Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. _____ **2324**

Introduced by **HON. RENE L. RELAMPAGOS**
First District, Bohol

EXPLANATORY NOTE

The current system of adoption has proven tedious and expensive for many parents who wanted to adopt. Hence, simulation of birth has become a convenient and practical alternative. This, despite the provision under the Revised Penal Code defining simulation of birth as a crime.

To correct this, Republic Act No. 8552 or the "Domestic Adoption Act of 1998," adopted in 22 March 1998, gave a period of five years within which to rectify simulated births. Even with this opportunity, however, Petitions for Adoption with Rectification of Simulated Birth, under the law, remained minimal since its enactment. To date, simulation of births has remained the surreptitiously practiced adoption mechanism in the country.

The problem lies in various factors, among such are failure to disseminate information about the amnesty under the law, the tedious domestic adoption procedure in the country, inability to pay the expensive cost of regular adoption, fear of bringing to fore the family 'secret' kept for so long, unpreparedness to reveal the truth to the unsuspecting child and others.

More than providing amnesty for criminal and pecuniary liabilities, however, the purpose of the law is not primarily for the parents but for the protection of the child. The rectification of the child's birth records will give him/her all the benefits of adoption and ensure his/her status as well as his/her rights under the law and society. The proposed expanded application to cover simulated births even after the effectivity of Republic Act No. 8552 and the simplified procedure will ensure the best interest of the child.

For the above considerations, the passage of this law is earnestly sought.

RENE LOPEZ RELAMPAGOS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2324

Introduced by HON. RENE L. RELAMPAGOS
First District, Bohol

"AN ACT
EXTENDING THE PRESCRIPTIVE PERIOD FOR THE RECTIFICATION
OF SIMULATED BIRTHS THEREBY AMENDING OF REPUBLIC ACT NO.
8552, OTHERWISE KNOWN AS THE 'DOMESTIC ADOPTION ACT OF
1998"

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 22 of Republic Act No. 8552 is hereby amended to read as follows:

Section 22. *Rectification of Simulated Births.* – A person who has, [prior to the effectivity of this Act,] simulated the birth of a child shall not be punished for such act: *Provided,* That the simulation of birth was made for the best interest of the child and that he/she has been consistently considered and treated by that person as his/her own son/daughter: *Provided, further,* That the application for correction of the birth registration and petition for adoption shall be filed within [five (5)] TWENTY (20) years from the effectivity of this Act and completed thereafter: *Provided, finally,* That such person complies with the procedure as specified in Article IV of this Act and other requirements as determined by the Department.

Section 22 – A. SHOULD THE CHILD WHOSE BIRTH WAS SIMULATED IS ALREADY WITH THE PARENT/S FOR MORE THAN TEN YEARS, HOWEVER, ADMINISTRATIVE PROCEEDINGS SHALL BE ALLOWED FOR THE RECTIFICATION OF THE SIMULATED BIRTH. FOR THIS PURPOSE, THE DEPARTMENT SHALL REDUCE THE DOCUMENTARY REQUIREMENTS FOR ADOPTION, PRESCRIBE THE ADMINISTRATIVE PROCEDURE WHICH SHALL BE SIMPLIFIED AND IF PRACTICABLE, SUMMARY IN NATURE AND IMPOSE MINIMAL ADMINISTRATIVE COSTS.

ALL PROCEDURES FOR THE RECTIFICATION OF SIMULATED BIRTHS SHALL BE LIBERALLY APPLIED IN FAVOUR OF THE CHILD.

Sec. 2. – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,