73, FC

Sempio-Dy, pp. 130-133

(ii) Support, Title VIII, Article 194-195, FC

When Available

Barnuevo v Fuster 29 Phil 606
Marcelo v Estacio 70 Phil 145
Cononizado v Almeda-Lopez 109 Phil 1169
Jocson v Empire Insurance Co. 103 Phil 580

Characteristics
Sempio-Dy pp.331-332

Samson v Yatco 1 SCRA 1145
(iii) Joint Parental Authority, Article 208-215, FC

*Leouel Santos and Rosario Bedia Santos v CA* 242 SCRA 407  
*Flores v Esteban* 97 Phil 439

On Code Commission’s Rationale for Husband’s Decision, Article 211, FC Sempio-Dy, pp.353-354

See also in relation to: Article 102 (6); 129 (9); Presumption in favour of the Mother in Custody Cases when Child is aged below seven

Unfit Parent, Art. 229 (5) FC; 231 (Termination & Suspension)

*Petition for Habeas Corpus of Angelie Anne Cervantes* 169 SCRA 575  
*Leouel Santos and Rosario Bedia Santos v CA*

Review:

Discrimination, (Article 1); Marriage and Family Life, (Article 16) CEDAW;

General Recommendation No. 21, 7-8 on (Art. 15); 10 (h) on Art. 16; 19-20, also in relation to Article 16, CEDAW

(12) The Family Home & Property Relations

(a) Marriage Settlements, Donations

(i) Applicable Property Regime, Articles 74-81, FC

*Quintana v Lerma* 24 Phil 285

General Recommendation No. 21, 25-29, Right to property; 30-33, Right to Marital property; 34-35, Inheritance

Marriage Settlements (Pre-nuptial Agreements), Validity, Article 75-77, FC

(ii) Donations by Reason of Marriage, Art.82-87

*Hardling v Commercial Union Ass. Co.* 38 Phil 464 (Moderate Gifts; Who May Question Donation)

*Matabuena v Cervantes* 38 SCRA 284 (Unions without Marriage)

(b) Absolute Community & Conjugal Partnership

i. Absolute Community
1. What Constitutes Community Property, Article 91; When Constituted, Article 88; Presumption of Inclusion, Article 93; Co-Ownership, Article 90; Non-waiver Article 89, FC

*De Leon v RFC* 36 SCRA 289  
*Ahern v Julian* 39 Phil 607  
*Jocson v Jocson Vasquez* 170 SCRA 333  
*Sideco v Aznar* 92 Phil 952

2. Excluded from Absolute Community, Article 92, FC

Sempio-Dy, pp. 159-161

3. Charges upon the ACP, Articles 94-95, FC

Sempio-Dy, pp. 163-169

4. Ownership, Administrative, Enjoyment and Disposition of the Community Property, Article 96-98

Sempio-Dy pp. 169-174

On Code Commission’s Rationale for Preference over Husband’s Administrative and Management:


Review:

Discrimination, (Article 1); Marriage and Family Life, (Article 16) CEDAW; General Recommendation No. 21

5. Dissolution of the Absolute Community of Property, Article 99, FC

a. Effect of De facto Separation and Abandonment Article 100-101, FC

b. Liquidation of the ACP, Articles 102-103, FC

*Onas v Javillo* 59 Phil 733  
*De Ocampo v Delizo* 69 SCRA 216

ii. Conjugal Partnership Property

1. What Constitutes CPP, Article 106 & 108, When constituted, Article 105; Non-waiver, Article 107 in relation to Article 88 & 89, FC
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Philippine National Bank v Quintos 46 Phil 370  
Nable Jose v Nable Jose 41 Phil 713  
De Ansaldo v Sheriff of Manila 64 Phil 156

2. Coverage, Conjugal Partnership Property, Article 166-120, FC

Zulueta v Pan-Am Airways 49 SCRA 1  
Jovellanos v CA 210 SCRA 126  
Flores v Flores

