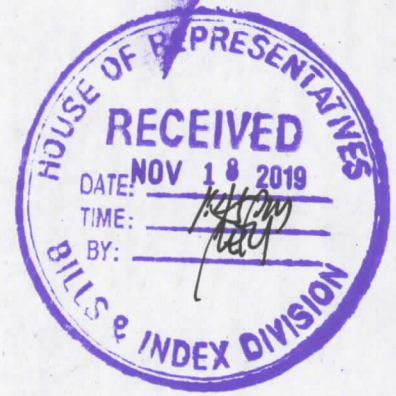


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
First Regular Session

House Bill No. **5512**



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Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**

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**EXPLANATORY NOTE**

The 1987 Constitution gives importance to the family. Article XV is devoted to the family. Section 1 recognizes the Filipino family as the foundation of the nation. Section 3(2) also states the concomitant right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

Children's rights are intimately related to the subject of family. Not only are they part of the family, the law also establishes certain pertinent rights. Article 3 of Presidential Decree 603, known as The Child and Youth Welfare Code, enumerates the rights of the child. Section 1 recognizes that every child has dignity and worth as a human being and has the right to be born well. Section 2 states that every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counseling, and moral and material security.

Furthermore, the rest of the enumeration like having a well-rounded development of personality, an atmosphere that will enrich and strengthen the character, and having a balanced diet, adequate clothing, and sufficient shelter are all rights that would be better protected and met within the context of a child growing up in a loving family.

We are aware of the painful reality that not all children are born into a family. Various circumstances may lead to the absence of a family like abandonment, being orphaned, and the voluntary or involuntary relinquishment of parental rights. It is incumbent upon the State to address this situation. Adoption serves as the best alternative placement for children in these circumstances. It provides them with a family that will serve as a constant presence in their lives. They will grow up in a family setting that will nurture them, guide them, and help them succeed in life.

The process of adoption in the Philippines though is lengthy and costly. The two-part process involves the administrative process with the Department of Social Welfare and Development (DSWD) and the judicial process with the courts. The inadvertent result is the duplication of requirements in documentation and reporting. The whole process usually takes more than 3 years to be completed. Compounding this is the burden of legal fees usually reaching hundreds of thousands of pesos.

The doctrine of primary jurisdiction is a fundamental principle in administrative law. It finds application on matters that demand the expertise, competence, specialized skills, and knowledge of an administrative agency.

Adoption undoubtedly falls within the mandate of DSWD. The passage of RA 9523 recognized the agency's competence as it gave the latter sole authority to issue the certification declaring a child legally available for adoption. The said law also recognized that administrative processes under the jurisdiction of the DSWD for the declaration of a child legally available for adoption of abandoned, surrendered, or neglected children are the most expeditious proceedings for the best interest and welfare of the child.

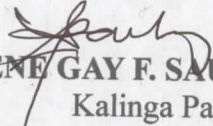
10 years have passed since RA 9523 amended the Domestic Adoption Act of 1998. Taking into account our experience, it is high time that we introduce further reforms in order to have a system that will be expeditious, inexpensive, and still in keeping with the best interest of



the child. Putting the adoption process within the domain of DSWD will help ease the burden of courts and will encourage prospective couples and individuals to adopt.

Making this necessary change will bring us closer to a Philippine society where no child is left without a family. A society where every child belongs to a family that will help him/her secure a bright future.

Considering all of these, the passage of this bill is earnestly sought.

  
**IRENE GAY F. SAULOG**  
Kalinga Party-list

Republic of the Philippines  
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**EIGHTEENTH CONGRESS**  
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**AN ACT**  
**ESTABLISHING THE RULES AND POLICIES ON THE DOMESTIC**  
**ADMINISTRATIVE ADOPTION PROCEEDING OF FILIPINO AND FOR OTHER**  
**PURPOSES**

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

**SECTION 1. *Short Title.*** — This Act shall be known as the Domestic Administrative Adoption Act..

**Sec. 2. *Declaration of Policy.*** — It is hereby declared the policy of the State to ensure that every child remains under the care and custody of the parents and be provided with love, care, understanding and security towards the full and harmonious development of the child's personality. Only when such efforts prove insufficient and no appropriate placement or adoption within the child's extended family is available shall adoption by an unrelated person be considered.

In all matters relating to the care, custody and adoption of a child, his/her best interest shall be the paramount consideration in accordance with the tenets set forth in the United Nations (UN) Convention on the Rights of the Child; UN Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement

and Adoption, Nationally and Internationally; and the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption. Toward this end, the State shall provide alternative protection and assistance through foster care or adoption for every child who is neglected, orphaned, or abandoned.

