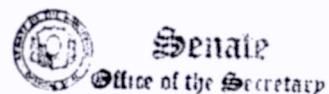


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session)



SENATE

20 FEB 12 P2:16

S. No. 1337

RECEIVED BY: SF

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

Domestic adoption is a socio-legal process providing a permanent family to a child whose parents have either voluntarily or involuntarily relinquished parental authority over the child. In the Philippines, there are two types of adoption which the State recognizes. The first type is adoption by agency where a licensed adoption agency looks for adoptive families for children who are voluntarily or involuntarily committed to the state. The second type, on the other hand, is family or relative adoption wherein the biological parents of the child make direct replacement to a relative within the 4th degree of consanguinity.

Republic Act No. 8552 or the Domestic Adoption Act of 1998, as amended by Republic Act No. 9523, governs local adoption. The current law involves the social and the legal aspect, which entail tedious processes and are very costly. The only time the adoptive parents will reap the effects or benefits of legal adoption is when the petitioners have been able to convince the court that they are eligible to adopt, and that the adoption will reflect to the adoptee's best interest will an adoption order be granted. 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

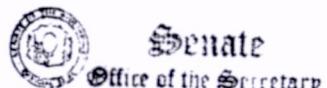
Declaring a Child Legally Available for Adoption (CDCLAA) that were matched to local adoptive families and for which a Petition for Adoption in court was filed.

Give these realities, this bill aims to take adoption into the realm of administrative proceeding in order to expedite the process, reduce the cost on the part of the petitioners and de-clog many court cases thus, benefitting the public in general and encourage more individuals or couples to adopt children.

Considering the premises above 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.


RAMON BONG REVILLA JR.

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



20 FEB 12 P2:16

SENATE
S. No. 1337

RECEIVED BY

Introduced by SENATOR RAMON BONG REVILLA, JR.

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 of 2020*”.

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 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

1 assistance through foster care or adoption for every child who is neglected,
2 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 counseling 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
3 him/her available for adoption;

- 4 (b) *Abandoned Child* – one who has no proper parental care or guardianship
5 or 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 of protect himself/herself from abuse,
13 neglect, cruelty, exploitation, or discrimination because of physical or
14 psycho 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
18 prospective 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
24 between a Filipino child and adoptive parents who are permanently
25 residing in the Philippines;
- 26 (j) *Foundling* – a person whose facts of birth are unknown;
- 27 (k) *Involuntarily Committed Child* – one whose parent(s), known or unknown,
28 has 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
32 of a family for a child based on the child's needs and in his/her best

1 interest as well as the capability and commitment of the adoptive parents
2 to provide such needs and promote a mutually satisfying parent-child
3 relationship.

- 4 (m) *Neglected* – one whose basic needs have been deliberately unattended or
5 inadequately attended within a period of three (3) continuous months;
- 6 (n) *Regional Director* – the head of the regional office of the Department of
7 Social Welfare and Development;
- 8 (o) *Relative* – someone within the fourth degree of consanguinity or affinity;
- 9 (p) *Secretary* – the Secretary of the Department of Social Welfare and
10 Development;
- 11 (q) *Simulation of birth* – the tampering of the civil registry making it appear in
12 the birth records that a certain child was born to a person who is not the
13 biological mother, causing the loss of the true identity of the child;
- 14 (r) *Social Welfare Development Officer* – a person who is duly licensed social
15 worker and appointed by the local chief executive to head the provincial,
16 city or municipal social welfare development office which serves as the
17 frontline of the local government unit in the delivery of social welfare and
18 development programs and services;
- 19 (s) *Social Worker* – any person who practices social work in the Philippines and
20 who is registered or exempted from registration in accordance with the
21 provisions of relevant laws or mandate of governing professional regulatory
22 agency (e.g. Professional Regulation Commission);
- 23 (t) *Step-Parent* – a parent who is married to the mother or father of a child,
24 but who is not that child's biological mother or father.
- 25 (u) *Surrendered Child* – a child whose parent(s) knowingly and voluntarily
26 relinquished parental authority to the Department;
- 27 (v) *Supervised trial custody* – is a period of six (6) months within which the
28 social worker oversees the adjustment and emotional readiness of both the
29 adopter(s) and adoptee in stabilizing their filial relationship;

30 **ARTICLE II**

31 **PRE-ADOPTION SERVICES**

1 **Sec. 5. Services.** – It shall be the duty of the Local Government Unit to

2 ensure necessary counseling services by licensed social workers to the following

3 shall be conducted:

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

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

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

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

30 Early disclosure of adoption as a proven helpful practice shall be mandatory
31 for children four (4) years old and above. A licensed social worker must conduct

1 adoption-themed activities to such children which in turn will inculcate in their young
2 minds the positive aspects of adoption.