3. Excluded Property, Article 109-115, FC

Tecson v SSS 3 SCRA 735  
Santos v Bartolome 44 Phil 76  
Lorenzo v Nicolas 91 Phil 686  
Gonzales v Miller 69 Phil 340  
People’s Bank v Register of Deeds 60 Phil 167  
Perez v Perez 109 Phil 64  
Rodriguez v De La Cruz 8 Phil 665

4. Charges upon the CPP, Articles 121-123, FC

Sempio-Dy, pp. 210-214

5. Administration of the CPP, 124-125, FC

Sempio-Dy, pp.215-216

On Code Commission’s Rationale for Preference over Husband’s Administrative and Management:

Sempio-Dy, Alicia (1988). p. 216

Review:

Discrimination, (Article 1); Marriage and Family Life, (Article 16) CEDAW; General Recommendation No. 21

6. Liquidation of the CPP, Articles 129-133, FC

Babao v Villanueva 44 Phil 921  
Moore and Sons Mercantile Co v Wagner 50 Phil 128

iii. Separation of Property
1. Definition, Article 145-146; When Constituted (Before Marriage), Article 143; During Marriage (Grounds and Procedure), Article 134-142; Revival of Property Regime, Article 67

In re: Jose Bermas and Pilar Bermas 14 SCRA 327
Partosa-Jo v CA 18 December 1992

2. Liability of spouses to creditors, Solidary, Article 146 (2), FC

iv. Property Relations of Unions without Marriage, Article 147-148, FC

Tumulos v Fernandez GR 137650 12 April 2000

(c) Separation of Property and Property Relations of Unions without Marriage

Valdez v RTC 260 SCRA 221
Agapay v Palang 276 SCRA 341
Carino v Carino 351 SCRA 127

(d) The Family Home, Art. 151-162, FC

Arriola v Arriola GR 177703, 28 January 2008
Honrado v CA 476 SCRA 280
Spouses Versola v CA, 497 SCRA 385
Manacop v CA 277 SCRA 57
Modequillo v Breva 185 SCRA 766
Valdes v RTC 260 SCRA 221

Part 6: Void & Voidable Marriages and Legal Separation

(13) Lack of Essential and Formal Requisites

Void and Voidable Marriage
Lacking Essential and Formal Requisites, Article 35, FC

Almelos v RTC GR 179620, 28 August 2008
Wiegel v Sempio-Dy 143 SCRA 499
Odayat v Amante 77 SCRA 338

(14) Psychological Incapacity

Psychological Incapacity, Article 36, FC; Republic Act 8533 (1998) in relation to Article 39; Article 54, FC; Supreme Court A. M. NO. 02-11-10-SC
March 4, 2003

Suggested Reading:

Concluding Comments by the Committee on CEDAW, 2006, Par. no. 32 (On Divorce)
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Cases:

Valdes v RTC of QC GR 122749 31 July 1996
Leouel Santos v CA and Julia Rosario Bedia-Santos, GR 112019 4 January 1995
Chi Ming Tsai v Court of Appeals, G.R. No. 119190. January 16, 1997
Republic v Molina, G.R. 108763, February 13, 1997
Antonio v Reyes, G.R. 155800, March 10, 2006
Marcos v Marcos 343 SCRA 755
Leonillo Antonio v Marie Yvonne F. Reyes, GR 155800, 10 March 2006

See also: Supreme Court Rule on Declaration of Nullity of Void Marriages and Voidable Marriages, A.m. No. 02-11-10-SC 2003-03-04

(15) Incestuous Marriages and Marriages Void for reasons of Public Policy; Presumptive Death

a. Incestuous Marriages, Article 37, FC
b. Marriages Void for Public Policy, Article 38, FC

Review:

General Recommendation No. 21, (13-16) CEDAW

Gender, Muslim Laws and Reproductive Rights
Davao City / Pilipina Legal Resources Center, Inc. / 2001

c. Final Judgement, Absolute Nullity of Previous Marriage, Art. 40

Bobis v Bobis 3 July 2000
Landicho v Relova 22 SCRA 731
Rep v Castro 236 SCRA 257
Domingo v CA 226 SCRA 572

d. Presumptive Death, Article 41-44, FC

Rep. v Nolasco 220 SCRA 20
Rep. v Bermudez Lorino 18 January 2005
Valdes v RTC 260 SCRA 221

