

The New Architecture of Adoption in the Philippines: A Comprehensive Analysis of R.A. 11642, R.A. 11222, and R.A. 11767 for the 2025 Bar Examinations

Introduction: A Paradigm Shift in Paternity and Filiation

The landscape of Philippine adoption law has undergone a monumental transformation, moving away from a historically court-centric system to a streamlined, expert-driven administrative framework. This paradigm shift is anchored in a clear legislative mandate to create a process that is "simpler and inexpensive" ¹ and more expeditious ⁴, fundamentally repealing the judicial-centric Republic Act No. 8552, otherwise known as the Domestic Adoption Act of 1998.³ At the heart of this new architecture is the primordial consideration for the "best interest of the child" ⁴, a principle that now guides a more compassionate and efficient path to providing a permanent family for every child in need.

This comprehensive reform is built upon three legislative pillars, each addressing a distinct facet of the adoption process:

- **Republic Act No. 11642 (The Domestic Administrative Adoption and Alternative Child Care Act):** This is the foundational statute that establishes the general administrative framework, transfers jurisdiction from the courts to a specialized agency, and sets the new rules of engagement for most domestic adoptions.
- **Republic Act No. 11222 (The Simulated Birth Rectification Act):** This is a special, curative law that provides a temporary window of amnesty and a procedural "on-ramp" for families whose parental relationship was established through the illicit act of simulating a child's birth record.
- **Republic Act No. 11767 (The Foundling Recognition and Protection Act):** This is a special human rights law that resolves the preliminary but critical issues of a foundling's legal identity and citizenship, thereby removing barriers to their entry into the formal adoption system.

The shift from a judicial to an administrative model is not merely a change of venue but a profound re-conceptualization of adoption from a legal contest to a socio-legal service. The previous system under R.A. 8552, being judicial in nature ³, was characterized by the formalities of court procedure, strict rules of evidence, and the inherent delays of a congested court docket, making it notoriously long and costly.⁵ R.A. 11642 directly addresses these issues by creating a specialized quasi-judicial body, the National Authority for Child Care (NACC), to handle adoption petitions.¹ This legislative overhaul was affirmed by the Supreme Court itself, which, through A.M. No. 02-6-02-SC, formally divested its courts of jurisdiction over new domestic adoption petitions, acknowledging that the expertise required—psychological, social, and developmental—is better housed within a specialized administrative body rather than a generalist court.¹⁰

To fully appreciate the depth of this change, a direct comparison is indispensable.

Table 1: Judicial vs. Administrative Adoption - A Comparative Matrix

Feature	Judicial Adoption (under R.A. 8552)	Administrative Adoption (under R.A. 11642)
Governing Body	Family Courts	National Authority for Child Care (NACC)
Nature of Proceeding	Judicial, In Rem	Administrative, Quasi-Judicial
Key Players	Judge, Counsel for Petitioner, Office of the Solicitor General (OSG), DSWD Social Worker	NACC Executive Director, RACCO Officers, Licensed Social Workers, Child Placement Committee
Projected Timeline	Often took years	Designed to take months
Associated Costs	Higher (Filing fees, publication costs, legal fees)	Lower (Regulated "socialized fees") ¹¹
Governing Rules	Rules of Court (A.M. No. 02-6-02-SC, Rule on Adoption)	R.A. 11642 and its Implementing Rules and Regulations (IRR)

Part I: The Foundational Framework: R.A. No. 11642 - The Domestic Administrative Adoption and Alternative Child Care

Act

A. The National Authority for Child Care (NACC): The New Central Authority

At the core of the new adoption framework is the National Authority for Child Care (NACC). Established by R.A. 11642 through the reorganization of the former Inter-Country Adoption Board (ICAB), the NACC is a quasi-judicial agency attached to the Department of Social Welfare and Development (DSWD) for policy and program coordination.¹ Crucially, it exercises original and exclusive jurisdiction over all matters concerning alternative child care, effectively becoming the "one-stop shop" for adoption and related services.⁹

The creation of the NACC is a direct response to the bureaucratic fragmentation of the old system, where prospective parents had to navigate the separate and often uncoordinated processes of the DSWD, the Family Courts, and the ICAB. By consolidating the functions of these bodies, the NACC is designed to streamline services and provide a single, coherent pathway for adoption.¹ Its broad mandate includes:

- Declaring a child legally available for adoption through the issuance of a Certificate Declaring a Child Legally Available for Adoption (CDCLAA), a function previously held by the DSWD under R.A. 9523.
- Facilitating and resolving all domestic administrative adoption petitions, a role previously held by the courts under R.A. 8552.
- Continuing its function as the central authority for inter-country adoptions under R.A. 8043.
- Overseeing foster care placements under R.A. 10165.
- Resolving petitions for the rectification of simulated births under R.A. 11222.⁹

To carry out these functions nationwide, the NACC is supported by Regional Alternative Child Care Offices (RACCOs), which serve as the frontline offices for receiving petitions and conducting the initial stages of the adoption process.⁹ The NACC's structure represents the institutional embodiment of the law's policy to make adoption an efficient, expert-led service rather than a protracted legal battle.