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

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

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

- 5 (i) if one spouse seeks to adopt the legitimate son/ daughter of the other;
6 (ii) if one spouse seeks to adopt his/her own illegitimate son/daughter;
7 Provided, however, that the other spouse has signified his/her consent
8 thereto;
9 (iii) if the spouses are legally separated from each other.

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

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

- 13 (a) Any Filipino child below eighteen (18) years of age who has been
14 administratively or judicially declared available for adoption;
15 (b) The legitimate son/daughter by a qualified adopter to improve his status
16 to that of legitimacy;
17 (c) A Filipino of legal age if, prior to the adoption, said person has been
18 consistently considered and treated by the adopter(s) as his/her own child
19 since minority;
20 (d) A child whose adoption has been previously rescinded; or
21 (e) A child whose biological or adoptive parent(s) has died: *Provided*, That no
22 proceedings shall be initiated within six (6) months from the time of death
23 of said parent(s).

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

- 27 (a) The adoptee, if ten (10) years of age or over;
28 (b) The biological parent of the child, if known, or the legal guardian who has
29 legal custody of the child;
30 (c) The legitimate and adopted sons/daughters, ten (10) years of age or over, of
31 the adopter and adoptee, if any;

- 1 (d) The illegitimate sons/daughters, ten (10) years of age or over, of the adopter
2 if living with said adopter and the latter's spouse, if any; and
3 (e) The spouse, if any, of the person adopting or be adopted.

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

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

13. Recent close-up and whole body pictures of the child and PAPs taken within the last six (6) months; and
 14. Documents showing the financial capacity of the PAPs (i.e. ITR, bank account, certificate of employment etc.

The social worker of the Department 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 the social service office of the local government unit, or any child-placing or caring agency 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 same 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 regular child is legally available for adoption and various interventions were extended to that child's biological family.

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

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

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

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

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

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

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

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

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

19 No subsequent petition for adoption shall be entertained unless the prior
20 petition has attained finality.

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

24 **Sec. 17. Administrative Adoption Process.** – The SWDO shall have three
25 (3) days to examine the petition and its supporting documents and determine
26 whether the same is sufficient in form and substance. If the SWDO finds that the
27 petition is insufficient in form of substance, the SWDO shall forward the petition and
28 the supporting documents within seven (7) days to the Regional Director of the
29 Department of Social Welfare and Development (DSWD) Field Office, hereinafter
30 referred to as the Regional Director, exercising jurisdiction over the city or
31 municipality where the child resides.

1 The Regional Director shall review the petition and the supporting documents.
2 The identity of the child and the petitioner including the motivation to adopt shall be
3 determined by him through the documents and through a personal determination in
4 an interview before him with the petitioner and the child in attendance. He shall
5 render a recommendation not later than thirty (30) calendar days from receipt of
6 such documents. The Regional Director may require the petitioner to submit
7 additional information or documents to support the petition. The failure of the
8 petitioner to comply with the request for the additional documents of the Regional
9 Director shall not preclude the Regional Director from acting on the petition based
10 on the evidence on hand.

11 The Regional Director shall transmit a copy of his/her recommendation and
12 records to the Office of the Secretary of Social Welfare and Development. Within ten
13 (10) days from the date of the recommendation. The Secretary shall act and decide
14 on the recommendation within thirty (30) days from receipt thereof.

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

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

29 The order shall:

- 30 a. State the name by which the child is to be known and registered;
- 31 b. Order:

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 annotate on the adoptee's original birth record the decree of adoption within thirty (30) days from receipt of the Adoption Order;
 - b. To issue a new certificate of birth which shall not bear any notation that it is a new or amended certificate and which shall show, among others, the following: registry number, date of registration, name of child, sex, date of birth, place of birth, order of birth, name and citizenship of adoptive mother and father, and the date and place of their marriage, when applicable;
 - c. 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
 - d. To submit to the Department proof of compliance with all the foregoing within thirty (30) days from receipt of the decree.

Sec. 20. Benefits of Prospective Adoptive Parent(s). – If a child is (7) years old or below, places with prospective adopter(s) through a Pre-
tion Placement Authority (PAPA) issued by the Department, the prospective
parent(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
beneficiaries 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
Statement of Consent to Adoption (ACA).

