

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

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 328

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

This proposed measure is a re-filed version of House Bill (HB) No. 5729, the substitute bill prepared by the Committee on Social Services to consolidate various bills authorizing the rectification of simulated births and extending the period provided therefor under Republic Act No. 8552 and which was approved by the House of Representatives on Third Reading during the 16th Congress.

Simulation of birth is the fictitious registration of the birth of a child under the name or names of a person or persons who is or are not such child's biological parent or parents. Simulation of birth is resorted to by many well-meaning and mostly poor Filipinos who wish to adopt a child as their own. However, this is a serious criminal offense. Moreover, it does not have any legal effect on the status and family relationships of a child. Only legal adoption can create the relationship of parent and child.

Under this proposed measure, a person who previously simulated the birth of a child will not be criminally liable for such simulation if the same was done for the best interest of the child, the child had been consistently treated by the supposed parent as his or her own son or daughter, and the supposed parent files a petition for adoption with an application for the rectification of the simulated birth.

To make the adoption and rectification proceedings easier, this measure allows administrative adoption proceedings if the child has been living with the supposed parent for at least five years. Instead of filing for adoption in court, the petition may be filed with the Local Social Welfare and Development Officer and decided by the Regional Director or the Secretary of the Department of Social Welfare and Development.

The rectification of simulated births with a corresponding exemption from criminal liability was previously allowed under Republic Act No. 8552, or the Domestic Adoption Act of 1998, for a period of five years from the law's effectivity. This five-year period ended in 2003. It is said that very few people who engaged in simulation of births availed of this benefit and that simulation remains prevalent as a means to "adopt" children because of tedious and costly adoption proceedings before the courts.

With the provision of a new and longer period to rectify simulated births and the introduction of simpler and inexpensive administrative adoption proceeding, it is hoped

that well-meaning people who tampered with a child's birth record to "adopt" such child will be encouraged to finally fix the child's status and filiation and legally establish their parent-child relationship.

In view of the foregoing, the support of the Members of Congress for the timely passage of this measure is earnestly requested.

A handwritten signature in black ink, consisting of a large 'X' followed by a stylized 'J' and 'R'.

XAVIER JESUS D. ROMUALDO

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INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

AN ACT

**ALLOWING THE RECTIFICATION OF SIMULATED BIRTHS AND PRESCRIBING
ADMINISTRATIVE ADOPTION PROCEEDINGS FOR THE PURPOSE**

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

1 SECTION 1. *Rectification of Simulated Births.* – Notwithstanding any provision of
2 law to the contrary, a person or persons who, prior to the effectivity of this Act,
3 simulated the birth of a child shall not be criminally liable for such act; provided, that the
4 simulation of birth was made for the best interest of the child and that such child has
5 been consistently considered and treated by such person or persons as his or her or
6 their own son or daughter; provided, further, that such person or persons has or have
7 filed a petition for adoption with an application for the rectification of the simulated birth
8 within ten (10) years from the effectivity of this Act.

9
10 Simulation of birth refers to the tampering of the civil registry to make it appear in
11 the record of birth that a child was born to a person who is not such child's biological
12 mother, causing such child to lose his or her true identity and status.

1 SEC. 2. *Administrative Adoption and Rectification of Simulated Birth* – (a) A
2 person or persons who simulated the birth of a child under the conditions specified by
3 Section 1 of this Act may avail of administrative proceedings for the adoption and the
4 rectification of the simulated birth of such child; provided, that the child has been living
5 with such person or persons for at least five (5) years before the effectivity of this Act.
6

7 Articles III, V, and VI of Republic Act (RA) No. 8552, otherwise known as the
8 Domestic Adoption Act, shall apply to administrative adoption under this Act. An
9 administrative adoption decree obtained under this Act shall have the same effect
10 as a decree of adoption issued pursuant to RA No. 8552.
11

12 (b) The petition for adoption with an application for the rectification of the
13 simulated birth shall be in the form of an affidavit and shall be subscribed and sworn to
14 before any person authorized by law to administer affirmations and oaths. It shall state
15 the facts necessary to establish the merits of the petition and the circumstances
16 surrounding the simulation of the birth of the child. The petition shall be supported by
17 the following:
18

19 (1) The simulated birth certificate of the child;
20

21 (2) A social case study report prepared by the Social Welfare and Development
22 Office of the municipality or city where the child resides;
23

24 (3) Information on the identities, background, and location of the biological
25 parents of the child;
26

27 (4) The affidavits of at least two (2) disinterested persons, who reside in the
28 same barangay where the child resides, attesting that the child has been
29 living with petitioner or petitioners for at least five (5) years before the
30 effectivity of this Act;