It shall also be the State policy to:

- (i) Safeguard the biological parents from making hasty decisions to relinquish his/her parental authority over his/her child;
- (ii) Prevent unnecessary separation of the child from his/her biological parent(s);
- (iii) Protect the adoptive parent(s) from attempts to disturb his/her parental authority and custody over his/her adopted child;
- (iv) Conduct public information and educational campaigns to promote a positive environment for adoption;
- (v) Ensure that sufficient capacity exists within government and private sector agencies to handle adoption inquiries, process domestic adoption applications, and offer adoption-related services including, but not limited to pre/post-adoption services and counseling for the biological parent(s), child and adoptive parent(s);
- (vi) Encourage domestic adoption so as to preserve the child's identity and culture in his/her native land, and only when this is not available shall inter-country adoption be considered.

No child shall be a subject of administrative adoption unless the status of the child has been declared legally available for adoption either in judicial or administrative proceedings except in cases of relative or step-parent adoption where such declaration is not required.

It is hereby recognized that the administrative adoption processes under the jurisdiction of the Department of Social Welfare and Development for the cases of regular children, relative, step-parent and adult adoptees are the most expeditious proceedings that will redound to their best interest.

**Sec. 3. Objectives.** – This Act shall provide for and allow simpler and inexpensive domestic administrative adoption proceedings.

**Sec. 4. Definition of Terms.** – As used in this Act:

- (a) *A child legally available for adoption* – a child or person, whose case is abandoned, neglected or surrendered and who has been voluntarily or involuntarily committed to the Department or to a duly licensed child-caring/child-placing agency and issued with a Certification declaring him/her available for adoption;
- (b) *Abandoned Child* – one who has no proper parental care or guardianship or whose parent(s) has deserted him/her for a period of at least three (3) continuous months;
- (c) *Actual Custodian* – the guardian or spouses who raised a child/person and consistently treated him/her as his/her/their own child.
- (d) *Adoption* – the socio-legal process of providing a permanent family to a child whose parents voluntarily or involuntarily given up their parental rights;
- (e) *Certification Declaring a Child Legally Available for Adoption.* – refers to a child in whose favor a certification is issued by the Department of Social Welfare and Development (DSWD) stating that such child is legally available for adoption it has been established that his or her birth was simulated and that the conditions provided for in this bill to allow for the rectification of such simulated birth are present;
- (f) *Child* – a person below eighteen (18) years of age or a person 18 years or over but is unable to fully take care or protect himself/ herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psycho social disability or condition;
- (g) *Child-placing agency* – refers to a private, non-profit or charitable institutions or government agency duly licensed and/or accredited by the Department to provide comprehensive child welfare services, including but not limited to receiving applications for adoption/foster care, evaluating the PAPs/Foster Parents, preparing the home study report and all other processes required for adoption (IRR of RA 8552);
- (h) *Child-caring agency* – a duly licensed and accredited agency by the Department that provides twenty four (24)- hour residential care services for regular children;
- (i) *Deed of Voluntary Commitment (DVC)* – refers to the written and notarized instrument relinquishing the parental authority and committing the child to the care and custody of the Department executed by the child's biological parent(s) or legal guardian or a person

exercising substitute parental authority over the child, to be signed in the presence of a social worker and the notary public, after counseling and other services have been made available to encourage the biological parent(s) to keep the child;

- (j) *Department* – the Department of Social Welfare and Development;
- (k) *Domestic Adoption* – the adoption proceeding which is undertaken between a Filipino child and eligible adoptive parents based on the requirements stipulated in RA 8552 who are permanently residing in the Philippines;
- (l) *Foundling* – a person whose facts of birth are unknown;
- (m) *Involuntarily Committed Child* – one whose parent(s), known or unknown, has been permanently and judicially deprived of parental authority due to abandonment; substantial, continuous or repeated neglect; abuse or incompetence to discharge parental responsibilities;
- (n) *Matching* – the judicious selection from the regional or interregional levels of a family for a child based on the child's needs and in his/her best interest as well as the capability and commitment of the adoptive parents to provide such needs and promote a mutually satisfying parent-child relationship.
- (o) *Neglected* – one whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months;
- (p) *Prospective Adoptive Parents (PAPs)* – refers to a person or married couple who have filed an application for administrative adoption and whose application has been approved;
- (q) *Regional Director* – the head of the regional office of the Department of Social Welfare and Development;
- (r) *Relative* – someone who is within the fourth degree of consanguinity or affinity;
- (s) *Secretary* – the Secretary of the Department of Social Welfare and Development;
- (t) *Simulation of birth* – the tampering of the civil registry making it appear in the birth records that a certain child was born to a person who is not the biological mother, causing the loss of the true identity of the child;

