



Legal issues and family matters

No. 015 April 30, 2009 www.familymatters.org.ph and www.famli.blogspot.com By Atty. Gerry T. Galacio

How to compute the legitime (share in the inheritance) of legitimate and illegitimate children

Article 176 of the Family Code of the Philippines states the rights of illegitimate children:

Illegitimate children shall use the surname and shall be under the parental authority of their mother, and shall be entitled to support in conformity with this Code. However, illegitimate children may use surname of their father if their filiation has been expressly recognized by the father through the record of birth appearing in the civil register, or when an admission in a public document or private handwritten instrument is made by the father. Provided, the father has the right to institute an action before the regular courts to prove non-filiation during his lifetime. The legitime of each illegitimate child shall consist of one-half of the legitime of a legitimate child.

The books on civil law by the late Justice Edgardo L. Paras are still the premier textbooks for law students and lawyers. In his Pre-Week Handbook on Civil Law (pages 274 and 275, 1989 Edition), Justice Paras gives an example of how to compute the legitimes of legitimate and illegitimate children:

Special Rule If Legitimate and Illegitimate Children Survived Together, With or Without the Surviving Spouse

1. First divide the estate among them in the proportion of 10, 5 (10 - for each legitimate child, 10 - for the surviving spouse, 5 - for each illegitimate child) - PROVIDED that with this proportion, the legitimes of the legitimate children and of the surviving spouse are NOT decreased. (Reason: the intestate shares are either the SAME or GREATER than the legitimes; NEVER LESSER).

2. If said legitimes are impaired, just give the legitimes – and these will also be their INTESTATE shares.

Examples

Intestate Estate = Php 15,000.00

Survivors: 1 leg- child, 1 illegitimate child 1 / 2

Give their intestate shares.

ANSWER. Apply 10, 5:

1 legitimate child = 10 shares

1 illegitimate child = 5 shares

Total: 15 shares

15 shares = Php 15,000.00

1 share = Php 1,000.00

Therefore: 1 legitimate child = 10 (Php 1,000.00)
= P10,000.00

1 illegitimate child = 5 (P1,000.00) = Php
5,000.00

An algebraic way of presenting the example of Justice Paras is this: Let X be the amount of legitime for the legitimate child and X/2 be the legitime of the illegitimate child.

$X + X/2 = \text{Php } 15,000.00$

$(2X + X)/2 = \text{Php } 15,000.00$

$3X/2 = \text{Php } 15,000.00$

$3X = \text{Php } 30,000.00$

$X = \text{Php } 10,000.00$ (the share of the legitimate child)

$x/2 = \text{Php } 5,000.00$ (the share of the illegitimate child)

Let's say that the heirs are the surviving spouse, three legitimate children and one illegitimate child. Let's say the estate (the

totality of the property left by the deceased spouse) is Php 200,000.00. **First of all, deduct 50% or Php 100,00.00 as the share of surviving spouse in the conjugal property.** The remaining Php 100,000.00 will then be divided among the heirs (the surviving spouse is counted as one child).

The solution goes like this:

Let X be the amount of legitime for each of the legitimate children and the surviving spouse.

X (surviving spouse) + (legitimate children) $X + X + X +$ (one illegitimate child) $X/2 = \text{Php } 100,000.00$

$4X + X/2 = \text{Php } 100,000.00$

$4X/1 + X/2 = \text{Php } 100,000.00$

$9X/2 = \text{Php } 100,000.00$

$X = \text{Php } 22,222.22$ (the share of each of the legitimate children and of the surviving spouse)

$X/2 = \text{Php } 11,111.11$ (the share of the illegitimate child in view of Article 176)

How to be saved and go to heaven

Accept that you are a sinner and that your good works, ethical conduct or religion cannot save you. Romans 3:10, Romans 3:23

Believe on the Lord Jesus Christ that He alone can save you. Romans 6:23, Romans 10:13, Acts 16:31

Confess and repent of your sins. Luke 13:3, Isaiah 1:18

Delay not in receiving Jesus Christ into your heart.

2 Corinthians 6:2, Proverbs 27:1

Pray and ask the Lord to save you now: "Dear Lord, I believe that Christ died and shed His precious blood to save my soul. Be merciful to me a sinner, forgive my sins and save me in Jesus' name. Lord Jesus, I now accept you as my Savior. Amen."

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