

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

7 SEP 24 1977

SENATE  
S. No. 1634

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 13, provides:

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

In line with this policy, the Department of Social Welfare and Development (DSWD) crafted a list of their Priority Legislative Agenda. Among the problems that the DSWD pinpointed is the long adoption process in the country. The DSWD sees the need to shorten the adoption process to facilitate the transfer of an abandoned child to a family-based care which is more responsive to his or her developmental needs. Since the resolution for the declaration of abandonment is currently lodged at our courts, in most cases, whole adoption process is delayed.

The DSWD recognizes that adoption is the best alternative parental arrangement for abandoned and neglected children. Family-based care is more responsive to the developmental needs of children instead of a long institutional care. With the passage of this bill, the adoption process will be shortened and can now be easily availed of.

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*[Signature]*



1 (1) There is physical neglect when the child is malnourished, ill clad and  
2 without proper shelter. A child is unattended when left by himself  
3 without provisions for his needs or without proper supervision.

4 (2) Emotional neglect exists when the child is maltreated, raped or  
5 seduced, exploited, overworked or made to work under conditions not  
6 conducive to good health; made to beg in the streets or public places,  
7 or in moral danger, exposed to gambling, prostitution and other vices.

8 (d) "Voluntary committed child" refers to a child whose parent, guardian or any  
9 relative having custody over him knowingly and willfully relinquishes  
10 parental authority to the Department of Social Welfare and Development  
11 (DSWD).

12 (e) "Child legally available for adoption" refers to a child in whose favor  
13 certification was issued by the DSWD that he is legally available for adoption  
14 after that the fact of abandonment or neglect has been proven through the  
15 submission of pertinent documents, or one who was voluntarily committed.

16 (f) "Child caring agency" refers to a duly licensed and accredited agency by the  
17 DSWD that provides twenty-four (24) hour residential care services for  
18 abandoned, orphaned, neglected or voluntarily committed children.

19 (g) "Child placing agency" refers to an institution licensed by the DSWD to  
20 assume the care, custody, protection and maintenance of children for purposes  
21 of adoption, guardianship or foster care.

22 (h) "Petitioner" refers to any child caring agency or child placing agency or any  
23 other person who files a petition for certification to declare a surrendered,  
24 abandoned, or neglected child in his custody legally available for adoption.

25 (i) "Secretary" refers to the Secretary of the DSWD or his duly authorized  
26 representative.

27 SECTION 3. *Petition.* – For abandoned and neglected children, petitioner shall  
28 file a petition with the DSWD for certification that a child in his custody is legally

1 available. The petition shall be in the form of a duly notarized affidavit. It shall contain  
2 facts necessary to establish the merits of the petition and shall state the circumstance  
3 surrounding the abandonment and neglect of the child.

4 The petition shall be supported by the following documents:

5 (a) Case study made by a licensed social worker of the local  
6 government unit or the DSWD or licensed and accredited child  
7 caring agencies or child placing agency charged with the custody  
8 of the child;

9 (b) Proof that efforts were made to locate the parents or any known  
10 relatives of the child. The following shall be considered sufficient  
11 proof:

12 (1) Written certification from a radio or television station that the case  
13 was aired on three different radio stations.

14 (2) Publication in two newspaper of general circulations;

15 (3) *Returned registered mail to the last known address of the parents*  
16 *or known relatives if applicable; and*

17 (4) Police or barangay report.

18 (5) Birth certificate or foundling certificate; and

19 (6) Recent photograph of the child.

20 The petition shall be filed in the Regional Office of the DSWD where the child  
21 was found or abandoned.

22 The Regional Director shall act on the same and shall render to recommendation  
23 not later than five (5) working days from receipt thereof. He shall transmit a copy of his  
24 recommendation and records to the Office of the Secretary of the DSWD within five (5)  
25 working days from the date of the recommendation.

26 The Secretary shall review the petition and the supporting documents. Upon  
27 finding the merit in the petition, he shall issue a certification declaring the child legally  
28 available for adoption with ten (10) working days from the receipt of the  
29 recommendation.

1           The decision of the Secretary shall be appealable to the regular courts: Provided,  
2   that the child has not been placed for adoption.

3           SECTION 4. *Voluntary Commitment.* – In case of voluntary commitment, the  
4   certification declaring the child legally free for adoption shall be issued by the Secretary  
5   within ten (10 ) days from the receipt of the Deed of Voluntary Commitment (DVC) and  
6   other supporting documents. The DVC shall be submitted to the office of the Secretary  
7   only after the completion of the three (3) months prescriptive period following its signing  
8   by the parent, guardian or any relative having custody of the child.

9           Any petition for restoration of parental authority may be filed by the parent,  
10   guardian or any relative with the DSWD or child caring or child placing agency having  
11   custody of the child within three months after the signing of the DVC.

12          SECTION 5. *Certification.* – The certification that a child is legally available for  
13   adoption issued by the DSWD shall be considered a prerequisite in all adoption  
14   proceedings. For all intents and purposes, it shall be the primary evidence that the child is  
15   legally available in a domestic adoption proceeding as provided in Republic Act No.  
16   8552 and in an inter-country adoption proceeding, as provided in Republic Act No. 8043.

17          SECTION 6. *Implementing Rules and Regulations.* – The DSWD, together with  
18   the Council for the Welfare of Children, the National Statistics Office and two private  
19   individuals representing child placing and child caring agencies, is hereby tasked to draft  
20   the implementing rules and regulations of this Act within sixty (60) days following its  
21   effectivity.

22          SECTION 7. *Penalty.* – The penalty of Fifty Thousand Pesos (P 50,000.00) but  
23   not more than Two Hundred Thousand Pesos (P 200,000.00) shall be imposed on any  
24   person who shall place out a child for adoption or any form of alternative home  
25   placement without a DSWD certification that the child is legally available for adoption.

1 Any agency found violating any provision of this Act shall cause the revocation  
2 of its license to operate without prejudice to the criminal prosecution of its officers and  
3 employees.

4 SECTION 8. *Repealing Clause.* - Section 2(c), 3(e), (h) and 8 (a) of Republic Act  
5 8552, Section 3(f) of Republic Act No. 8043, Title VIII, Chapter 1 of Presidential Decree  
6 No. 603 and any law, presidential decree or issuance, executive order, letter of  
7 instruction, administrative order, rule or regulation contrary to or inconsistent with the  
8 provisions of this Act are hereby repealed, modified or amended accordingly.

9 SECTION 9. *Separability Clause.* – If any provision or part hereof is held invalid  
10 or unconstitutional, the remainder of the law or the provision not otherwise affected shall  
11 remain valid and subsisting.

12 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
13 after its publication in at least two (2) newspapers of general circulation.

Approved.