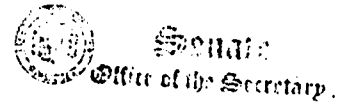


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. No. 1933

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(In substitution of Senate Bill Nos. 1070 and 1337)

Prepared jointly by the Committees on Women, Children, Family Relations and Gender Equality; Social Justice, Welfare and Rural Development; and Finance, with Senators Poe, Revilla Jr. and Hontiveros, as authors thereof

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

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

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

9 In all matters relating to the care, custody and adoption of a child, his/her
10 best interest shall be the paramount consideration in accordance with the tenets set

1 forth in the United Nations (UN) Convention on the Rights of the Child; UN
2 Declaration on Social and Legal Principles Relating to the Protection and Welfare of
3 Children with Special Reference to Foster Placement and Adoption, Nationally and
4 Internationally; and the Hague Convention on the Protection of Children and
5 Cooperation in Respect of Inter-country Adoption. Toward this end, the State shall
6 provide alternative protection and assistance through foster care or adoption for
7 every child who is neglected, orphaned, or abandoned.

8 It shall also be the State policy to:

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

25
26 No child shall be a subject of administrative adoption unless the status of the
27 child has been declared legally available for adoption either in judicial or
28 administrative proceedings except in cases of relative or step-parent adoption where
29 such declaration is not required. Independent Placement cases will be covered by
30 the provisions of this Act if the child is already in the custody of their custodian
31 before the effectivity of the law.

1 It is hereby recognized that the administrative adoption processes under the
2 jurisdiction of the Department of Social Welfare and Development for the cases of
3 legally-available children, relative, step- parent and adult adoptees are the most
4 expeditious proceedings that will redound to their best interest.

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

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

8 (a) *A child legally available for adoption* – a child or person, whose case is
9 abandoned, neglected or surrendered and who has been voluntarily or
10 involuntarily committed to the Department or to a duly licensed child-
11 caring/child-placing agency and issued with a Certification declaring him/her
12 available for adoption;

13 (b) *Abandoned Child* – refers to one who has no proper parental care or
14 guardianship or whose parent(s) has deserted him/her for a period of at least
15 three (3) continuous months and has been judicially declared as such;

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

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

20 (e) *Application/Petition* – refers to the application form duly accomplished and
21 signed by the prospective adoptive parents, the home study report including
22 its supporting documents;

23 (f) *Certification Declaring a Child Legally Available for Adoption (CDCLAA)* – shall
24 refer to the final written administrative order declaring the dependent,
25 abandoned, and neglected child to be legally available for adoption and
26 committing such child to the care of the duly-licensed child caring/placing
27 agency or institution;

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

- 1 (h) *Child-placing agency* – refers to a private, non-profit or charitable institutions
2 or government agency duly licensed and/or accredited by the Department to
3 provide comprehensive child welfare services, including but not limited to
4 receiving applications for adoption/foster care, evaluating the PAPs/Foster
5 Parents, preparing the home study report and all other processes required for
6 adoption (IRR of Republic Act No. 8552);
- 7 (i) *Child-caring agency* – refers to a private non-profit or government agency
8 duly registered, licensed and accredited by the DSWD that provides twenty
9 four (24) hour residential care services for abandoned, orphaned and
10 neglected children;
- 11 (j) *Deed of Voluntary Commitment (DVC)* – refers to the written and notarized
12 instrument relinquishing the parental authority and committing the child to
13 the care and custody of the Department executed by the child’s biological
14 parent(s) or legal guardian or a person exercising substitute parental
15 authority over the child, to be signed in the presence of a social worker and
16 the notary public, after counselling and other services have been made
17 available to encourage the biological parent(s) to keep the child;
- 18 (k) *Department* – the Department of Social Welfare and Development (DSWD);
- 19 (l) *Domestic Adoption* – the adoption proceeding which is undertaken between a
20 Filipino child and eligible adoptive parents;
- 21 (m) *Foster care* – refers to the provision of planned temporary substitute parental
22 care to a child by a foster parent;
- 23 (n) *Foster child* – refers to a child placed under foster care;
- 24 (o) *Foster parent* – refers to a person, duly licensed by the Department, to
25 provide foster care;
- 26 (p) *Foundling* – a person whose facts of birth are unknown;
- 27 (q) *Home study report* – refers to a written report prepared by a social worker
28 containing necessary information on a prospective parent or family member;
- 29 (r) *Involuntarily Committed Child* – one whose parent(s), known or unknown,
30 has been permanently and judicially deprived of parental authority due to
31 abandonment; substantial, continuous or repeated neglect; abuse or
32 incompetence to discharge parental responsibilities;