- (u) *Social Welfare Development Officer* – a person who is a duly licensed social worker and appointed by the local chief executive to head the provincial, city or municipal social welfare development office which serves as the front line of the local government unit in the delivery of social welfare and development programs and services;
- (v) *Social Worker* – any person who practices social work in the Philippines and who is registered or exempted from registration in accordance with the provisions of relevant laws or mandate of governing professional regulatory agency (e.g. Professional Regulation Commission);
- (w) *Step-Parent* – a parent who is married to the mother or father of a child, but who is not that child's biological mother or father.
- (x) *Surrendered Child* – a child whose parent(s) knowingly and voluntarily relinquished parental authority to the Department or to a duly licensed Child-Placing/Child-Caring Agencies;
- (y) *Supervised trial custody* – is a period of six (6) months within which the social worker oversees the adjustment and emotional readiness of both the adopter(s) and adoptee in stabilizing their filial relationship;

## **ARTICLE II PRE-ADOPTION SERVICES**

**Sec. 5. Services.** – It shall be the duty of the Local Government Unit, Child Caring/Placing Agencies and Department to ensure that necessary counselling services by licensed social workers to the following shall be conducted:

(a) *Biological Parent(s)* – Counselling shall be provided to the parent(s) before and after the birth of his/her child. No binding commitment to an adoption plan shall be permitted before the birth of his/her child. In all proceedings for adoption, the Department shall require proof that the biological parent(s) has been properly counselled to prevent him/her from making hurried decisions caused by strain or anxiety to give up the child, and to sustain that all measures to strengthen the family have been exhausted and that any prolonged stay of the child in his/her own home will be inimical to his/her welfare and interest.



A period of three (3) months shall be allowed for the biological parent(s) to reconsider any decision to relinquish his/her child for adoption. Counselling and rehabilitation services shall also be offered to the biological parent(s) after he/she relinquished his/her child for adoption.

(b) *Prospective Adoptive Parent(s) (PAPs)* – Counselling sessions, adoption fora and seminars, among others, shall be provided to prospective adoptive parent(s) to resolve possible adoption issues and to prepare him/her for effective parenting.

Adoption telling shall be one of the central themes of the fora/seminar to equip the prospective adoptive parents with the ability to divulge the adoption to the adoptee in a manner that will strengthen the parent-child relationship.

(c) *Prospective Adoptee* – Counseling sessions shall be provided to ensure that he/she understands the nature and effects of adoption and is able to express his/her views on adoption in accordance with his/her age and level of maturity.

Early disclosure of adoption as a proven helpful practice shall be mandatory for children four (4) years old and above. A licensed social worker must conduct adoption-themed activities to such children which in turn will inculcate in their young minds the positive aspects of adoption.

**Sec. 6. *Location of Unknown Parent(s).*** – It shall be the duty of the Department, Local Government Unit or the child-placing or the child-caring agency which has custody of the child to exert diligent efforts using, but not limited to tri-media and any other possible means to locate his/her unknown biological parent(s) or immediate relatives in order to determine his/her/their permanency plan over the child. If such efforts fail, the child shall be registered as a foundling and subsequently be the subject of administrative proceedings where he/she shall be declared abandoned.

### **ARTICLE III ELIGIBILITY**

**Sec. 7. *Who May Adopt.*** – The following may adopt:

(a) Any Filipino citizen, at least twenty-five (25) years of age, in possession of full civil capacity and legal rights, of good moral character, has not been convicted of any crime involving moral turpitude, emotionally and psychologically capable of caring for children, at least sixteen (16) years older than the adoptee, and who is in a position to support and care for his /her children in keeping with the means of the family. The requirement of sixteen (16) year difference between the age of the adopter and the adoptee may be waived when the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent;

(b) A foreigner who seeks to adopt the legitimate son/daughter of his/her Filipino spouse; or

(c) A foreigner who is married to a Filipino citizen and seeks to adopt jointly with his/her spouse a relative within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse, provided the spouses are habitually residing in the Philippines; or

(d) The legal guardian with respect to the ward after the termination of the guardianship and clearance of his/her financial accountabilities;

(e) The actual custodian with respect to the child or person who has been under his/her care and whom he/she genuinely and consistently treated as son or daughter;

Husband and wife shall jointly adopt, except in the following cases:

(i) if one spouse seeks to adopt the legitimate son/ daughter of the other;

(ii) if one spouse seeks to adopt his/her own illegitimate son/daughter; Provided, however, that the other spouse has signified his/her consent thereto;

(iii) if the spouses are legally separated from each other.

