

Filiation and Legitimacy

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The Family as the foundation of society is of primary concern both in law and in life. Nevertheless, the complexity of human relations violates the ideal order in which law would like to impose on an ideal society. Hence, it is necessary to classify relationship statuses, with corresponding legal consequences.

The Authors re-examine the concept of legitimacy and the difference between legitimacy and filiation. The Authors also touch upon principles such as the presumption of legitimacy, the best interests of the child, the quantum of evidence provided under law to prove either legitimacy or filiation, and the effects of these two statuses for the child in terms of rights and obligations.

The key area of concern is Article 172 of the Family Code. Article 172 enumerates the manner in which filiation may be proved. The crux of the issue is that there is a difference between legitimacy and filiation. In conclusion, the Authors argue that Article 172 proves filiation but not legitimate filiation.