- 1 (s) *Matching* – the judicious selection from the regional or interregional levels of
2 a family for a child based on the child's needs and in his/her best interest as
3 well as the capability and commitment of the adoptive parents to provide
4 such needs and promote a mutually satisfying parent-child relationship.
- 5 (t) *Neglected* – one whose basic needs have been deliberately unattended or
6 inadequately attended within a period of three (3) continuous months;
- 7 (u) *Placement* – refers to the physical entrustment of the child with the foster
8 parent or to the adoptive parents;
- 9 (v) *Post adoption services* – refers to psycho-social services and support services
10 provided by professionally trained social workers after the issuance of the
11 Certificate of Adoption;
- 12 (w) *Prospective Adoptive Parents (PAPs)* – refers to a person or married couple
13 who have filed an application for administrative adoption and whose
14 application has been approved;
- 15 (x) *Regional Director* – the head of the regional office of the Department;
- 16 (y) *Relative/next of kin* – someone who is within the fourth degree of
17 consanguinity or affinity;
- 18 (z) *Secretary* – the Secretary of the Department;
- 19 (aa) *Simulation of birth* – the tampering of the civil registry making it
20 appear in the birth records that a certain child was born to a person who is
21 not the biological mother, causing the loss of the true identity of the child;
- 22 (bb) *Social Welfare Development Officer* – a person who is a duly licensed
23 social worker and appointed by the local chief executive to head the
24 provincial, city or municipal social welfare development office which serves as
25 the frontline of the local government unit in the delivery of social welfare and
26 development programs and services;
- 27 (cc) *Social Worker* – refers to a licensed practitioner who by academic
28 training and social work professional experience possesses the skill to achieve
29 the objectives as defined and set by the social work profession, through the
30 use of the basic methods and techniques of social work (case work, group
31 work, and community organization) which are designed to enable individuals;
32 groups and communities to meet their needs and to solve the problems of

1 adjustment to a hanging pattern of society and, through coordination with an
2 organized social work agency which is supported partially or wholly from
3 government or community solicited funds;

4 (dd) *Step-Parent* – a parent who is married to the mother or father of a
5 child, but who is not that child’s biological mother or father.

6 (ee) *Surrendered Child* – a child whose parent(s) knowingly and voluntarily
7 relinquished parental authority to the Department or to a duly licensed Child-
8 Placing/Child-Caring Agencies;

9 (ff) *Supervised trial custody* – is a period of six (6) months within which the social
10 worker oversees the adjustment and emotional readiness of both the
11 adopter(s) and adoptee in stabilizing their filial relationship;

12 13 **ARTICLE II**

14 **PRE-ADOPTION SERVICES**

15 Sec. 5. *Services.* – It shall be the duty of the Department, child caring/placing
16 agencies, as well as city, municipal, or barangay social workers when appropriate, to
17 provide necessary and appropriate counselling services by licensed social workers to
18 the following:

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

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

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

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

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

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

17 Local government units shall ensure the provision of these services by the
18 enactment of policies, the allocation of funding, as well as implementation, as
19 mandated by R.A. No. 7160.

20 *Sec. 6. Location of Unknown Parent(s).* – It shall be the duty of the
21 Department, Local Government Unit or the child-placing or the child-caring agency
22 which has custody of the child to exert diligent efforts using, but not limited to tri-
23 media and any other possible means to locate his/her unknown biological parent(s)
24 or immediate relatives in order to determine his/her/their permanency plan over the
25 child. If such efforts fail, the child shall be registered as a foundling and
26 subsequently be the subject of administrative proceedings where he/she shall be
27 declared abandoned.