In case husband and wife jointly adopt, or one spouse adopts his or her illegitimate son/daughter of the other, joint parental authority shall be exercised by the spouses.

**Sec. 8. *Who May Be Adopted.*** – The following may be adopted:

(a) Any Filipino child below eighteen (18) years of age who has been administratively or judicially declared available for adoption;

(b) The legitimate son/daughter of one spouse by the other spouse;

- (c) An illegitimate son/daughter by a qualified adopter to improve his status to that of legitimacy;
- (d) A Filipino of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopter(s) as his/her own child since minority;
- (e) A child whose adoption has been previously rescinded; or
- (f) A child whose biological or adoptive parent(s) has died: *Provided*, That no proceedings shall be initiated within six (6) months from the time of death of said parent(s).

**Sec. 9. *Whose Consent is Necessary to the Adoption.*** – After being properly counseled and informed of the right to give or withhold approval of the adoption, the written consent of the following to the adoption is hereby required:

- (a) the adoptee, if ten (10) years of age or over;
- (b) the biological parent of the child, if known, or the legal guardian who has legal custody of the child;
- (c) the legitimate and adopted sons/ daughters, ten (10) years of age or over, of the adopter and adoptee, if any;
- (d) the illegitimate sons/ daughters, ten (10) years of age or over, of the adopter if living with said adopter and the latter's spouse, if any; and
- (e) the spouse, if any, of the person adopting or to be adopted.

**Sec. 10. *Documentary Requirements.*** – The Prospective Adoptive Parent(s) (PAPs) shall attach the following to the Petition for Adoption:

- (a) Home Study and Child Study Report duly prepared by a licensed social worker;
- (b) Authenticated birth record of the PAPs and the child;
- (c) Marriage Certificate, if the PAPs are married; or Court Decision/Certificate of Finality, if annulled, divorced or legally separated;
- (d) NBI/Police Clearance; If foreigner married to a Filipino, clearance from the international police and police authorities of the country or countries where he has been a resident for the past two (2) years;

- (e) Written consent to the adoption by the biological parent(s) or the person(s) exercising substitute parental authority over the child and the written consent of the child if at least ten (10) years old, signed in the presence of the social worker of the Department or child caring agency after proper counseling as prescribed in this Act;
- (f) Authenticated Death Certificate of biological parent(s), as applicable;
- (g) Original copy of the Certification Declaring a Child Legally Available for Adoption (CDCLAA), as applicable;
- (h) Result of recent medical evaluation of the child and PAPs;
- (i) Mandatory Result of Psychological Evaluation of the PAPs, pursuant to RA 8552, to ensure additional safety net for the child;
- (j) Mandatory Result of Psychological Evaluation of the child, pursuant to RA 8552, for children 5 years old and above;
- (k) Child care plan with list of at least three temporary custodian of the child in order of preference in case of death, absence or incapacity of the PAPs;
- (l) Letter attesting to the character and general reputation of the PAPs from at least three (3) non-related character references, of whom one must preferably come from an employer/supervisor or with whom the PAP(s) have business dealings. The contact details of the person attesting must be so indicated in the letter;
- (m) Recent close-up and whole body pictures of the child and PAPs taken within the last six (6) months; and
- (n) Documents showing the financial capacity of the PAPs (ie. ITR, bank account, certificate of employment etc.

The social worker of the Department, Local Government Unit and Child-Caring/Placing Agencies is not precluded from asking for additional documents he may deem necessary as proof of facts alleged in the petition or to establish a factual claim.

#### **ARTICLE IV PROCEDURE**

**Sec. 11. *Case Study and Home Study Report.*** – A licensed social worker from the social service office of the local government unit, or any child-placing or child-caring agency or an

adoption social worker with at least three (3) years experience in handling adoption cases, as certified by the department shall conduct a case study of the adoptee, his/her biological parent(s), as well as the Home Study Report of the adopter(s), and shall submit the report and recommendations on the matter to the respective Regional Office of the Department as among the supporting documents of the petition.

The case study of the adoptee shall establish that he/she is eligible for adoption and that the documents to support this fact are valid and authentic. It shall also be established that a child legally available for adoption is declared legally available for adoption and various interventions and services were extended to the child's biological family or immediate relative to ensure that all efforts to prevent the child from unnecessary separation from them were exhausted.