B. Who May Adopt (The Adopters)

The qualifications to become an adoptive parent under R.A. 11642 largely mirror the standards set by the previous law, underscoring that while the process has been simplified, the stringent requirements to ensure the fitness of adopters have been maintained. The key difference lies not in the qualifications themselves, but in the body that assesses them: no longer a judge in a courtroom, but social workers and psychologists through administrative evaluation.

Under Section 21 of R.A. 11642, an adopter must be:

- A Filipino citizen;
- Of legal age;
- At least sixteen (16) years older than the adoptee. This age gap requirement may be waived when the adopter is the biological parent of the adoptee or is the spouse of the adoptee's parent;
- In possession of full civil capacity and legal rights;
- Of good moral character;
- Not have been convicted of any crime involving moral turpitude;
- Emotionally and psychologically capable of caring for children; and
- In a position to support and care for the child in keeping with the means of the family.¹⁹

The law also provides for special cases:

- **Foreign Nationals:** A foreign national may adopt if they are a permanent or habitual resident of the Philippines for at least five (5) years. This residency requirement, however, can be waived if the foreigner is a former Filipino citizen seeking to adopt a relative, is adopting the legitimate child of their Filipino spouse, or is jointly adopting a relative of their Filipino spouse.¹⁹
- **Guardians and Foster Parents:** The law explicitly allows legal guardians and licensed foster parents to adopt their wards and foster children, respectively, recognizing the pre-existing bond of care and affection.¹⁹
- **Joint Adoption by Spouses:** As a general rule, spouses must adopt jointly to reflect the stability of a two-parent home. Exceptions are provided for step-parent adoption (one spouse adopting the other's legitimate child) and for one spouse adopting their own illegitimate child, provided the other spouse gives

consent.¹⁵

C. Who May be Adopted (The Adoptees)

R.A. 11642 provides a clear enumeration of who may be the subject of administrative adoption. The central requirement for children who are wards of the state (i.e., abandoned, neglected, or voluntarily surrendered) is the **Certificate Declaring a Child Legally Available for Adoption (CDCLAA)**.¹⁶ The CDCLAA is the jurisdictional key; it is the formal administrative order from the NACC that severs the legal ties between the child and the biological parents (or declares that such ties are unknown or have been abandoned), thereby making the child legally "free" to be placed in a new, permanent family.²⁰

However, the law astutely recognizes that not all adoptions involve children who are wards of the state. In situations where a child is already integrated within a family structure and the biological parents are available to give consent, the CDCLAA process becomes redundant. Thus, the law explicitly **exempts** the following cases from the CDCLAA requirement:

- Adoption of a relative of the adopter;
- Adoption of an adult who has been consistently treated as the adopter's own child;
- Step-parent adoption, where one spouse adopts the legitimate child of the other spouse.¹

This distinction creates a more streamlined and logical process, providing an even faster track for adoptions that occur within an existing familial context. Other individuals who may be adopted include an illegitimate child by a qualified adopter to improve their status, a foster child, a child whose previous adoption has been rescinded, and a child whose parents are deceased (provided the proceedings are initiated at least six months after their death).¹⁵

D. The Administrative Process of Adoption

The administrative adoption process under R.A. 11642 is a multi-stage workflow

heavily reliant on the professional assessments of social workers and the NACC's multidisciplinary committees. It shifts the focus from legal argumentation to a holistic evaluation of the child's needs and the prospective parents' capacity to meet them.

Table 2: The Administrative Adoption Workflow (R.A. 11642)

Stage	Key Actions & Documents	Responsible Body
1. Pre-Filing	Mandatory attendance at pre-adoption seminars and counseling.	NACC / Accredited Agencies
2. Application & Assessment	Filing of application by Prospective Adoptive Parents (PAPs) with required documents. Preparation of Home Study Report (HSR) for PAPs and Child Case Study Report (CSR) for the child.	PAPs, RACCO, Licensed Social Worker
3. Matching	The Child Placement Committee (CPC) matches a child with suitable PAPs from a roster. (Not applicable for relative, step-parent, or adult adoption).	RACCO-CPC
4. Placement & Trial Custody	Issuance of Pre-Adoption Placement Authority. Placement of the child with PAPs for a Supervised Trial Custody (STC) period (typically 6 months), monitored by a social worker.	NACC, PAPs, Social Worker
5. Petition for Adoption	Filing of a notarized Petition for Adoption with the RACCO after a satisfactory STC. Publication of the petition (for non-CDCLAA cases).	PAPs, RACCO
6. NACC Deliberation	RACCO reviews the petition and forwards a recommendation to the NACC central office. The petition is	RACCO, NACC Deputy Director

	reviewed by the Deputy Director for Services.	
7. Decision	The NACC Executive Director reviews all documents and recommendations and issues the final Order of Adoption or a denial.	NACC Executive Director
8. Finality & Registration	The Order becomes final within 10 days if not appealed to the Court of Appeals. The adopter registers the Order with the Local Civil Registrar.	Adopter, Local Civil Registrar
9. Post-Adoption	Issuance of a new Certificate of Live Birth. Post-adoption monitoring and aftercare services for at least one year.	PSA, NACC