28 **ARTICLE III**

29 **ELIGIBILITY**

30 *Sec. 7. Who May Adopt.* – The following may adopt:
31

1 (a) Any Filipino citizen, at least twenty-five (25) years of age, in
2 possession of full civil capacity and legal rights, of good moral character, has
3 not been convicted of any crime involving moral turpitude, emotionally and
4 psychologically capable of caring for children, at least sixteen (16) years older
5 than the adoptee, and who is in a position to support and care for his/her
6 children in keeping with the means of the family. The requirement of sixteen
7 (16) year difference between the age of the adopter and the adoptee may be
8 waived when the adopter is the biological parent of the adoptee, or is the
9 spouse of the adoptee's parent; or

10 (b) A foreigner who seeks to adopt the legitimate son/daughter of
11 his/her Filipino spouse; or

12 (c) A foreigner who is married to a Filipino citizen and seeks to adopt
13 jointly with his/her spouse a relative within the fourth (4th) degree of
14 consanguinity or affinity of the Filipino spouse, provided the spouses are
15 habitually residing in the Philippines; or

16 (d) A foreigner possessing the same qualifications as above stated in
17 paragraph (a) for Filipino nationals, who may or may not be married to a
18 Filipino citizen and who wishes to adopt an unrelated child, provided he/she is
19 a permanent resident of the Philippines or has been living in the Philippines
20 for at least two (2) continuous years prior to the filing of the application for
21 adoption, and maintains such residence until the adoption decree is entered,
22 or

23 (e) The legal guardian with respect to the ward after the termination of
24 the guardianship and clearance of his/her financial accountabilities;

25 (f) The foster parent with respect to his/her foster child;

26 (g) The actual custodian with respect to the child or person who has
27 been under his/her care and whom he/she genuinely and consistently treated
28 as son or daughter;

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

30 (i) if one spouse seeks to adopt the legitimate son/daughter of the
31 other;

1 (ii) if one spouse seeks to adopt his/her own illegitimate son/daughter;
2 Provided, however, that the other spouse has signified his/her consent
3 thereto;

4 (iii) if the spouses are legally separated from each other.

5 In case husband and wife jointly adopt, or one spouse adopts his or her own
6 illegitimate son or daughter, joint parental authority shall be exercised by the
7 spouses.

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

9 (a) Any Filipino child below eighteen (18) years of age who has been
10 administratively or judicially declared available for adoption;

11 (b) The legitimate son/daughter of one spouse by the other spouse;

12 (c) An illegitimate son/daughter by a qualified adopter to improve his status
13 to that of legitimacy;

14 (d) A Filipino of legal age if, prior to the adoption, said person has been
15 consistently considered and treated by the adopter(s) as his/her own child
16 since minority;

17 (e) A foster child;

18 (f) A child whose adoption has been previously rescinded; or

19 (g) A child whose biological or adoptive parent(s) has died: *Provided*, That no
20 proceedings shall be initiated within six (6) months from the time of death
21 of said parent(s).

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

25 (a) the adoptee, if ten (10) years of age or over;

26 (b) the biological parent of the child, if known, or the legal guardian who has
27 legal custody of the child, except in the case of a Filipino of legal age if, prior
28 to the adoption, said person has been consistently considered and treated by
29 the adopter(s) as his/her own child since minority;

30 (c) the legitimate and adopted sons/daughters, ten (10) years of age or over,
31 with appropriate comprehension, of 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 to be adopted.

4 Sec. 10. *Documentary Requirements.* – The Prospective Adoptive Parent(s)
5 (PAPs) shall attach the following to the Petition for Adoption and shall submit the
6 same to the adoption resource and referral unit in the regional field office of the
7 Department:

- 8 (a) Home Study and Child Study Report duly prepared pursuant to the provisions
9 of R.A. No. 8552 as amended by R.A. No. 9523;
10 (b) Authenticated/security paper copies of birth record of the PAPs and the child;
11 (c) Authenticated/security paper copies of marriage Certificate, if the PAPs are
12 married; or Court Decision/Certificate of Finality, if annulled, divorced or
13 legally separated;
14 (d) NBI/Police Clearance; If foreigner, clearance from police authorities where he
15 or she has lived for more than twelve (12) months anytime in the past fifteen
16 (15) years;
17 (e) Written consent to the adoption by the biological parent(s) or the person(s)
18 exercising substitute parental authority over the child and the written consent
19 of the child if at least ten (10) years old, signed in the presence of the social
20 worker of the Department or child caring agency, or social worker if the child
21 placing agency for cases where the child is from a foster home, after proper
22 counseling as prescribed in this Act;
23 (f) Authenticated/security paper copies Death Certificate of biological parent(s),
24 as applicable;
25 (g) Original copy of the Certification Declaring a Child Legally Available for
26 Adoption (CDCLAA), as applicable;
27 (h) Result of recent medical evaluation of the child and PAPs;
28 (i) Mandatory Result of Psychological Evaluation of the PAPs, pursuant to R.A.
29 No. 8552, to ensure additional safety net for the child;
30 (j) Mandatory Result of Psychological Evaluation of the child, pursuant to R.A.
31 No. 8552, for children 5 years old and above;