Further, the home study of the prospective adoptive parent(s) shall ascertain his/her genuine intentions and that the adoption is in the best interest of the prospective adoptee.

If after the conduct of the case studies and the Home Study Report, the social worker discovered new information that would warrant denial of the petition, the said social worker shall make the proper recommendation to the Department, furnishing a copy thereof to the office where the child come from and to where the PAPs applied.

The case studies and other relevant documents and records pertaining to the adoptee and the adoption shall be preserved by the Department.

**Sec. 12. Matching Process.** – There shall be a matching process for cases of legally available children thirty (30) calendar days after the issuance of the CDCLAA or the next matching conference, whichever is applicable. The matching of the child to an approved prospective adoptive parent/s shall be carried out during the regular matching conference by the Matching Committee in the regional level otherwise called the Child Welfare Specialist Group (CWSG) where the social workers of the child and family are present. Subject to the approval of the Department, the CWSG shall fix its own internal rules and procedures. However, the records of children and approved prospective adoptive parent/s not matched after two (2) presentations in the regional level shall be forwarded to the Department's Central Office for inclusion in the interregional matching presentation; Provided further that children with special needs shall be



immediately forwarded if not matched in the first meeting, except under special circumstances. The matching proposal made by the CWSG shall be approved by the Department.

Cases of step-parent adoption, relative adoption within the 4th degree of consanguinity and affinity and adult adoption shall not undergo the matching process, instead, the Department shall automatically issue the PAPs with Pre-adoption Placement Authority (PAPA), as assessed and recommended by the social worker.

**Sec. 13. *Issuance of Pre-Adoption Placement Authority.*** – Once a child is matched to an approved prospective adoptive parent(s) and was subsequently accepted, the Department shall authorize the pre-adoption placement of the child to the PAPs.

**Sec. 14. *Supervised Trial Custody.*** – After the matching process and issuance of Pre-Adoption Placement Authority (PAPA), the Department shall give the adopter(s) trial custody of the adoptee for a period of at least six (6) months within which the parties are expected to adjust psychologically and emotionally to each other and establish a bonding relationship. The trial custody shall be monitored monthly by the social worker who prepared the home study report and submit a report regarding the placement.

During said period, temporary parental authority shall be vested in the adopter(s). The trial custody may be waived in cases of step-parent, relative and adult adoptions, as assessed and recommended by the social worker.

Further, for regular cases, the STC may be reduced or lengthened or waived depending on the assessment and recommendation of the social worker.

For independently placed cases, the social worker shall prepare one post-placement report recommending the qualified adoptive parent(s) to continue his/her/their parental obligations towards the child or adoptee.

In case the adoption/placement did not prosper, the social worker must provide the necessary services and interventions to ensure that the child is protected and his/her needs are adequately responded.

**Sec. 15. *Petition for Administrative Adoption.*** – The thriving parent-child relationship during STC period as substantiated by the monthly monitoring report of the social worker shall give rise to the filing of a Petition for Adoption.

The petition for adoption shall be prepared and signed by the head of the local social welfare agency, child-caring/child-placing agency that process the application of the qualified adopters. The said petition shall be notarized and state the facts necessary to establish the merits of the petition. The petitioner must specifically allege that he/she is at least 25 years of age, in possession of full civil capacity and legal rights; is of good moral character; has not been convicted of any crime involving moral turpitude; is emotionally and psychologically capable of caring for children; is at least sixteen (16) years older than the adoptee, unless the adopter is the biological parent of the adoptee or is the spouse of the adoptee's parent; and is in a position to support and care for his/her/their children in keeping with the means of the family and has undergone pre-adoption services. The petition should also indicate the new name the petitioner wishes the child to have, if any.

The petition for administrative adoption shall be in the form of an affidavit and shall be subscribed and sworn to by the petitioner(s) before any person authorized by law to administer affirmations and oaths.

No subsequent petition for administrative adoption involving the same PAPs shall be entertained unless the prior petition has attained finality.

**Sec. 16. *Where to file the Petition.*** – The petition together with complete and original supporting documents shall be filed by the petitioner(s) with the Office of the Social Welfare and Development Officer (SWDO) of the city or municipality where the PAPs reside.