(16) Deficiency in Consent; Prohibition on Collusion

Mercado v Mercado 337 SCRA 122

Deficiency in Consent, Article 45-47,FC

Common Provisions:
Support Pendente Lite, Presumptive Legitimes, Liquidation, Support, Custody and Partition, Article 49-51, FC

Prohibition on “Collusion,” Article 48, FC

Record of Judgement and Partition, Effect on Subsequent Marriage, Article 52-53, FC

(17) Legal Separation, Title II, FC

US v Joanino 27 Phil 477 (Effects)

Laperal v Republic 6 SCRA 357 (Surname)

Hatima Yasin v Sharia District Court G.R. No. 94986 February 23, 1995 (Muslim Divorce/Surname); Remo v Hon. Sec. of the Department of Foreign Affairs CA GR Sp.87710, July 24, 2004 (Reverting to Maiden Name, Passport)

Review: Llorente v CA and Lorente GR 124371 November 23, 2000; Republic v Obrecido GR 154380 October 2005 (Effect of Divorce by a former Filipino; Sempio-Dy: p. 32 on the application of Art. 26 [2])

Supreme Court Rules on Legal Separation, A.M. No. 02-11-11-SC

Recommended Reading:


Grounds for Legal Separation , Article 55, FC

General Recommendation No. 21, (40) CEDAW; General Recommendation No. 12 & 19, Violence Against Women, CEDAW

a. When Grounds not Available, Article 56, FC
b. When to File, Article 57, FC
c. Six Month Period, Reconciliation and Prohibition on Collusion , Articles 58-60, FC
d. See also: Rules on Legal Separation, A. M. NO. 02-11-11-Supreme Court, March 15, 2003

Exception:

Sec. 19, Republic Act 9262, Violence against Women and their Children Act of 2004; See also Sec. 18
Recommended Reading:

*People v Genosa*, GR 13591, January 15, 2004


**Part 7: The Family & Family Relations, Support, Parental Authority, Emancipation and Age of Majority**

(18) The Family, Art. 149-150, FC; Review: Sec. 12, Art. 11; Sec. 1, Art. 15 (1987, Constitution)

(19) Support, Review Definition, Article 194, FC; Who are entitled to Support each other, Article 195-197, FC

(20) Amount, Article 201 (in relation to 195-196); Necessity and Means Available, Article 202, FC, Liability for Support in case there are two or more obliged, Article 199-200, FC When Demandable, Article 203; (Effect of Separation in Fact) Article 127, FC; How to Fulfil, Article 204, FC; Non-Levy of Support, Article 205; Qualification (Excess) Article 208, FC; Reimbursement, Third Person providing Support, Article 206-207, FC; Contractual Support, Article 208, FC

(21) Support Pendente Lite, Article 198, FC

(22) Parental Authority, Definition, Character of Responsibility, Joint/ Preference for Father in case of disagreement, Article 209-2111; also 186 (Adoption); See also effect of adoption (Termination of Parental Authority, Parents by Nature, Article 189, FC)

Exception Illegitimate Children, Sole Parental Authority of the Mother, Article 176, FC

On Code Commission’s Rationale for Preference over Husband’s Authority and Responsibility:

Sempio-Dy, Alicia, pp. 353-354

Review:

Discrimination, (Article 1); Marriage and Family Life, (Article 16) CEDAW; General Recommendation No. 21 Compare with: Article 102 & 129, FC, Preference in favour of Mother, Child aged below seven

*Espiritu v CA*, G.R. No. 115640 March 15, 1995

*Gualberto v CA*, G.R. No. 154994. June 28, 2005
Rights and Duties, Article 220, FC

(23) Civil Liability for Damages, Article 221, FC

Child’s Property, Article 225-227; (Guardian Ad Litem) 222, FC

(24) Loss of Parental Authority

Permanently, Article 228; See also 234 (3); 236 (Emancipation); 232 (Sexual Abuse) FC; Review: Unfit Parent under Part 5, (11) (b) (iii) and Gualberto v CA, G.R. No. 154994. June 28, 2005