1
2 (5) Proof of publication of the petition in at least one (1) newspaper of general
3 circulation in the region where the child resides and of posting in at least three
4 (3) conspicuous places in the municipality or city where the child resides; and
5

6 (6) Recent photographs of the child and the petitioner or petitioners.
7

8 (c) The petition shall be filed with the Municipal or City Social Welfare and
9 Development Officer (SWDO) of the municipality or city where the child resides, who
10 shall have three (3) days from receipt thereof to examine the petition and its supporting
11 documents and determine whether the same is sufficient in form and substance. If the
12 SWDO finds that the petition is insufficient in form or substance, he or she shall return
13 the same to the petitioner or petitioners with a written explanation of its insufficiency. If
14 the Municipal or City SWDO determines that the petition is sufficient in form and
15 substance, he or she shall forward the petition and its supporting documents within
16 seven (7) days from such determination to the Regional Director of the Department of
17 Social Welfare and Development (DSWD) Field Office (hereinafter referred to as the
18 Regional Director) having jurisdiction over the municipality or city where the child
19 resides.
20

21 (d) The Regional Director shall act and decide on the petition within thirty (30)
22 days from receipt thereof. The Regional Director may require the petitioner or
23 petitioners to submit additional information or evidence to support the petition. The
24 failure of the petitioner or petitioners to comply with the request for additional evidence
25 of the Regional Director shall not preclude the latter from deciding the petition based on
26 the information or evidence on hand.
27

28 (e) The decision of the Regional Director may be appealed to Secretary of Social
29 Welfare and Development (hereinafter referred as the Secretary) within fifteen (15) days

1 from receipt thereof. The Secretary shall act and decide on the appeal within thirty (30)
2 days from receipt thereof.

3
4 (f) The Municipal or City SWDO, the DSWD, and the Office of the Local Civil
5 Registrar may charge socialized fees to those who avail of the administrative adoption
6 proceedings under this Act.

7
8 SEC. 3. *Decree of Adoption.* – If the Regional Director or the Secretary
9 determines that the adoption shall redound to the best interests of the child, a decree of
10 adoption shall be issued which shall take effect as of the date the petition was filed,
11 even if the petitioner or petitioners die before its issuance.

12
13 SEC. 4. *Civil Registry Record.* – Upon the finality of the decree of adoption, the
14 Regional Director shall immediately transmit the same to the Local Civil Registrar of the
15 municipality or city where the birth of the child was simulated. The simulated certificate
16 of birth shall be stamped "CANCELLED" with an annotation of the issuance of a new
17 certificate of birth in its place and shall be sealed in the civil registry records. The new
18 certificate of birth to be issued to the adoptee shall not bear any notation that it is a new
19 or amended issue.

20
21 SEC. 5. *Confidentiality.* – All petitions, documents, records, and papers relating
22 to administrative adoption proceedings in the files of the Municipal or City SWDO, the
23 Central and Field Offices of the DSWD, or any other agency or institution participating in
24 such proceedings shall be kept strictly confidential. If the Secretary finds that the
25 disclosure of certain information to a third person is necessary for security reasons or
26 for purposes connected with or arising out of the administrative adoption and will be for
27 the best interest of the adoptee, he or she may, upon an appropriate request, order the
28 necessary information to be released, restricting the purposes for which it may be used.

1 SEC. 6. *Regular Adoption Proceedings.* – Persons who are not qualified to avail
2 of administrative proceedings for the adoption and the rectification of the simulated birth
3 of a child under Section 2 hereof may initiate adoption proceedings in accordance with
4 RA No. 8552.

5
6 SEC. 7. *Information Dissemination.* – The DSWD, in coordination with the
7 Department of the Interior and Local Government, shall ensure that information
8 regarding this Act be disseminated to local government units and the public.

9
10 SEC. 8. *Implementing Rules and Regulations.* – Within thirty (30) days from the
11 effectivity of this Act, the Secretary shall issue the rules and regulations for the effective
12 implementation of this Act.

13
14 SEC. 9. *Repealing Clause.* – All laws, decrees, orders, rules and regulations,
15 and other issuances of parts thereof which are inconsistent with the provisions of this
16 Act are hereby repealed, amended, or modified accordingly.

17
18 SEC. 10. *Separability Clause.* – If any provision or part of this Act is declared
19 unconstitutional or invalid, the remaining parts or provisions not affected thereby shall
20 remain in full force and effect.

21
22 SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its
23 publication in the Official Gazette or in a newspaper of general circulation in the
24 Philippines.