**Sec. 17. *Administrative Adoption Process.*** – The SWDO shall have ten (10) days to examine the petition and its supporting documents and determine whether the same is sufficient in form and substance. If the SWDO finds that the petition is insufficient in form or substance, the SWDO shall return the same to the petitioner with a written explanation of its insufficiency. If the SWDO finds the petition sufficient in form and substance, the SWDO shall forward the petition and the supporting documents within seven (7) days to the Regional Director of the

Department of Social Welfare and Development (DSWD) Field Office, hereinafter referred to as the Regional Director, exercising jurisdiction over the city or municipality where the child resides.

The identity of the child and the petitioner including the motivation to adopt shall be personally determined by him or her through the supporting documents of the petition and interview with the petitioner(s) and the child. The personal appearance of the petitioner and the child before the Regional Director shall likewise be mandatory. He/She shall render a recommendation not later than thirty (30) calendar days from receipt of such documents. In the course of the review, additional information or document/s may be required from the petitioner to support the petition. The failure of the petitioner to comply with such request shall not preclude the Regional Director from acting on the petition based on the evidence at hand.

The Regional Director shall transmit a copy of his/her recommendation and records to the Office of the Secretary of the Department, within ten (10) days from the date of the recommendation. The Secretary shall act and decide on the recommendation within thirty (30) days from receipt thereof.

**Sec. 18. *Objection to the Petition.*** – Any person who has personal knowledge of any information, which by ordinary diligence could not be discovered, and which when introduced and admitted, would result in the denial of the Petition and protect the child from possible harm or abuse may at any time during the STC or before the issuance of the Order of Adoption, interpose an objection to the petition and file a complaint supported by evidence to that effect, with the Office of the Secretary of the Department, through the Office of the Regional Director of the DSWD-Field Office where the petition was filed. The complaint will be subjected to verification and further investigation.

**Sec. 19. *Order of Adoption.*** – If the supervised trial custody is satisfactory to the parties and the Department is convinced from the trial custody report, the petition and its supporting documents that the adoption shall redound to the best interest of the child or prospective adoptee, the Secretary shall issue an Order of Adoption which is registrable civil registry document stating

the name by which the child shall be known and shall likewise direct the concerned local civil registrar the:

(1) the adopter to submit a certified true copy of the decree of adoption to the Civil Registrar where the child was originally registered within thirty (30) days from receipt of the Order of Adoption.

(2) the Civil Registrar of the place where the adoptee was registered:

(a) to seal the original birth record in the civil registry records which can be opened only upon order of the Secretary of the Department; and

(b) to submit to the Department proof of compliance with all the foregoing within thirty (30) days from receipt of the decree.

The Order shall take effect on the date the petition was filed with the DSWD Field Office, even if the petitioner dies before its issuance. It shall become final upon the expiration of fifteen (15) days from notice thereof to all parties.

An administrative adoption order obtained under this Act shall have the same effect as a decree of adoption issued pursuant to Republic Act No. 8552, otherwise known as the "Domestic Adoption Act of 1998".

**Sec. 20. *Benefits of Prospective Adoptive Parent(s).*** – If a child is seven (7) years old or below, placed with prospective adopter(s) through a Pre-adoption Placement Authority (PAPA) issued by the Department, the prospective adopter(s) shall enjoy all the benefits entitled to biological parents, including but not limited to, maternal and paternal leave, the ability to add the adoptee as health/tax dependents that can be availed through the Social Security System (SSS), Department of Labor and Employment (DOLE), Bureau of Internal Revenue (BIR), Health Maintenance Organization (HMO) providers, among others to which the biological parent(s) is entitled from the date the adoptee is issued with PAPA and Affidavit of Consent to Adoption (ACA).

**Sec. 21. *Civil Registry Record.*** – An amended certificate of birth shall be issued by the Civil Registry, pursuant to the Order of Adoption, attesting to the fact that the adoptee is the child of the adopter(s) by being registered with his/her surname. The original birth record shall

be stamped "*cancelled*" with the annotation of the issuance of an amended birth certificate in its place and shall be sealed in the civil registry records. The new birth certificate to be issued to the adoptee shall not bear any notation that it is an amended issue.

**Sec. 22. *Book of Adoptions.*** – The Department shall keep a book of adoptions showing the date of issuance of the Order in each case, compliance by the Civil/Municipal Registrar with the preceding section and all incidents arising after the issuance of the decree.

**Sec. 23. *Confidentiality.*** – All petitions, documents, records, and papers relating to administrative adoption proceedings in the files of the city or municipal SWDOs, the DSWD Central and Field Offices, or any other agency or institution participating in such proceedings shall be kept strictly confidential. If the disclosure of certain information to a third person is necessary for security reasons or for purposes connected with or arising out of the administrative adoption and will be for the best interest of the adoptee, the Secretary may, upon appropriate request, order the necessary information released, restricting the purposes for which it may be used and in accordance with the existing laws on data privacy.