1 (k) Child care plan with list of at least three temporary custodian of the child in
2 order of preference in case of death, absence or incapacity of the PAPs;

3 (l) Letter attesting to the character and general reputation of the PAPs from at
4 least three (3) non-related character references, of whom one must
5 preferably come from an employer/supervisor or with whom the PAP(s) have
6 business dealings. The contact details of the person attesting must be so
7 indicated in the letter;

8 (m) Recent close-up and whole body pictures of the child and PAPs taken within
9 the last six (6) months; and

10 (n) Documents showing the financial capacity of the PAPs (i.e. ITR, bank
11 account, certificate of employment etc.

12 The social worker of the Department, Local Government Unit and Child-
13 Caring/Placing Agencies is not precluded from asking for additional documents he
14 may deem necessary as proof of facts alleged in the petition or to establish a factual
15 claim.

16 17 **ARTICLE IV**

18 **PROCEDURE**

19 *Sec. 11. Case Study and Home Study Report.* – A licensed social worker from
20 the social service office of the local government unit, or any child-placing or child-
21 caring agency or an adoption social worker with at least three (3) years experience
22 in handling adoption cases, as certified by the department shall conduct a case study
23 of the adoptee, his/her biological parent(s), as well as the Home Study Report of the
24 adopter(s), pursuant to R.A. No. 8552 as amended by R.A. No. 9523, and shall
25 submit the report and recommendations on the matter to the respective Regional
26 Field Office of the Department as among the supporting documents of the petition.

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

29 *Sec. 12. Matching Process.* – There shall be a matching process for cases of
30 legally available children thirty (30) calendar days after the issuance of the CDCLAA
31 or the next matching conference, whichever is applicable. The matching of the child
32 to an approved prospective adoptive parent/s shall be carried out during the regular

1 matching conference by the Matching Committee in the regional level otherwise
2 called the Child Welfare Specialist Group (CWSG) where the social workers of the
3 child and the prospective adoptive parents are present. Subject to the approval of
4 the Department, the CWSG shall fix its own internal rules and procedures. However,
5 the records of children and approved prospective adoptive parent/s not matched
6 after two (2) presentations in the regional level shall be forwarded to the
7 Department's Central Office for inclusion in the interregional matching presentation;
8 Provided further that children with special needs shall be immediately forwarded if
9 not matched in the first meeting, except under special circumstances. The matching
10 proposal made by the CWSG shall be approved by the Department.

11 Cases of stepparent adoption, relative adoption, and adult adoption, shall not
12 undergo the matching process, provided that the child and the prospective adoptive
13 parent/s have been living in one household for not less than two (2) years. Instead,
14 the Department shall automatically issue the PAPA with Pre-adoption Placement
15 Authority (PAPA), as assessed and recommended by the social worker.

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

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

27 During said period, temporary parental authority shall be vested in the
28 adopter(s). The trial custody may be waived in cases of step-parent, relative and
29 adult adoptions, as assessed and recommended by the social worker.

30 Further, for regular cases, the STC may be reduced or lengthened or waived
31 depending on the assessment and recommendation of the social worker, and the
32 express consent of the prospective adoptive parents.

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

4 In case the adoption/placement did not prosper, the social worker must
5 provide the necessary services and interventions to ensure that the child is protected
6 and his/her needs are adequately responded.

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

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

21 The petition for administrative adoption shall be in the form of an affidavit
22 and shall be subscribed and sworn to by the petitioner(s) before any person
23 authorized by law to administer affirmations and oaths.

24 No subsequent petition for administrative adoption involving the same PAPs
25 shall be entertained unless the prior petition has attained finality.

26 *Sec. 16. Where to file the Petition.* – The petition together with complete and
27 original supporting documents shall be filed by the petitioner(s) with the DSWD
28 Regional Office of the city or municipality where the PAPs reside.

29 Upon receipt by the DSWD Regional Office of the petition and its supporting
30 documents, a copy of the petition shall be published once a week for three (3)
31 successive weeks in a newspaper of general circulation.

