CHAPTER 73

Parents and Children

Section 1. Parents and Their Natural Children

Article 1716. Presumption of paternity (a)

1. A child conceived or born by a wife during marriage shall be presumed to be a child of her husband; where the same circumstance takes place during cohabitation, the male cohabitant shall be presumed to be the father of the child so born.
2. The period of conception shall be the period reckoned from the one hundred and eightieth day to the three hundredth day from the day of the birth of the child.

Article 1717. Presumption of paternity (b)

Where a child is born through artificial reproductive technology according to the law concerned, the man and the woman who agree upon the said means of birth shall be presumed to the parents of the child so born.

Article 1718. Presumption of paternity (c)

Where several men are presumed simultaneously to be the father of a child, the principles as follows shall be applied:

a. where the wife’s husband and the male cohabitant of a mother are presumed simultaneously, the former shall be presumed to be the father of a child;
b. where the mother’s husband at the moment of a child’s birth and her husband at the moment of conception are presumed simultaneously, the former shall be presumed to be the father of a child;
c. where a male cohabitant of the mother at the time of a child’s birth and her male cohabitant at the moment of conception are presumed simultaneously, the former shall be presumed to be the father of a child.
Article 1719. Repudiation of presumption of paternity

1. In the case of any of the following circumstances, the parents or the adult child shall have the right to bring suit for repudiating paternity in the People's Court:
   a. where the presumed father had no sexual intercourse with the mother during the presumed period of conception, unless the child is born through the artificial reproductive technology;
   b. where medical methods can prove that it is impossible for the presumed father to be the natural father of the child; or
   c. where other facts can prove that it is impossible for the presumed father to be the natural father of the child;

2. The legal period for parents to bring suit for repudiating paternity shall be one year starting from the day when they know or should know of the grounds for repudiation.

3. The legal period for the adult child to bring the said suit shall be one year starting from the day after the mature age when they know or should know of the grounds for repudiation.

Article 1720. Affiliation by admission

1. The natural father may affiliate with his minor child, but the natural mother's consent shall be obtained.

2. The natural father may affiliate with his adult child, but the adult child's consent shall be obtained.

Article 1721. Affiliation by judicial decision

1. The natural mother of the child or other legal representative shall have the right to bring a suit for affiliation in the People's Court.

2. The adult child shall have the right to bring the said suit for affiliation.

Section 2. Adopted Child and His Adoptive Parents; Step Child and His Step Parents

Article 1722. Adopted child and his adoptive parents

1. The person who adopts other person as his child according to the legitimate adoptive relationship shall be defined as the adoptive parent.