The step-by-step process can be broken down as follows:

1. **Pre-Adoption Services:** All PAPs must undergo mandatory counseling and attend pre-adoption forums to prepare them for the responsibilities of adoptive parenthood.³
2. **Application and Case Study:** PAPs file their application with the RACCO of their place of residence.³⁰ A licensed social worker then conducts a thorough assessment, culminating in a Home Study Report (HSR) on the PAPs' suitability and a Child Case Study Report (CSR) detailing the child's background and needs.⁶
3. **Matching:** For children with a CDCLAA, the RACCO's Child Placement Committee undertakes a judicious matching process to find the most suitable family for the child.¹⁴ This critical step is dispensed with in relative, step-parent, or adult adoptions where a pre-existing relationship already exists.³¹
4. **Supervised Trial Custody (STC):** Once a match is made, the child is placed with the PAPs for a probationary period, usually lasting six months. A social worker closely monitors the family's adjustment and provides support, documenting the progress in monthly reports.¹⁴
5. **Petition for Adoption:** Following a successful STC, the PAPs file a formal, notarized Petition for Adoption with the RACCO.¹⁸ For cases that do not require a CDCLAA (like relative or step-parent adoption), the law requires the petition to be published once a week for three consecutive weeks in a newspaper of general circulation to notify any interested parties.³⁰
6. **NACC Deliberation and Decision:** The RACCO reviews the petition and all

supporting documents and forwards its recommendation to the NACC central office. The case is then reviewed by the Deputy Director for Services before being elevated to the Executive Director for a final decision.³⁰

7. **Order of Adoption and Finality:** If the NACC Executive Director finds the adoption to be in the child's best interest, an Order of Adoption is issued. This order becomes final and executory ten (10) days after receipt by the interested party, unless an appeal is filed with the Court of Appeals.¹⁹
8. **Registration and Post-Adoption:** The adopter must register the final Order of Adoption with the Local Civil Registrar, who will then seal the child's original birth record and issue a new Certificate of Live Birth reflecting the new parentage.³⁰ The NACC continues to provide post-adoption services and monitoring to support the family's integration.⁹

E. Effects of Adoption

The legal effects of an administrative adoption under R.A. 11642 are profound, creating a relationship that is, for all legal intents and purposes, identical to that of legitimate filiation.

- **Legitimacy and Parental Ties:** The adoptee is deemed the legitimate child of the adopter. Consequently, all legal ties between the adoptee and the biological parents are severed and transferred to the adopters. The only exception is in a step-parent adoption, where the child is adopted by the spouse of their biological parent, in which case the parental authority of the biological parent is maintained and shared with the adopter-spouse.¹⁹
- **Parental Authority:** Full parental authority vests in the adopter(s) upon the issuance of the Order of Adoption.¹⁹
- **Successional Rights:** The adopter(s) and the adoptee acquire reciprocal rights of succession in each other's estates, without any distinction from legitimate filiation. This means an adopted child inherits from their adopter in the same capacity and with the same share as a legitimate biological child.¹⁹

Perhaps the most revolutionary provision in the new law is Section 41, which states: "The legitimate filiation that is created between the adopter and adopted... shall be extended to the adopter's parents, adopter's legitimate siblings, and legitimate descendants".¹⁹ This provision fundamentally alters the landscape of successional rights for adopted children. It directly overturns the long-standing jurisprudential

doctrine, famously articulated in cases like

Teotico v. Del Val, which held that the legal relationship created by adoption was personal and confined only to the adopter and the adoptee.³⁷ Under that old rule, an adopted child could not represent their deceased adoptive parent in the estate of the adoptive grandparents. Section 41 now explicitly creates this extended legal tie. This means an adopted child can now inherit

ab intestato from their adoptive grandparents and other relatives as if they were a biological grandchild, and vice-versa. This provision marks the complete and total integration of the adoptee into the legal and successional fabric of the adoptive family.

F. Rescission of Adoption

R.A. 11642 reinforces the permanence and stability of the adoptive relationship by strictly limiting the grounds and parties who can seek its rescission. The law makes it a "one-way street":

- **Who May File:** Only the adoptee may file a petition to rescind the adoption. The adopter is explicitly prohibited from doing so. The adopter's only remedy against an erring adoptee is to disinherit them for just causes provided under Article 919 of the Civil Code, which is a post-mortem remedy.¹⁹ This policy protects the child from the threat of being "returned" or abandoned once more by the very people who committed to be their parents.
- **Grounds:** Rescission may only be based on the fault of the adopter. The grounds are: (1) repeated physical or verbal maltreatment by the adopter despite counseling; (2) attempt on the life of the adoptee; (3) sexual assault or violence; (4) abandonment and failure to comply with parental obligations; or (5) other acts detrimental to the child's well-being.¹⁹
- **Procedure and Effects:** The petition is filed with the RACCO. If the NACC grants the rescission, the effects are significant: parental authority may revert to the biological parents if it is in the child's best interest and they petition for it; otherwise, the NACC assumes legal custody of the child. Successional rights revert to their pre-adoption status, and the adoptee's original birth certificate is reinstated.¹⁹

Part II: Interfacing Regimes: Simulated Births and Foundlings

A. See R.A. No. 11222: The Simulated Birth Rectification Act

Republic Act No. 11222 is a special, curative, and time-bound law that addresses the widespread social reality of "informal adoptions" conducted through the illegal act of simulating a child's birth record. It provides a legal pathway for families to regularize their status without fear of prosecution.

