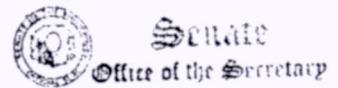


EIGHTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session* )



SENATE  
S. No. 1070

19 SEP 23 P 4:24

RECEIVED BY

Introduced by Senator Grace Poe

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**AN ACT  
ESTABLISHING THE RULES AND POLICIES ON THE DOMESTIC  
ADMINISTRATIVE ADOPTION PROCEEDING OF FILIPINO AND FOR OTHER  
PURPOSES**

*Explanatory Note*

The current law, Republic Act No. 8552 or Domestic Adoption Act of 1998 involves two aspects: the social and the legal aspect. Both entail tedious processes and high cost. Only when the petitioners were able to convince the court that they are qualified to adopt, and that the adoption would redound to the best interest of the adoptee will an adoption decree be issued and the adoptive parents could enjoy the effects/benefits of legal adoption. On the average, only 177 cases were issued Adoption Decrees – of which only 60% were finalized within 1-3 years – among the children with a Certification Declaring a Child Legally Available for Adoption (CDCLAA) that were matched to local adoptive families and for which a Petition for Adoption in court was filed.

This motivated the Department of Social Welfare and Development (DSWD) to lobby for a law espousing Administrative Adoption following the Doctrine of Primary Jurisdiction. One principle enunciated in this doctrine states that an administrative agency may provide an orderly procedure prescribed by law with respect to matters peculiarly within the competence of that agency. Adoption is a statutory mandate of the DSWD. Since time immemorial, rules and policies have been in place and the implementation have caused many adoptees to enjoy the fullness of life they have today. Reference may be made to printed successful adoption stories and even those shared during adoption activities.

The State even recognized the competence of the Department by virtue of RA 9253 or "*An Act Requiring Certification Of The Department of Social Welfare and Development (DSWD) To Declare A "Child Legally Available For Adoption" As A Prerequisite For Adoption Proceedings*" where the declaration of abandonment of a child which used to be a judicial proceeding was transferred to the Department. The same view was adopted by the passage of RA 11222 or otherwise known as the *Simulated Birth Rectification Act*. The transfer of the process contemplated in the statutes is the exercise of competence being referred to and within the ambit of the doctrine.

Conversely, taking adoption into the realm of administrative proceeding will hasten the process, minimize the cost on the part of the petitioners and de-clog numerous court cases thus, benefitting the public in general and encourage more individuals or couples to adopt children.

Considering the above premises and for the best interest and welfare of the children awaiting permanent family, the immediate approval and passage of this bill into law is immediately sought.



Grace Poe  
GRACE POE



**Senate**  
of the **Secretary**

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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 House of Representatives of the Philippines in Congress assembled:*

## ARTICLE I GENERAL PROVISIONS

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

6        Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
7 ensure that every child remains under the care and custody of the parents and be  
8 provided with love, care, understanding and security towards the full and  
9 harmonious development of the child's personality. Only when such efforts prove  
10 insufficient and no appropriate placement or adoption within the child's extended  
11 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 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

1 protection and assistance through foster care or adoption for every child who is  
2 neglected, orphaned, or abandoned.

3 It shall also be the State policy to:

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

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

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

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

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

- 31 (a) *A child legally available for adoption* – a child or person, whose case is  
32 abandoned, neglected or surrendered and who has been voluntarily or

1       involuntarily committed to the Department or to a duly licensed child-  
2       caring/child-placing agency and issued with a Certification declaring him/her  
3       available for adoption;

4       (b) *Abandoned Child* – one who has no proper parental care or guardianship or  
5       whose parent(s) has deserted him/her for a period of at least three (3)  
6       continuous months;

7       (c) *Actual Custodian* – the guardian or spouses who raised a child/person and  
8       consistently treated him/her as his/her/their own child.

9       (d) *Adoption* – the socio-legal process of giving a permanent family to a child  
10      whose parents voluntarily or involuntarily given up their parental rights;

11      (e) *Child* – a person below eighteen (18) years of age or a person 18 years or  
12      over but is unable to fully take care or protect himself/ herself from abuse,  
13      neglect, cruelty, exploitation, or discrimination because of physical or psycho  
14      social disability or condition;

15      (f) *Child-placing agency* – a duly licensed and accredited agency by the  
16      Department to provide comprehensive child welfare services including, but  
17      not limited to, facilitating applications for adoption, evaluating the prospective  
18      adoptive parents and preparing the home study report;

19      (g) *Child-caring agency* – a duly licensed and accredited agency by the  
20      Department that provides twenty four (24)- hour residential care services for  
21      regular children;

22      (h) *Department* – the Department of Social Welfare and Development;

23      (i) *Domestic Adoption* – the adoption proceeding which is undertaken between a  
24      Filipino child and adoptive parents who are permanently residing in the  
25      Philippines;

26      (j) *Foundling* – a person whose facts of birth are unknown;

27      (k) *Involuntarily Committed Child* – one whose parent(s), known or unknown, has  
28      been permanently and judicially deprived of parental authority due to  
29      abandonment; substantial, continuous or repeated neglect; abuse or  
30      incompetence to discharge parental responsibilities;

31      (l) *Matching* – the judicious selection from the regional or interregional levels of  
32      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.