1 *Sec. 17. Administrative Adoption Process.* – The Regional Director shall review
2 the petition and its supporting documents. The identity of the child and the
3 petitioner, including the motivation to adopt, shall be personally determined by the
4 RD through the documents and interview with the petitioner and the child. The RD
5 shall have thirty (30) days to examine the petition and its supporting documents and
6 determine whether the same is sufficient in form and substance. After an extensive
7 personal interview with both the child and the petitioner, he or she shall render a
8 recommendation and forward the petition and its supporting documents within
9 seven (7) days from the expiration of the thirty (30) day period. The Secretary shall
10 act and decide on the recommendation within thirty (30) days from receipt thereof.

11 If the RD finds that the petition is insufficient in form or substance, the RD
12 shall return the same to the petitioner with a written explanation of its insufficiency.

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

22 *Sec. 19. Order of Adoption.* – If the supervised trial custody is satisfactory to
23 the parties and the Department is convinced that, from the trial custody report, the
24 petition and its supporting documents that the adoption shall redound to the best
25 interest of the child or prospective adoptee, the Secretary shall issue an Order of
26 Adoption which is registrable civil registry document stating the name by which the
27 child shall be known and shall likewise direct the following to perform the actions as
28 stated:

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

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

1 (a) to seal the original birth record in the civil registry records which
2 can be opened only upon order of the Secretary of the Department;
3 and
4 (b) to submit to the Department proof of compliance with all the
5 foregoing within thirty (30) days from receipt of the Order of Adoption.
6

7 An administrative adoption order obtained under this Act shall have the same
8 effect as a decree of adoption issued pursuant to R.A. No. 8552, otherwise known as
9 the "Domestic Adoption Act of 1998". A Motion for Reconsideration may be filed
10 within fifteen (15) days from an Order denying the adoption.

11 *Sec. 20. Judicial Recourse.* Orders of Adoption may be appealed before the
12 Court of Appeals within five days after notice to all the parties.

13 *Sec. 21. Benefits of Prospective Adoptive Parent(s).* – The prospective
14 adopter(s) shall enjoy all the benefits entitled to biological parents, including but not
15 limited to, maternity and paternity leave, the ability to add the adoptee as health/tax
16 dependents that can be availed through the Social Security System (SSS),
17 Department of Labor and Employment (DOLE), Bureau of Internal Revenue (BIR),
18 Health Maintenance Organization (HMO) providers, among others to which the
19 biological parent(s) is entitled from the date the adoptee is issued with PAPA.

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

27 *Sec. 23. Database.* – The Department shall keep a database showing the date
28 of issuance of the Order in each case, compliance by the Civil/Municipal Registrar
29 with the preceding section and all incidents arising after the issuance of the Order of
30 Adoption. This database shall be governed by the provision directly below, as well as
31 the provisions of R.A. No. 10173 or the "Data Privacy Act of 2012".

1 Sec. 28. *Succession.* – In legal and intestate succession, the adopter and the
2 adoptee shall have rights of succession without distinction from legitimate filiation.
3 However, if the adoptee and his/her biological parents had left a will, the law on
4 testamentary succession shall govern.
5

6 **ARTICLE VI**

7 **POST-ADOPTION SERVICES**

8 Sec. 29. *Search/Tracing of Biological Family.* – Upon reaching the age of
9 majority, an adoptee may seek the assistance of the Department, Local Government
10 Unit or the Child Caring/Placing Agency to trace his/her biological family and
11 eventually have a face to face meet-up. The right of the adoptee to know his or her
12 identity shall take precedence over any other considerations.

13 Sec. 30. *After-care Monitoring and Submission of Report.* – Upon finalization
14 of the adoption and the receipt of the amended birth certificate of the child, the
15 Department shall monitor the parent-child relationship to ensure that the adoption
16 redounded to the best interest of the child. A Closing Summary Report shall be
17 prepared by the handling social worker and submitted to the Office of the Secretary
18 of the Department after completing the after-care monitoring to the adopters and
19 adoptees.
20

21 **ARTICLE VII**

22 **RECISSION OF ADMINISTRATIVE ADOPTION**

23 Sec. 31. *Grounds for Rescission of Administrative Adoption.* – The adoption
24 may be rescinded only upon the petition of the adoptee with the Department, or
25 with the assistance of the SWDO if he is a minor, or if he is over eighteen (18) years
26 of age but is incapacitated or by his guardian on any of the following grounds
27 committed by the adopter(s):

- 28 (a) repeated physical or verbal maltreatment by the adopter despite having
29 undergone counselling;
30 (b) attempt on the life of the adoptee;
31 (c) sexual abuse or violence; or
32 (d) abandonment and failure to comply with parental obligations.