In any event, the disclosure of any information shall only be allowed upon the Order of the Secretary, based on the written request of the adoptee or in the case of a minor adoptee, his or her legal guardian or the Adoptive Parent or upon order of any lawful authority.

Any violation of the confidential nature of the records above-mentioned shall be punishable pursuant to the penal provisions of the Act, R.A. No. 10173 or the "Data Privacy Act of 2012" or other relevant laws.

**Sec. 24. *Fees.*** – The city or municipal SWDO, DSWD, the Office of the Local Civil Registrar (LCR), Child Caring/Placing Agencies may charge socialized fees to those who avail of the administrative adoption proceedings under this Act.

## **ARTICLE V EFFECTS OF ADOPTION**



**Sec. 25. *Legitimacy.*** – The adoptee shall be considered the legitimate son/daughter of the adopter for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate sons/ daughters born to them without discrimination of any kind. To this end, the adoptee is entitled to love, guidance and support in keeping with the means of the family.

**Sec. 26. *Parental Authority.*** – Except in cases where the biological parent is the spouse of the adopter, all legal ties between the biological parents and the adoptee shall be severed and the same shall then be vested on the adopter.

**Sec. 27. *Succession.*** – In legal and intestate succession, the adopter and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiation. However, if the adoptee and his/her biological parents had left a will, the law on testamentary succession shall govern.

## **ARTICLE VI POST-ADOPTION SERVICES**

**Sec.28. *Preliminaries to Adoption Telling.*** – It shall be the duty of the social worker who handled the child's case to conduct activities to adoptees four (4) years old or above, that will trigger or provide them inkling about the adoption. This is based on the principle that in adoption, the earlier the child knows about it, would be to his/her advantage. However, nothing in this Act shall be construed as mandatory for the social worker to divulge the adoption. His/her role is merely to incite the adoption telling by the adoptive parent(s).

**Sec. 29. *Search/Tracing of Biological Family*** – Upon reaching the age of majority, an adoptee may seek the assistance of the Department, Local Government Unit or the Child Caring/Placing Agency to trace his/her biological family and eventually have a face to face meet-up, provided, the adoption triad consented to and received adequate preparation from a licensed social worker regarding the said meet-up.

**Sec. 30. *After-care Monitoring and Submission of Report.*** – Upon finalization of the adoption and the receipt of the amended birth certificate of the child, the Department shall monitor the parent-child relationship to ensure that the adoption redounded to the best interest of the child. A Closing Summary Report shall be prepared by the handling social worker and submitted to the Office of the Secretary of the Department after completing the after-care monitoring to the adopters and adoptees.

## **ARTICLE VII RECISSION OF ADMINISTRATIVE ADOPTION**

**Sec. 31. *Grounds for Rescission of Administrative Adoption.*** – The adoption may be rescinded only upon the petition of the adoptee with the Department of Social Welfare and Development, or with the assistance of the SWDO if he is a minor, or if he is over eighteen (18) years of age but is incapacitated or by his guardian on any of the following grounds committed by the adopter(s):

- (a) repeated physical or verbal maltreatment by the adopter despite having undergone counseling;
- (b) attempt on the life of the adoptee;
- (c) sexual abuse or violence; or
- (d) abandonment and failure to comply with parental obligations.

Adoption, being in the best interest of the child, shall not be subject to rescission by the adopter. However, the adopter may disinherit the adoptee for causes provided in Article 919 of the Civil Code.

**Sec. 32. *Venue.*** – The petition shall be filed with the DSWD Field Office where the adoptee resides.

**Sec. 33. *Time within which to file petition.*** – Upon existence of any ground, the adoptee or the SWDO, must file the petition for rescission or revocation of adoption.

**Sec. 34. Order to Answer.** – The Department shall issue an order requiring the adverse party to answer the petition within fifteen (15) days from receipt of a copy thereof. The order and copy of the petition shall be served on the adverse party in such manner as the Department may direct.

**Sec. 35. Decision.** – If the Department finds that the allegations of the petition are true, it shall render decision ordering the rescission of administrative adoption, with or without costs, as justice requires.

The Department shall order that the parental authority of the biological parent of the adoptee, if known, or the legal custody of the Department be restored if the adoptee is still a minor or incapacitated and declare that the reciprocal rights and obligations of the adopter and the adoptee to each other shall be extinguished.

