

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



SENATE
Office of the Secretary

'15 DEC 16 P5:01

SENATE
S. No. 3042

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING CHEMICAL TESTING FOR PROSPECTIVE ADOPTIVE PARENTS

EXPLANATORY NOTE

The Constitution, Article 15, Section 1 provides:

The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Article 15, Section 3(2) demands that the State shall defend:

The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

A more stringent background check must be done prior to the approval of a petition for adoption so that information that points to a history of substance abuse is discovered. In order to locate suitable adoptive homes for children to insure their safety, prospective parents should be required to take chemical testing prior to the issuance of a favorable decision. If the test yields a positive result, the individual should be denied even the remotest chance of damaging a child's future.¹


MIRIAM DEFENSOR SANTIAGO
7P

¹ This bill was originally filed during the Fourteenth Congress, Third Regular Session and refiled during the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. *Chemical Testing.* – The petition for adoption of a prospective parent
2 shall be denied when the results of his chemical test reveal the presence of prohibited
3 drugs or alcohol. The chemical test result referred to in this section shall cover not only
4 the test required in this Act but also includes the chemical test required for the issuance of
5 driver’s licenses and employment purposes.

6 SECTION 2. *Collaboration.* – The Department of Social Welfare and
7 Development (DSWD) and the Department of Health (DOH) shall prepare the rules for
8 chemical testing required in this Act.

9 SECTION 3. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
10 portions thereof, which are inconsistent with the provisions of this Act, are hereby
11 repealed, amended or modified accordingly.

12 SECTION 4. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
13 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,