Hontriveros Jr. Intermediate Appellate Court 132 SCRA 745

By Final Judgement, Article 229, FC

Suspension, Article 230-231, FC

See also Effects of Disciplinary Measures, Article 223 (2), FC

a. Substitute Parental Authority, Article 216-219; 222; 233, FC

See also: Rules on the Legal Guardianship of Minors, A.M. NO. 03-02-05-Supreme Court, May 1, 2003

b. Disciplinary Measures, Article 223-224, FC

Over Adopted Child, Article 191; 193 (Reinstatement to Natural Parents), FC

Article 135 (Ground for Judicial Separation of Property); 141 (Revival if restored), FC

See Concluding Comments of the UN-CRC Committee

(25) Emancipation and Age of Majority

Concept: Emancipation of Minors

Recommended Reading:

Emancipation of Minors Law. Div. 11, Part 6, Chap. 1, §7000

a. When it Takes Effect and Effect on Emancipated, Article 234 & 236, FC

b. Recorded Agreement, Orphan Minor Child, Article 235, FC (As amended by RA 6809)

c. Revival of Parental Authority when Married Minor’s marriage is declared void or annulled, Article 237, FC (As amended by RA 6809)
Part 8: Paternity and Filiation

(26) Concept of “Legitimacy,” Article 163-165; Right of Legitimate Children, Article 174, FC; See also Concluding Comments (Philippines) of the Committee on the Convention on the Rights of the Child, 20-21, 3 June, 2005 (CRC)

_Unson III v Navarro_ 101 SCRA 182

a. Legitimated Children, Article 177-180; Effect on Descendants, Article 181; Period, Ground and Interest to Impugn Legitimation, Article 182, FC
b. Adopted Children, Article 189; Effects, Article 190; (Grounds for Legal Separation) 55, FC; Also Sec. 3 (h), RA 9262
c. Exemptions:

  Legal Fiction Extension of Legitimacy, (Adultery) Article 167; (Nullity) Article 53 & 54 in relation to Article 36, FC

(27) Action to Claim Legitimacy, Article 173; Proof of Filiation, Article 172, FC

  Illegitimacy, Article 165, FC

_Briones v Maricel Miguel et.al._ 440 SCRA 455 (Custody of Illegitimate Children)
_Reynaldo Espiritu v CA and Teresita Masauding_ GR 1115640, 15 March 1995 (Exception)
_In re: Stephanie Astorga Garcia_ GR 14831131 March 2005 (Surname); See RA 9255 (2005) amending Art. 176 of the Family Code

Supreme Court Am. No. 6-11-15, 2 October 2007, Rules on DNA Evidence

a. Grounds to Impugn Legitimacy, Articles 166 FC
b. Rules on Impugning Legitimacy, Article 168-171, FC

_Republic Act No. 9255, (2002) Use of Father’s Surname_

(28) Adoption

_Republic Act 8552, Domestic Adoption Act of 1998_

_Lahorn v Sibulo_, 406 SCRA 135
_Republic of the Philippines vs. Court of Appeals, et al.,_ 205 SCRA 356
_Bobanovic, et al. vs. Montes, etc., et al.,_ 142 SCRA 485

a. Qualifications of Adopter, Article 183, FC
b. Those who cannot adopt, Article 184, FC
c. Spouses, Joint Adoption, Article 185-186, FC
d. Effects, Article 189, FC
(29) Summary Judicial Proceedings

a. Legal Separation, Article 238-248, FC; Rules on Legal Separation, A. M. NO. 02-11-11-
   Supreme Court, March 15, 2003  
b. Cases of Parental Authority, Article 249-252, FC  
c. Application to related Cases, Article 253, FC

   Articles 41 (Presumptive Death), 51 (Presumptive Legitimes in Void and Voidable
   Marriages), (Disagreement in Fixing Domicile) 69, (Objection to exercise of profession)
   73, (Disagreement with Administration of ACP) 96, 124 (Disagreement with
   administration of CPP) and (Separation in Fact) 127

(30) Final Provisions, Article 254-257, FC