- (m) *Neglected* – one whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months;
- (n) *Regional Director* – the head of the regional office of the Department of Social Welfare and Development;
- (o) *Relative* – someone within the fourth degree of consanguinity or affinity;
- (p) *Secretary* – the Secretary of the Department of Social Welfare and Development;
- (q) *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;
- (r) *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 frontline of the local government unit in the delivery of social welfare and development programs and services;
- (s) *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);
- (t) *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.
- (u) *Surrendered Child* – a child whose parent(s) knowingly and voluntarily relinquished parental authority to the Department;
- (v) *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**

1           Sec. 5. *Services.* – It shall be the duty of the Local Government Unit to ensure  
2 that necessary counselling services by licensed social workers to the following shall  
3 be conducted:

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

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

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

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

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

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

1 Sec. 6. *Location of Unknown Parent(s).* – It shall be the duty of the  
2 Department or the child-placing or the child-caring agency which has custody of a  
3 child to exert all efforts using, but not limited to tri-media and any other possible  
4 means to locate his/her unknown biological parent(s). If such efforts fail, the child  
5 shall be registered as a foundling and subsequently be the subject of administrative  
6 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 the 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.

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

- 3       1. Home Study and Child Study Report duly prepared by a licensed social  
4       worker;
- 5       2. Authenticated birth record of the PAPs and the child;
- 6       3. Marriage Certificate, if the PAPs is married; or Court Decision/Certificate of  
7       Finality, if annulled, divorced or legally separated;
- 8       4. NBI/Police Clearance; If foreigner married to a Filipino, clearance from the  
9       international police and police authorities of the country or countries where he  
10      has been a resident for the past two (2) years;
- 11      5. Written consent to the adoption by the biological parent(s) or the person(s)  
12      exercising substitute parental authority over the child and the written consent  
13      of the child if at least ten (10) years old, signed in the presence of the social  
14      worker of the Department or child caring agency after proper counseling as  
15      prescribed in this Act;
- 16      6. Authenticated Death Certificate of biological parent(s), as applicable;
- 17      7. Certification Declaring a Child Legally Available for Adoption (CDCLAA), as  
18      applicable;
- 19      8. Result of recent medical evaluation of the child and PAPs;
- 20      9. Result of Psychological Evaluation of the PAPs;
- 21      10. Result of Psychological Evaluation of the child, as applicable;
- 22      11. Child care plan with list of at least three temporary custodian of the child in  
23      order of preference in case of death, absence or incapacity of the PAPs;
- 24      12. Letter attesting to the character and general reputation of the PAPs from at  
25      least three (3) non-related character references, of whom one must  
26      preferably come from an employer/supervisor or with whom the PAP(s) have  
27      business dealings. The contact details of the person attesting must be so  
28      indicated in the letter;
- 29      13. Recent close-up and whole body pictures of the child and PAPs taken within  
30      the last six (6) months; and
- 31      14. Documents showing the financial capacity of the PAPs (ie. ITR, bank account,  
32      certificate of employment etc.

1 The social worker of the Department is not precluded from asking for  
2 additional documents he may deem necessary as proof of facts alleged in the  
3 petition or to establish a factual claim.

## **ARTICLE IV PROCEDURE**

7        Sec. 11. *Case Study and Home Study Report.* – A licensed social worker from  
8 the social service office of the local government unit, or any child-placing or child-  
9 caring agency shall conduct a case study of the adoptee, his/her biological parent(s),  
10 as well as the Home Study Report of the adopter(s), and shall submit the report and  
11 recommendations on the matter to the respective Regional Office of the Department  
12 as among the supporting documents of the petition.

13 The case study of the adoptee shall establish that he/she is eligible for  
14 adoption and that the documents to support this fact are valid and authentic. It shall  
15 also be established that a regular child is legally available for adoption and various  
16 interventions were extended to the child's biological family.

17        Further, the home study of the prospective adoptive parent(s) shall ascertain  
18      his/her genuine intentions and that the adoption is in the best interest of the  
19      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.