- **Purpose and Amnesty:** The law's primary objective is to grant amnesty from criminal, civil, and administrative liability to persons who, prior to the law's effectivity on March 29, 2019, simulated a child's birth record.²⁰ It encourages those who acted out of a genuine desire to raise a child, but did so outside the legal process, to "come out in the open" and rectify the child's legal status.²⁸ This amnesty is not perpetual; a petition must be filed within a ten-year window, which expires on March 29, 2029.³⁹
- **Key Requirements:** To avail of the administrative adoption process under this law, the petitioner must prove that: (1) the simulation was done for the best interest of the child; and (2) the child has been living continuously with the petitioner for at least three (3) years before the law's effectivity.²⁴ A CDCLAA is also required, unless the adoptee is an adult or a relative of the petitioner.⁸
- **Process and Effect:** The process is administrative, formerly with the DSWD but now under the jurisdiction of the NACC.³ A successful petition results in an Order of Adoption, which directs the Local Civil Registrar to cancel the fraudulent, simulated birth record and issue a new, rectified one that reflects the legal adoption.³³

B. Foundlings: Citizenship and Administrative Adoption under R.A. No. 11767

Republic Act No. 11767 is fundamentally a human rights statute that solves the

preliminary legal hurdles faced by foundlings—deserted or abandoned children with unknown parents—before they can be adopted.

- **Dual Purpose:** The law serves two critical functions. First, it establishes a child's right to a nationality by legislatively affirming the doctrine from *Poe-Llamanzares v. COMELEC*.²¹ It creates a conclusive presumption that a foundling discovered in the Philippines or its embassies abroad is a natural-born Filipino citizen, unless substantial proof of foreign parentage is presented.²¹ This is a crucial measure to prevent statelessness.²¹ Second, it creates a clear administrative pathway to secure a legal identity for the foundling, allowing them to be seamlessly integrated into the adoption process under R.A. 11642.⁴⁵
- **Process for Foundlings:** The process begins with the **discovery and reporting** of the foundling by a "finder" to the Local Social Welfare and Development Office (LSWDO) or a designated safe haven provider within 48 hours.³⁵ The NACC, through the RACCO, then conducts a diligent **search and inquiry** for the biological parents.³⁵ If the parents cannot be located, the NACC facilitates the **registration** of the child and the issuance of a Certificate of Live Birth (COLB), which must not contain any discriminatory language.²¹ With a legal identity now established, the foundling is declared legally available for adoption, and the standard administrative process under R.A. 11642 commences.²¹
- **Safe Haven Provision:** A landmark feature of this law is the "Safe Haven" provision. It exempts from criminal liability a parent who relinquishes an infant (30 days old or younger) to an authorized safe haven provider, such as a licensed child-caring agency, a church, or a DOH-accredited health facility.²¹ This is a pragmatic measure designed to save lives by encouraging desperate parents to leave their infants in safe hands rather than in perilous locations.

C. Table 3: Comparative Analysis of Special Adoption Tracks

To aid in issue-spotting for complex bar problems, the following table distinguishes the three adoption pathways.

Feature	Regular Adoption (R.A. 11642)	Simulated Birth Rectification (R.A. 11222)	Foundling Adoption (R.A. 11767)

Primary Purpose	To provide a permanent family for a child.	To cure a past legal defect and grant amnesty.	To first establish a child's citizenship and legal identity.
Key Initial Requirement	Certificate Declaring a Child Legally Available for Adoption (CDCLAA) (generally).	Proof of birth simulation before March 29, 2019, and 3-year cohabitation.	Report of a "finder" upon discovering an abandoned child.
Preliminary Issue to Resolve	The child's legal availability for adoption.	The petitioner's eligibility for amnesty and the child's best interest in the adoption.	The child's nationality and the registration of their birth.
Criminal Liability Aspect	Not applicable.	Amnesty is granted to the simulators upon a successful petition.	Immunity is granted to parents who use the Safe Haven provision.
Time Limitation to File	None.	Petition must be filed on or before March 29, 2029.	None.

Part III: Jurisprudence and Bar Examination Foresight

A. Navigating the Transition: Supreme Court A.M. No. 02-6-02-SC

The Supreme Court, in its resolution dated April 19, 2022, under A.M. No. 02-6-02-SC, provided clear and strict transitional rules to implement the jurisdictional shift mandated by R.A. 11642.¹⁰ These guidelines are crucial for understanding the practical application of the new law.

