

Two Points on Persons: I. The Classification of Children II. Whose Consent is Needed for Voluntary Recognition of Natural Children?

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SUBJECT(S): CIVIL CODE

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The Article gives a survey on the classification of children under Republic Act No. 386 Or "An Act to Ordain and Institute the Civil Code of the Philippines." Under the said law, there are only two kinds of children, legitimate and illegitimate. Even adopted children and legitimated children fall under this classification, both being granted with the rights of legitimate ones.

Illegitimate children may be classified into two, natural or spurious. Natural ones maybe further divided into "real natural children" and "natural children by legal fiction." Real natural children may then be divided into "recognized natural children" and "unrecognized children." Recognition may be given either voluntarily or by judicial compulsion. Spurious children, on the other hand, may be "recognized children" or "unrecognized children." The recognition of illegitimate children determines their entitlement to support and succession rights.

Other appellations given to children include incestuous, sacrilegious, adulterous and *manceres*. These qualifications are not mentioned in the Civil Code, which considers illegitimate children only either as natural or spurious.

In the voluntary recognition of natural children, Article 278 provides for the parties whose consent is necessary depending where recognition is made. Consent of court is needed in recognitions made in authentic writing and in a statement before a court of record, if the child is a minor. If the recognizer needs parental consent for marriage, any recognition of a child that he makes through a record of birth, a statement before a court record or in an authentic writing, requires the consent of his parents. In recognitions made through a record of birth, a will, a statement before a court of record or an authentic writing, the consent of the child is also needed if he of age already.