



Senate
Office of the Secretary

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

13 AUG -8 P2 59

SENATE
S. B. No. **1261**

RECEIVED BY: *ji*

Introduced by Senator Maria Lourdes Nancy S. Binay

EXPLANATORY NOTE

In accordance with the tenets set forth in the United Nations ("UN") Convention on the Rights of the Child; UN Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption; and the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption, the paramount consideration in adoption shall be the best interest of children.

Notwithstanding this noble intent, the continuing disparate treatment under Republic Act No. 8552, otherwise known as the Domestic Adoption Act of 1998, between legitimate and adopted children in terms of successional rights have institutionalized a social stigma on adopted children relegating them to a "second class of legitimate children". Consistent with the principle that our laws should endeavor to protect the best interest of children, regardless of status, the proposed law seeks to grant adopted children the same successional rights as legitimate children.

In view of the foregoing, the timely passage of this bill is earnestly recommended.

MARIA LOURDES NANCY S. BINAY
Senator





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

13 AUG -8 P2 59

SENATE
S. B. No. 1261

RECEIVED BY: jin

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT IMPROVING THE STATUS OF ADOPTED CHILDREN
AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS
THE DOMESTIC ADOPTION ACT OF 1998, AND FOR OTHER PURPOSES

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

SECTION 1. Declaration of Policy. It shall be the policy of the State to promote domestic adoption.

SECTION 2. Section 18 of Republic Act No. 8552, otherwise known as the Domestic Adoption Act of 1998 is hereby amended to read:

“Section 18. *Successional Rights.* – [In legal and intestate succession, the] **THE** adopter(s) [and the adoptee] shall have [reciprocal rights of succession] **THE RIGHT TO SUCCEED FROM THE ADOPTEE** without distinction from legitimate filiation. **ADOPTED CHILDREN SHALL ENJOY FULL SUCCESSIONAL RIGHTS SIMILAR TO LEGITIMATE CHILDREN WITHOUT DISCRIMINATION AND/OR DISTINCTION OF ANY KIND WHATSOEVER.**”

SECTION 3. Retroactive Effect. Section 2 of this Act shall be given retroactive effect except in cases where vested rights are impaired.

SECTION 4. Repealing Clause. All other laws, decrees, orders, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 5. Separability Clause. Should any part or provision of this Act be declared unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby shall remain in full force and effect.

SECTION 6. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,