1. **Cessation of Judicial Jurisdiction:** Courts may no longer receive or accept new petitions for domestic adoption. Jurisdiction is now exclusively with the NACC.
2. **Option to Withdraw Pending Cases:** Petitioners with domestic adoption cases already pending in court upon the law's effectivity were given the option to

immediately withdraw their judicial petitions to avail of the faster administrative process. If they do not, the courts will continue to hear and decide the case under the old rules.

3. **Waiver of Option:** Courts were mandated to give petitioners a period to manifest their intent to withdraw. Failure to do so is deemed a waiver of the option to move to the administrative track.
4. **Sanction Against Forum Shopping:** The Court explicitly warned that petitioners and their counsels who file with the NACC without first formally withdrawing their pending court cases shall be sanctioned for violating the rules against forum shopping.
5. **Unified Rescission Rule:** Significantly, the Court clarified that the rules on rescission of adoption under Section 47 of R.A. 11642 apply to *all* adoptions, including those previously granted by judicial decree. This unifies the law on rescission moving forward.

These rules demonstrate the judiciary's commitment to enforcing the legislative shift, preventing procedural chaos, and ensuring the finality and stability of adoption proceedings, whether old or new.

B. Enduring Doctrines in an Administrative Age: The Continued Relevance of Landmark Cases

While R.A. 11642 revolutionized the *procedure* of adoption, it did not erase the decades of jurisprudence that shaped the *substantive principles* of adoption law. The NACC, as a quasi-judicial body, and the Court of Appeals on review, will undoubtedly be guided by the wisdom of these landmark rulings where the new laws are silent or seek to codify established norms.

- ***In re: Adoption of Stephanie Nathy Astorga Garcia* (G.R. No. 148311):** This case is a cornerstone on the issue of an adopted child's name. The Supreme Court, recognizing Filipino custom and the best interest of the child, ruled that an illegitimate child adopted by her natural father could use her mother's surname as her middle name.⁵³ Since R.A. 11642 is silent on the use of a middle name, the reasoning in *Garcia*—which promotes the child's identity and preserves the maternal lineage—provides a powerful and persuasive precedent for the NACC to follow.
- ***Landingin v. Republic* (G.R. No. 164948):** This case underscored the

indispensability of a valid, written, and notarized consent given by the biological parents, who must be duly counseled on the permanent consequences of their decision.³⁷ This principle of informed consent is a matter of due process and is echoed in the requirements of R.A. 11642.¹⁸ The doctrines in *Landingin* will continue to guide the NACC in assessing the validity of a Deed of Voluntary Commitment or any consent to adoption.

- **Tamargo v. CA (G.R. No. 85044):** This case established a crucial rule of equity regarding the retroactivity of an adoption decree. R.A. 11642 provides that the effects of adoption retroact to the date of the filing of the petition. The *Tamargo* doctrine holds that this retroactivity is for the benefit of the child (e.g., for successional rights) and should not be applied to impose vicarious liability on the adopters for torts committed by the child before they had custody and control.³⁷ This equitable principle remains vital to prevent an unjust outcome and will likely be applied by the NACC and the courts.
- **Santos v. Aranzanso (1966):** The principle that a final decree of adoption cannot be collaterally attacked is fundamental to family stability.³⁷ This doctrine will be essential in upholding the finality and integrity of the Orders of Adoption issued by the NACC, protecting the new family unit from belated and indirect challenges to its validity.

C. Anticipating Bar Questions: A Synthesis of Complex Issues

A thorough understanding of these new laws requires the ability to synthesize their provisions and apply them to complex factual scenarios. Bar candidates should prepare for questions that test the interplay between these statutes and established doctrines.

- **Problem Area 1: The Intersection of the Three Laws.** *Scenario:* A newborn is found by a distant relative, who, out of a desire to provide a home, registers the child as her own (simulated birth). Years later, she wishes to formalize the relationship. *Analysis:* This problem requires a multi-step application of the laws. First, R.A. 11767 applies to establish the child's status as a foundling and secure a COLB. Second, the relative must avail of the amnesty under R.A. 11222 to rectify the illegal act of simulation, provided she meets its requirements (simulation before March 2019, etc.). Finally, the adoption itself will proceed under the administrative framework of R.A. 11642, likely following the expedited track for "relative adoption," which does not require a CDCLAA or matching.

- **Problem Area 2: Successional Rights and Extended Filiation.** *Scenario:* An adopter, who has an adopted child and a legitimate child, dies. A year later, the adopter's wealthy father (the adoptive grandfather) also dies intestate. *Analysis:* This question tests the revolutionary impact of Section 41 of R.A. 11642. The adopted child and the legitimate child will inherit equally from the adopter's estate. In the estate of the adoptive grandfather, the adopted child can now represent their deceased adoptive parent and inherit alongside the legitimate child, sharing the portion that would have gone to their parent. This overturns the old rule and is a high-potential topic for a bar question combining Family Law and Succession.
- **Problem Area 3: Consent, Rescission, and Finality.** *Scenario:* A biological mother signs a Deed of Voluntary Commitment. After the NACC issues a final Order of Adoption in favor of the new parents, the mother wins the lottery and wants her child back, claiming her consent was vitiated by poverty. *Analysis:* This tests the finality of adoption. Once an Order of Adoption becomes final, it is irrevocable by the biological parent. The mother would have to prove that her consent was vitiated by fraud, duress, or mistake at the time it was given, which is a high evidentiary bar. The subsequent change in her financial status is irrelevant. Furthermore, only the adoptee can petition to rescind the adoption, and only on grounds attributable to the adopter.
- **Problem Area 4: Procedural Pitfalls and Transitional Rules.** *Scenario:* A couple filed a petition for adoption in court in 2021. In 2023, frustrated with the slow pace, their lawyer advises them to file a new petition with the RACCO without formally withdrawing the court case. *Analysis:* This is a direct violation of the Supreme Court's guidelines in A.M. No. 02-6-02-SC. The couple and their lawyer would be subject to sanctions for forum shopping. The NACC petition would likely be dismissed pending the resolution or withdrawal of the judicial case.