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

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

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

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

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

16 The Department shall order that the parental authority of the biological
17 parent of the adoptee be restored, if known and if in the best interest of the child, if
18 the adoptee is still a minor or incapacitated and declare that the reciprocal rights
19 and obligations of the adopter and the adoptee to each other shall be extinguished.
20 If the biological parent of the adoptee is not known, or if restoring his or her
21 parental authority over the adoptee is not to the latter's best interest, the
22 Department shall take legal custody over him or her.

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

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

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

31 Sec. 36. *Service of Decision.* – A certified true copy of the decision shall be
32 served by the petitioner upon the Civil Registrar concerned within thirty (30) days.

1 The Civil Registrar shall forthwith enter the rescission order in the register and
2 submit proof of compliance to the Department within thirty (30) days from receipt of
3 the order.

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

8 **ARTICLE VIII**

9 **VIOLATION AND PENALTIES**

10 *Sec. 37. Violations and Penalties. –*

11 (a) The penalty of imprisonment ranging from six (6) years and one (1) day
12 to twelve (12) years and/or a fine not less than Fifty thousand pesos (P50,000.00),
13 but not more than Two hundred thousand pesos (P200,000.00) at the discretion of
14 the court shall be imposed on any person who shall commit any of the following
15 acts:

16 (i) obtaining consent for an adoption through coercion, undue influence,
17 fraud, improper material inducement, or other similar acts;

18 (ii) non-compliance with the procedures and safeguards provided by the law
19 for adoption; or

20 (iii) subjecting or exposing the child to be adopted to danger, abuse, or
21 exploitation.

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

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

30 Any person who shall violate established regulations relating to the
31 confidentiality and integrity of records, documents, and communications of adoption
32 applications, cases, and processes shall suffer the penalty of imprisonment ranging

1 from one (1) year and one (1) day to two (2) years, and/or a fine of not less than
2 Five thousand pesos (P5,000.00) but not more than Ten thousand pesos
3 (P10,000.00), at the discretion of the court.

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

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

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

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

25 Under this Act, adoption discrimination acts, including but not limited to,
26 labelling, shaming, bullying, negative stigma, among others, are prohibited. Any
27 person who shall commit said adoption discrimination acts shall be penalized with a
28 fine not less than Ten thousand pesos (P10,000.00) but not more than Twenty
29 thousand pesos (P20,000.00), at the discretion of the court.

30
31 **ARTICLE IX**
32 **FINAL PROVISIONS**

1 Sec. 38. *Information Dissemination.* – The Department, in coordination with
2 the Department of the Interior and Local Government (DILG), the Department of
3 Education (DepEd), the Department of Justice (DOJ), the Department of Health
4 (DOH), the Council for the Welfare of Children (CWC), Civil Service Commission
5 (CSC), Government Social Security System (GSIS), Association of Child-Caring
6 Agencies in the Philippines (ACCAP), League of Cities and Municipalities in the
7 Philippines shall disseminate to the public information regarding this Act and its
8 implementation.

9 Sec. 39. *Implementing Rules and Regulations.* – The Secretary, after due
10 consultation with the Philippine Statistics Authority (PSA), DOJ, DILG, DepEd, DOH,
11 Department of Labor and Employment (DOLE), National Bureau of Investigation
12 (NBI), Association of the Local Civil Registrars (LCR), Inter-Country Adoption Board
13 (ICAB), Juvenile Justice and Welfare Council (JJWC), National Council on Disability
14 Affairs (NCDA), Department of Foreign Affairs (DFA), Child's Rights Network,
15 Philhealth, Social Security System (SSS), Council for the Welfare of Children (CWC)
16 and Office of the Solicitor General, and two (2) private individuals representing child-
17 placing and child-caring agencies shall formulate the necessary guidelines to make
18 the provisions of this Act operative.

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

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

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

28 Sec. 43. *Transitory Clause.* All judicial petitions for domestic adoption pending
29 in court upon the passage of this Act may be withdrawn, and parties to the same
30 shall be given the option to avail of the benefits of this Act.

1 *Sec. 44. Separability Clause.* – If any provision or part of this Act is declared
2 unconstitutional or invalid, the remaining parts or provisions not affected shall
3 remain in full force and effect.

4 *Sec. 45. Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the Official Gazette or in a newspaper of general circulation.

Adopted,