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

27 Sec. 12. *Matching Process.* – There shall be a matching process for cases of  
28 legally available children thirty (30) calendar days after the issuance of the CDCLAA  
29 or the next matching conference, whichever is applicable. The matching of the child  
30 to an approved adoptive parent/s shall be carried out during the regular matching  
31 conference by the Matching Committee in the regional level otherwise called the  
32 Child Welfare Specialist Group (CWSG) where the social workers of the child and  
33 family are present. Subject to the approval of the Department, the CWSG shall fix its

1 own internal rules and procedures. However, that records of children and approved  
2 adoptive parent/s not matched after two (2) presentations in the regional level shall  
3 be forwarded to the Department's Central Office for interregional matching; Provided  
4 further that children with special needs shall be immediately forwarded if not  
5 matched in the first meeting, except under special circumstances. The matching  
6 proposal made by the CWSG shall be approved by the Department.

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

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

18         During said period, temporary parental authority shall be vested in the  
19 adopter(s). The trial custody may be waived in cases of step-parent, relative and  
20 adult adoptions.

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

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

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

30         The petition for adoption shall be prepared and signed by the head of the  
31 local social welfare agency, child-caring/child-placing agency that process the  
32 application of the qualified adopters. The said petition shall be notarized and state

1 the facts necessary to establish the merits of the petition. The petitioner must  
2 specifically allege that he/she is at least 25 years of age, in possession of full civil  
3 capacity and legal rights; is of good moral character; has not been convicted of any  
4 crime involving moral turpitude; is emotionally and psychologically capable of caring  
5 for children; is at least sixteen (16) years older than the adoptee, unless the adopter  
6 is the biological parent of the adoptee or is the spouse of the adoptee's parent; and  
7 is in a position to support and care for his children in keeping with the means of the  
8 family and has undergone pre-adoption services. The petition should also indicate  
9 the new name the petitioner wishes the child to have, if any.

10 No subsequent petition for adoption shall be entertained unless the prior  
11 petition has attained finality.

12 Sec. 16. *Where to file the Petition.* – The petition shall be filed with the Office  
13 of the Social Welfare and Development Officer (SWDO) of the city or municipality  
14 where the PAPs reside.

15 Sec. 17. *Administrative Adoption Process.* – The SWDO shall have three (3)  
16 days to examine the petition and its supporting documents and determine whether  
17 the same is sufficient in form and substance. If the SWDO finds that the petition is  
18 insufficient in form or substance, the SWDO shall return the same to the petitioner  
19 with a written explanation of its insufficiency. If the SWDO finds the petition  
20 sufficient in form and substance, the SWDO shall forward the petition and the  
21 supporting documents within seven (7) days to the Regional Director of the  
22 Department of Social Welfare and Development (DSWD) Field Office, hereinafter  
23 referred to as the Regional Director, exercising jurisdiction over the city or  
24 municipality where the child resides.

25 The Regional Director shall review the petition and the supporting documents.  
26 The identity of the child and the petitioner including the motivation to adopt shall be  
27 determined by him through the documents and through a personal determination in  
28 an interview before him with the petitioner and the child in attendance. He shall  
29 render a recommendation not later than thirty (30) calendar days from receipt of  
30 such documents. The Regional Director may require the petitioner to submit  
31 additional information or documents to support the petition. The failure of the  
32 petitioner to comply with the request for additional documents of the Regional

1 Director shall not preclude the Regional Director from acting on the petition based  
2 on the evidence on hand.

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

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

15       Sec. 19. *Order of Adoption.* – If the supervised trial custody is satisfactory to  
16 the parties and the Department is convinced from the trial custody report, the  
17 petition and its supporting documents that the adoption shall redound to the best  
18 interests of the adoptee, a decree of adoption shall be issued which shall take effect  
19 as of the date the original petition was filed even if the petitioner(s) die before its  
20 issuance. The same shall be final and executory.

21       The order shall:

22           A. State the name by which the child is to be known and registered;

23           B. Order:

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

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

28               a. to annotate on the adoptee's original birth record the decree of  
29 adoption within thirty (30) days from receipt of the Adoption Order;  
30               b. to issue a new certificate of birth which shall not bear any notation  
31 that it is a new or amended certificate and which shall show, among  
32 others, the following: registry number, date of registration, name of

1                   child, sex, date of birth, place of birth, order of birth, name and  
2                   citizenship of adoptive mother and father, and the date and place of  
3                   their marriage, when applicable;

- 4                   c. to seal the original birth record in the civil registry records which can  
5                   be opened only upon order of the Secretary of the Department; and  
6                   d. to submit to the Department proof of compliance with all the  
7                   foregoing within thirty (30) days from receipt of the decree.