Conclusion: Synthesizing the New Law on Adopted Children

The enactment of R.A. 11642, R.A. 11222, and R.A. 11767 marks the most significant reform of Philippine adoption law in a generation. The legislative framework has decisively shifted from a prolonged, legalistic judicial process to a streamlined, expert-led, and child-centered administrative system. This new architecture is designed to be more responsive, efficient, and compassionate, prioritizing the child's

fundamental right to a permanent and loving family.

These three laws operate as a cohesive and integrated system. R.A. 11767 provides the entry point for the most vulnerable, foundlings, by securing their identity and citizenship. R.A. 11222 offers a compassionate, one-time remedy to regularize the status of children in families formed through the well-intentioned but illegal act of birth simulation. R.A. 11642 provides the comprehensive, foundational framework and the institutional machinery—the NACC—through which all domestic adoptions are now processed.

For the 2025 Bar Examination candidate, mastery of this topic requires more than rote memorization. It demands a nuanced understanding of the policy shift, a detailed grasp of the distinct procedural workflows, and a keen appreciation for the interplay between the three statutes. The revolutionary change in successional rights brought about by the principle of extended filiation and the continued relevance of substantive doctrines from landmark jurisprudence are critical areas of study. By focusing on these intersections, a candidate will be well-equipped to analyze complex problems and demonstrate a sophisticated command of the new law on paternity and filiation of adopted children.

Works cited

1. Domestic Administrative Adoption and Alternative Child Care Act, accessed June 16, 2025, <https://apwmanila2022.law.upd.edu.ph/wp-content/uploads/2022/09/Republic-Act-No.-11642-Domestic-Administrative-Adoption-and-Alternative-Child-Care-Act.pdf>
2. Strengthening alternative child care adoption process - Jur.ph, accessed June 16, 2025, <https://jur.ph/law/summary/domestic-administrative-adoption-and-alternative-child-care-act>
3. The New Domestic Administrative Adoption Law: A Game Changer ..., accessed June 16, 2025, <https://ndvlaw.com/the-new-domestic-administrative-adoption-law-a-game-changer-for-adoption-in-the-philippines/>
4. IRR of RA 11642 | PDF | Adoption | Legal Guardian - Scribd, accessed June 16, 2025, <https://www.scribd.com/document/604580114/IRR-of-RA-11642>
5. Simplified domestic adoption process | DivinaLaw, accessed June 16, 2025, <https://www.divinalaw.com/dose-of-law/simplified-domestic-adoption-process/>
6. IRR REPUBLIC ACT NO. 11642 - IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11642, THE DOMESTIC ADMINISTRATIVE ADOPTION AND ALTERNATIVE CHILD CARE ACT - Supreme Court E-Library, accessed June 16, 2025,