The Department shall further declare that successional rights shall revert to its status prior to adoption, as of the date of decision. Vested rights acquired prior to administrative rescission shall be respected.

It shall also order the adoptee to use the name stated in his original birth or foundling certificate.

The Department shall further order the Civil Registrar where the adoption order was registered to cancel the new birth certificate of the adoptee and reinstate his original birth or foundling certificate.

**Sec. 36. Service of Decision.** – A certified true copy of the decision shall be served by the petitioner upon the Civil Registrar concerned within thirty (30) days. The Civil Registrar shall forthwith enter the rescission order in the register and submit proof of compliance to the Department within thirty (30) days from receipt of the order.

All the foregoing effects of rescission of adoption shall be without prejudice to the penalties imposable under the Penal Code if the criminal acts are properly proven.

## **ARTICLE VIII VIOLATION AND PENALTIES**

**Sec. 37. Violations and Penalties. –**

(a) The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine not less than Fifty thousand pesos (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

(i) obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;

(ii) non-compliance with the procedures and safeguards provided by the law for adoption; or

(iii) subjecting or exposing the child to be adopted to danger, abuse, or exploitation.

(b) Any person who shall cause the fictitious registration of the birth of a child under the name(s) of a person(s) who is not his/her biological parent(s) shall be guilty of simulation of birth, and shall be punished by prision mayor in its medium period and a fine not exceeding Fifty thousand pesos (P50,000.00).

Any physician, midwife or nurse or hospital personnel who, in violation of his/her oath of office, shall cooperate in the execution of the abovementioned crime shall suffer the penalties herein prescribed and also the penalty of permanent disqualification.

Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents, and communications of adoption applications, cases, and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, and/or a fine of not less than Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00), at the discretion of the court.

A penalty lower by two (2) degrees than that prescribed for the consummated offense under this Article shall be imposed upon the principals of the attempt to commit any of the acts herein enumerated. Acts punishable under this Article, when committed by a syndicate or where it involves a child shall be considered as an offense constituting child trafficking and shall merit the penalty of *reclusion perpetua*.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any of the unlawful acts defined under this Article. Penalties as are herein provided,

shall be in addition to any other penalties which may be imposed for the same acts punishable under other laws, ordinances, executive orders, and proclamations.

When the offender is an alien, he/she shall be deported immediately after service of sentence and perpetually excluded from entry to the country.

Any government official, employee or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: *Provided*, That upon the filing of a case, either administrative or criminal, said government official, employee, or functionary concerned shall automatically be suspended until the resolution of the case.

Under this Act, adoption discrimination acts, including but not limited to, labelling, shaming, bullying, negative stigma, among others, are prohibited. Any person who shall commit said adoption discrimination acts shall be penalized with a fine not less than five thousand pesos (P 5,000.00) but not more than ten thousand pesos (P 10,000.00), at the discretion of the court.

## **ARTICLE IX FINAL PROVISIONS**

**Sec. 38. *Information Dissemination.*** – The DSWD, in coordination with the Department of the Interior and Local Government (DILG), the Department of Education (DepEd), the Department of Justice (DOJ), the Department of Health (DOH), the Council for the Welfare of Children (CWC), Civil Service Commission (CSC), Government Social Security System (GSIS), Association of Child-Caring Agencies in the Philippines (ACCAP), League of Cities and Municipalities in the Philippines shall disseminate to the public information regarding this Act and its implementation.

**Sec. 39. *Implementing Rules and Regulations.*** – The Secretary, after due consultation with the Philippine Statistics Authority (PSA), DOJ, DILG, DepEd, DOH, Department of Labor and Employment (DOLE), National Bureau of Investigation (NBI), Association of the Local Civil Registrars (LCR), Inter-Country Adoption Board (ICAB), Juvenile Justice and Welfare Council (JJWC), National Council on Disability Affairs (NCDA), Department of Foreign Affairs



(DFA), Child's Rights Network, Philhealth, Social Security System (SSS), Council for the Welfare of Children (CWC) and Office of the Solicitor General, and two (2) private individuals representing child-placing and child-caring agencies shall formulate the necessary guidelines to make the provisions of this Act operative.

**Sec. 40. *Appropriations.*** – Such sum as may be necessary for the implementation of the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

**Sec. 41. *Repealing Clause.*** – All laws, decrees, letters of instruction, executive issuances, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

**Sec. 42. *Saving Clause.*** – Nothing in this Act shall affect any right of an adoptee acquired by judicial proceeding or otherwise before the commencement of this Act.

**Sec. 43. *Separability Clause.*** – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

**Sec. 44. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Adopted,