

My Daddy's Name is Donor: Determining the Parental Status and Child Support Obligations of a Sperm Donor

Nancy R. Prodon

51 ATENEO L.J. 718 (2006)

SUBJECT(S): CIVIL LAW, FAMILY LAW

KEYWORD(S): SPERM DONOR, ASSISTED REPRODUCTIVE TECHNOLOGY, CHILD SUPPORT, PATERNITY

Modern reproductive technology, particularly Assisted Reproductive Technology (ART) raises interesting questions relative to certain areas of family law, one of which is child support. Three parties are usually involved: the recipient mother, the genetic father (the sperm donor), and the husband of the recipient mother. Jurisprudence shows that the husband's parental status was unclear. The existing Philippine law on ART fails to integrate the use of donor sperm into a broader set of legal principles governing parental rights and relationships.

One of the possible alternatives is the application of contract law in the determination of parental status and the obligation to support. However, contracts executed in family law, such as marriage, are imbued with public interest subject to the limitation and regulation of the state. Thus, the ordinary remedy of contract law cannot be haphazardly applied to the family setting.

It is possible that sperm donation can be viewed as merely a source of income, done for the sake of profit. However, the importance of paternal responsibility must be considered, because in the end, a child may not be deprived of the right to know on the basis of his or her conception.