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

18         *Sec. 21. Civil Registry Record.* – An amended certificate of birth shall be  
19       issued by the Civil Registry, pursuant to the Order of Adoption, attesting to the fact  
20       that the adoptee is the child of the adopter(s) by being registered with his/her  
21       surname. The original birth record shall be stamped "*cancelled*" with the annotation  
22       of the issuance of an amended birth certificate in its place and shall be sealed in the  
23       civil registry records. The new birth certificate to be issued to the adoptee shall not  
24       bear any notation that it is an amended issue.

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

29         *Sec. 23. Confidentiality.* – All petitions, documents, records, and papers  
30       relating to administrative adoption proceedings in the files of the city or municipal  
31       SWDOs, the DSWD Central and Field Offices, or any other agency or institution  
32       participating in such proceedings shall be kept strictly confidential. If the disclosure

1 of certain information to a third person is necessary for security reasons or for  
2 purposes connected with or arising out of the administrative adoption and will be for  
3 the best interest of the adoptee, the Secretary may, upon appropriate request, order  
4 the necessary information released, restricting the purposes for which it may be  
5 used and in accordance with the existing laws on data privacy.

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

9

## ARTICLE V 10 EFFECTS OF ADOPTION 11

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

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

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

24

## ARTICLE VI 25 POST-ADOPTION SERVICES 26

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

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

Sec. 30. *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 semestral report shall be submitted to the Department by an assigned social worker during its first year.

## ARTICLE VII RECISSION OF ADOPTION

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

- 19                   (a) repeated physical or verbal maltreatment by the adopter despite having  
20                   undergone counselling;

21                   (b) attempt on the life of the adoptee;

22                   (c) sexual abuse or violence; or

23                   (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.

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

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

32 Sec. 34. *Order to Answer.* – The Department shall issue an order requiring the  
33 adverse party to answer the petition within fifteen (15) days from receipt of a copy

1 thereof. The order and copy of the petition shall be served on the adverse party in  
2 such manner as the Department may direct.

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

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

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

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

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

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

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

## ARTICLE VIII

### VIOLATION AND PENALTIES

28  
29 Sec. 37. *Violations and Penalties.* —

30 (a) The penalty of imprisonment ranging from six (6) years and one (1) day  
31 to twelve (12) years and/or a fine not less than Fifty thousand pesos (P50,000.00),  
32 but not more than Two hundred thousand pesos (P200,000.00) at the discretion of

1 the court shall be imposed on any person who shall commit any of the following  
2 acts:

- 3 (i) obtaining consent for an adoption through coercion, undue influence,  
4 fraud, improper material inducement, or other similar acts;
- 5 (ii) non-compliance with the procedures and safeguards provided by the law  
6 for adoption; or
- 7 (iii) subjecting or exposing the child to be adopted to danger, abuse, or  
8 exploitation.

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

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

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

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

28 Acts punishable under this Article are deemed committed by a syndicate if  
29 carried out by a group of three (3) or more persons conspiring and/or confederating  
30 with one another in carrying out any of the unlawful acts defined under this Article.  
31 Penalties as are herein provided, shall be in addition to any other penalties which  
32

1 may be imposed for the same acts punishable under other laws, ordinances,  
2 executive orders, and proclamations.

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

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

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

17 **ARTICLE IX**  
18 **FINAL PROVISIONS**  
19

20 Sec. 38. *Information Dissemination*. – The DSWD, in coordination with the  
21 Department of the Interior and Local Government (DILG), the Department of  
22 Education (DepEd), the Department of Justice (DOJ), the Department of Health  
23 (DOH), the Council for the Welfare of Children (CWC) shall disseminate to the public  
24 information regarding this Act and its implementation.

25 Sec. 39. *Implementing Rules and Regulations*. – The Secretary, after due  
26 consultation with the Philippine Statistics Authority, DOJ, DILG, DepEd, DOH, DOLE,  
27 National Bureau of Investigation (NBI), Association of the Local Civil Registrars  
28 (LCR), Inter-Country Adoption Board (ICAB), Juvenile Justice and Welfare Council  
29 (JJWC), National Council on Disability Affairs (NCDA), Department of Foreign Affairs  
30 (DFA), Child's Rights Network, Philhealth, SSS, CWC and Office of the Solicitor  
31 General, and two (2) private individuals representing child-placing and child-caring

1 agencies shall formulate the necessary guidelines to make the provisions of this Act  
2 operative.

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

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

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

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

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

Adopted,