- <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/96120>
7. IRR of R.A No. 11642 or the Domestic Administrative Adoption and Alternative Child Care Act, accessed June 16, 2025,
<https://www.nacc.gov.ph/wp-content/uploads/2022/10/IRR-RA-11642-SIGNED-COPY-with-footnote.pdf>
 8. Guidelines of RA 11222 Latest | PDF | Birth Certificate | Adoption - Scribd, accessed June 16, 2025,
<https://www.scribd.com/presentation/452141717/Guidelines-of-RA-11222-latest>
 9. Implementing Rules of RA 11642 Adoption Act - Jur.ph, accessed June 16, 2025,
<https://jur.ph/law/summary/implementing-rules-and-regulations-irr-of-republic-act-no-11642-r-a-no-11642>
 10. SC Issues Revised Domestic Adoption Guidelines - Supreme Court of the Philippines, accessed June 16, 2025,
<https://sc.judiciary.gov.ph/sc-issues-revised-domestic-adoption-guidelines/>
 11. How to rectify simulated birth - Manila Standard, accessed June 16, 2025,
<https://manilastandard.net/?p=335630>
 12. Republic Act No. 11642 | Senate of the Philippines Legislative Reference Bureau, accessed June 16, 2025,
<https://ldr.senate.gov.ph/legislative-issuance/republic-act-no-11642>
 13. Omnibus Guidelines on the Implementation of Domestic Administrative Adoption, Intercountry Adoption, and Alternative Child Care, accessed June 16, 2025,
<https://www.nacc.gov.ph/wp-content/uploads/2023/06/MC-1-s2023-Omnibus-Guidelines-on-the-Implementation-of-DAA-ICA-and-ACC-1.pdf>
 14. Adopted Children - R.A. No. 11642 or the Domestic Administrative Adoption and Alternative Child Care Act | Paternity and Filiation | Marriage | FAMILY CODE - Respicio & Co. Law Firm, accessed June 16, 2025,
<https://www.respicio.ph/bar/2025/civil-law/family-code/marriage/paternity-and-filiation/adopted-children-ra-no-11642-or-the-domestic-administrative-adoption-and-alternative-child-care-act>
 15. Spec. Pro. - Adoption Law - RA 11642 - Scribd, accessed June 16, 2025,
<https://www.scribd.com/document/571077998/Spec-Pro-Adoption-Law-RA-11642>
 16. Republic Act No. 11642 - LawPhil, accessed June 16, 2025,
https://lawphil.net/statutes/repacts/ra2022/ra_11642_2022.html
 17. Domestic Adoption Primer - De La Salle University, accessed June 16, 2025,
<https://www.dlsu.edu.ph/wp-content/uploads/pdf/law/primer/domestic-adoption-primer.pdf>
 18. Ra 11642 Process | PDF - Scribd, accessed June 16, 2025,
<https://www.scribd.com/document/676160940/ra-11642-process>
 19. REPUBLIC ACT NO. 11642 - AN ACT STRENGTHENING ALTERNATIVE CHILD CARE BY PROVIDING FOR AN ADMINISTRATIVE PROCESS OF DOMESTIC ADOPTION, REORGANIZING FOR THE PURPOSE THE INTER-COUNTRY ADOPTION BOARD (ICAB) INTO THE NATIONAL AUTHORITY FOR CHILD CARE (NACC), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8043, REPUBLIC ACT NO. 11222, AND,

- accessed June 16, 2025,
<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/94036>
20. RA 11222 - Administrative Adoption - Group 17 PDF | PDF | Birth Certificate - Scribd, accessed June 16, 2025,
<https://www.scribd.com/document/458204634/RA-11222-Administrative-Adoption-Group-17-pdf>
 21. RA 11767 or the Foundling Recognition and Protection Act (May 2023), accessed June 16, 2025,
<https://www.dlsu.edu.ph/wp-content/uploads/pdf/law/primer/foundling-recognition-and-protection-primer.pdf>
 22. Who May Adopt | Adopted Children - R.A. No. 11642 or the Domestic Administrative Adoption and Alternative Child Care Act | Paternity and Filiation | Marriage | FAMILY CODE - respicio & co., accessed June 16, 2025,
<https://www.respicio.ph/bar/2025/civil-law/family-code/marriage/paternity-and-filiation/adopted-children-ra-no-11642-or-the-domestic-administrative-adoption-and-alternative-child-care-act/who-may-adopt>
 23. Adoption Process in the Philippines - Preslaw, accessed June 16, 2025,
<https://www.preslawfirm.com/adoption-process-in-the-philippines/>
 24. REPUBLIC ACT 11222, accessed June 16, 2025,
https://psa.gov.ph/system/files/nccrvs/Session%207_Jocelyn%20Vince%20Cruz_Implementation%20of%20RA%2011222%20or%20Simulated%20Birth%20Rectification%20Act.pdf
 25. Adoption Requirements in the Philippines - Respicio & Co., accessed June 16, 2025,
<https://www.lawyer-philippines.com/articles/adoption-requirements-in-the-philippines>
 26. Guide to Administrative Adoption in the Philippines - Padin & Partners Law, accessed June 16, 2025,
<https://www.padinlaw.ph/features/guide-to-administrative-adoption-in-the-philippines>
 27. Republic Act No. 11222 - LawPhil, accessed June 16, 2025,
https://lawphil.net/statutes/repacts/ra2019/ra_11222_2019.html
 28. MC 16 - RA 11222 Guidelines | PDF - Scribd, accessed June 16, 2025,
<https://www.scribd.com/document/632367112/6-MC-16-RA-11222-Guidelines>
 29. Republic Act No. 11642, January 06, 2022 | PDF | Adoption | Legal Guardian - Scribd, accessed June 16, 2025,
<https://www.scribd.com/document/560985604/Republic-Act-No-11642-January-06-2022>
 30. How to Adopt in the Philippines: A Step By Step Guide, accessed June 16, 2025,
<https://deborjalaw.com/how-to-adopt-in-the-philippines-a-step-by-step-guide/>
 31. RA No. 11642: steps for adoption made simple. - Batocabe & Partners, accessed June 16, 2025,
<https://batocabeandpartners.com/articles/6dqrpe4i3iu2m6oc4o2p4sf9zhieik>
 32. Administrative Process of Adoption — Bar - respicio & co., accessed June 16, 2025,
<https://www.respicio.ph/bar/2025/tag/Administrative+Process+of+Adoption>