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

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

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

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

28 **Sec. 25. Legitimacy.** – The adoptee shall be considered the legitimate
29 son/daughter of the adopter for all intents and purposes and as such is entitled to all
30 the rights and obligations provided by law to legitimate sons/ daughters born to
31 them without discrimination of any kind. To this end, the adoptee is entitled to love,
32 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).

19 **Sec. 29. Search for the Biological Parents.** – Upon reaching the age of
20 majority, an adoptee may seek the assistance of the Department, Local Government
21 Unit or the Child Caring/Placing Agency to trace his/her biological family and
22 eventually have a face to face meet-up, provided, the adoption triad received
23 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

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

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

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

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

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

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

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

26 The Department shall order that the parental authority of the biological
27 parent of the adoptee, if known, or the legal custody of the Department be restored
28 if the adoptee is still a minor or incapacitated and declare that the reciprocal rights
29 and obligations of the adopter and the adoptee to each other shall be extinguished.
30 The Department shall further declare that successional rights shall revert to its
31 status prior to adoption, as of the date of decision. Vested rights acquired prior to
32 administrative rescission shall be respected.

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

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

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

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

ARTICLE VIII

VIOLATION AND PENALTIES

Sec. 37. *Violations and Penalties.* —

18 (a) The penalty of imprisonment ranging from six (6) years and one (1) day to
19 twelve (12) years and/or a fine not less than Fifty thousand pesos
20 (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00)
21 at the discretion of the court shall be imposed on any person who shall
22 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.

31 (b) Any person who shall cause the fictitious registration of the birth of a child
32 under the name(s) of a person(s) who is not his/her biological parent(s) shall

1 be guilty of simulation of birth, and shall be punished by *prision mayor* in its
2 medium period and a fine not exceeding Fifty thousand pesos (P50,000.00).

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

7 Any person who shall violate established regulations relating to the
8 confidentiality and integrity of records, documents, and communications of adoption
9 applications, cases, and processes shall suffer the penalty of imprisonment ranging
10 from one (1) year and one (1) day to two (2) years, and/or a fine of not less than
11 Fifty thousand pesos (P50,000.00) but not more than one hundred thousand pesos
12 (P100,000.00), at the discretion of the court.

13 A penalty lower by two (2) degrees than that prescribed for the consummated
14 offense under this Article shall be imposed upon the principals of the attempt to
15 commit any of the acts herein enumerated.

16 Acts punishable under this Article, when committed by a syndicate or where it
17 involves a child shall be considered as an offense constituting child trafficking and
18 shall merit the penalty of *reclusion perpetua*.

19 Acts punishable under this Article are deemed committed by a syndicate if
20 carried out by a group of three (3) or more persons conspiring and/or confederating
21 with one another in carrying out any of the unlawful acts defined under this Article.
22 Penalties as are herein provided, shall be in addition to any other penalties which
23 may be imposed for the same acts punishable under other laws, ordinances,
24 executive orders, and proclamations.

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

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

1 employee, or functionary concerned shall automatically be suspended until the
2 resolution of the case.

3 Under this Act, adoption discrimination acts, including but not limited to,
4 labelling, shaming, bullying, negative stigma, among others, are prohibited. Any
5 person who shall commit said adoption discrimination acts shall be penalized with a
6 fine not less than fifty thousand pesos (P 50,000.00) but not more than one hundred
7 thousand pesos (P 100,000.00), at the discretion of the court.

8

9 **ARTICLE IX**

10 **FINAL PROVISIONS**

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

16 **Sec. 39. Implementing Rules and Regulations.** – The Secretary, after
17 due consultation with the Philippine Statistics Authority, DOJ, DILG, DepEd, DOH,
18 DOLE, National Bureau of Investigation (NBI), Association of the Local Civil Registrar
19 (LCR), Inter-Country Adoption Board (ICAB), Juvenile Justice and Welfare Council
20 (JJWC), National Council on Disability Affairs (NCDA), Department of Foreign Affairs
21 (DFA), Child's Rights Network, Philhealth, SSS, CWC and Office of the Solicitor
22 General, and two (2) private individuals representing child-placing and child-caring
23 agencies shall formulate the necessary guidelines to make the provisions of this Act
24 operative.

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

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

1 **Sec. 42. *Saving Clause.*** - Nothing in this Act shall affect any right of an 10
2 adoptee acquired by judicial proceeding or otherwise before the commencement of
3 this Act.

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

7 **Sec. 44. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in a newspaper of general circulation.
9

10 *Approved,*