33. Simulated Birth Rectification Act - Jur.ph, accessed June 16, 2025, <https://jur.ph/law/summary/simulated-birth-rectification-act>
34. Child Legitimacy vs Adoption in the Philippines - Respicio & Co., accessed June 16, 2025, <https://www.lawyer-philippines.com/articles/child-legitimacy-vs-adoption-in-the-philippines>
35. REPUBLIC ACT NO. 11767 - AN ACT PROMOTING THE RIGHTS OF AND PROVIDING GREATER PROTECTIONS TO DESERTED OR ABANDONED CHILDREN WITH UNKNOWN PARENTS, AMENDING FOR THIS PURPOSE ARTICLES 276 AND 277 OF THE REVISED PENAL CODE AND SPECIAL LAWS, RECOGNIZING THEIR STATUS AS NATURAL-BORN CITIZENS OF THE PHILIPPINES, PROVIDING PENALTIES AGAINST ACTS INIMICAL TO THEIR WELFARE,, accessed June 16, 2025, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/95041>
36. Understanding the Extension of Legitimate Filiation to the Adopter's Parents Under RA 11642 - Respicio & Co. Law Firm, accessed June 16, 2025, <https://www.respicio.ph/dear-attorney/understanding-the-extension-of-legitimate-filiation-to-the-adopters-parents-under-ra-11642>
37. Adoption Landmark Cases | PDF | Adoption | Child Custody - Scribd, accessed June 16, 2025, <https://www.scribd.com/document/327508450/Adoption-Landmark-Cases>
38. 2019 How to Correct Simulated Birth through RA 11222 - Lawyers in the Philippines, accessed June 16, 2025, <https://lawyerphilippines.org/2019-how-to-correct-simulated-birth-through-ra-11222/>
39. Pursuant to Section 23 of Republic Act No. 11222 otherwise known as the "Simulated Birth Rectification Act, the following Implementing Rules and Regulations - National Authority for Child Care, accessed June 16, 2025, <https://www.nacc.gov.ph/wp-content/uploads/2023/08/IRR-of-RA-11222.pdf>
40. Republic Act No. 11222 - Simulated Birth Rectification Act - SAKLAW, accessed June 16, 2025, <https://saklawph.com/ra11222/>
41. Guidelines on the Simulated Birth Rectification Act - DSWD, accessed June 16, 2025, https://old.dswd.gov.ph/issuances/MCs/MC_2020-016.pdf
42. Administrative Adoption and Simulated Birth Rectification Philippines - respicio & co., accessed June 16, 2025, <https://www.respicio.ph/commentaries/administrative-adoption-and-simulated-birth-rectification-philippines>
43. How To Correct Simulated Birth Through RA 11222 | PDF | Adoption - Scribd, accessed June 16, 2025, <https://www.scribd.com/document/577493230/How-to-Correct-Simulated-Birth-through-RA-11222>
44. ADMINISTRATIVE ADOPTION IN THE PHILIPPINES UNDER RA 11222, accessed June 16, 2025, <https://deborjalaw.com/no-court-adoption-in-the-philippines/>
45. Protection of Foundlings Act - Jur.ph, accessed June 16, 2025, <https://jur.ph/law/summary/foundling-recognition-and-protection-act>
46. Foundlings; Citizenship Status and Administrative Adoption of... | Adopted

- Children - R.A. No. 11642 or the Domestic Administrative... | Paternity and Filiation | Marriage | FAMILY CODE - Respicio & Co. Law Firm, accessed June 16, 2025, <https://www.respicio.ph/bar/2025/civil-law/family-code/marriage/paternity-and-filiation/adopted-children-ra-no-11642-or-the-domestic/foundlings-citizenship-status-and-administrative-adoption-of-foundlings-under-ra-no-11767>
47. implementing rules and regulations of republic act no. 11767 - Senate of the Philippines Legislative Reference Bureau, accessed June 16, 2025, <https://ldr.senate.gov.ph/sites/default/files/2025-04/IRR-RA-11767-FRM.pdf>
48. About the Foundling Recognition and Protection Act (RA 11767) - Generations—Home, accessed June 16, 2025, <https://roheifoundation.org/the-foundling-recognition-and-protection-act/>
49. IRR REPUBLIC ACT NO. 11767, (2022-09-09) - Lawyerly, accessed June 16, 2025, <https://lawyerly.ph/laws/view/11775d>
50. Unlocking the Foundling Recognition and Protection Act of 2024 - Law Firm in Philippines, accessed June 16, 2025, <https://ndvlaw.com/unlocking-the-foundling-recognition-and-protection-act-in-2024/>
51. Guidelines on the Registration of the Certificate of Live Birth of Persons with No Known Parents pursuant to RA 11767 - Philippine Statistics Authority, accessed June 16, 2025, <https://psa.gov.ph/system/files/nccrvs/3%20-%20RA%2011767%20in%20NCCRV%20S.pdf>
52. Supreme Court Issues Revised Domestic Adoption Guidelines - Cruz Marcelo, accessed June 16, 2025, <https://cruzmarcelo.com/supreme-court-issues-revised-domestic-adoption-guidelines/>
53. G.R. No. 148311 - LawPhil, accessed June 16, 2025, https://lawphil.net/judjuris/juri2005/mar2005/gr_148311_2005.html