



SENATE

S. No. 2081

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PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES  
ON WOMEN, CHILDREN, FAMILY RELATIONS AND  
GENDER EQUALITY; AND SOCIAL JUSTICE, WELFARE AND  
RURAL DEVELOPMENT WITH SENATORS POE,  
HONTIVEROS AND DE LIMA AS AUTHORS THEREOF

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AN ACT GRANTING AMNESTY FOR SIMULATED  
BIRTHS, ALLOWING THE RECTIFICATION OF  
SIMULATED BIRTH RECORDS THROUGH  
ADMINISTRATIVE ADOPTION AND FOR OTHER  
PURPOSES

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

1 ARTICLE I

2 GENERAL PROVISIONS

3 SECTION 1. *Short Title.* – This Act shall be known as  
4 the “Simulated Birth Rectification Act of 2018”.

5 SEC. 2. *Objectives.* – This Act has the following  
6 objectives:

1           (a) To grant amnesty and allow the rectification of the  
2 simulated birth of a child where the simulation was made  
3 for the best interest of the child, and that such child has  
4 been consistently considered and treated by the person or  
5 persons who simulated such birth as her, his, or their own  
6 daughter or son;

7           (b) To fix the status and filiation of a child whose  
8 birth was simulated by giving such child all the benefits of  
9 adoption and ensuring that the child shall be entitled to all  
10 the rights provided by law to legally adopted children,  
11 without any discrimination of any kind, as well as to love,  
12 guidance, and support from the child's adoptive family;

13           (c) To exempt from criminal, civil, and administrative  
14 liability those who simulated the birth record of a child  
15 prior to the effectivity of this Act: *Provided*, That an  
16 application for the rectification of the simulated birth  
17 record is filed within ten (10) years from the effectivity of  
18 this Act;

1           (d) To provide for and allow a simpler and less costly  
2 administrative adoption proceeding where the child has  
3 been living with the person or persons who simulated her  
4 or his birth record for at least three (3) years before the  
5 effectivity of this Act; and

6           (e) To educate and inform the public about the  
7 rectification of simulated births, and to encourage people to  
8 avail of the benefits of this Act.

9           SEC. 3. *Definition of Terms.* – As used in this Act:

10           (a) *Certification Declaring a Child Legally Available*  
11 *for Adoption (CDCLAA)* refers to a document signed by the  
12 Secretary of the Department of Social Welfare and  
13 Development (DSWD) or her/his duly authorized  
14 representative, administratively declaring that a child is  
15 legally available for adoption which terminates the rights  
16 of the biological parents, guardian, or other custodian to  
17 exercise authority over the child upon issuance of the  
18 certificate;

1           (b) *Child* refers to a person below eighteen (18) years  
2 of age, or a person eighteen (18) years of age or over who is  
3 unable to fully take care of himself or herself or protect  
4 himself or herself from abuse, neglect, cruelty, exploitation,  
5 or discrimination because of a physical or mental disability  
6 or condition, whose birth was simulated;

7           (c) *Child Legally Available for Adoption* refers to a  
8 child in whose favor a certification is issued by the DSWD  
9 stating that such child is legally available for adoption  
10 after it has been established that her or his birth was  
11 simulated and that the conditions provided for in this Act  
12 to allow the rectification of such simulated birth are  
13 present;

14           (d) *Foundling* refers to a child who is abandoned and  
15 whose parentage is unknown;

16           (e) *Regional Director* refers to the head of a field office  
17 of the DSWD;

18           (f) *Secretary* refers to the Secretary of the DSWD;

(h) *Social Welfare and Development Officer (SWDO)* refers to the head of a city or municipal social welfare and development office, which serves as the frontline of a city or municipal government in the delivery of social welfare and development programs and services.

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14 Notwithstanding any provision of law to the contrary, a  
15 person or persons who, prior to the effectivity of this Act,  
16 simulated the birth of a child, and those who cooperated in  
17 the execution of such simulation, shall be granted amnesty  
18 and shall not be criminally, civilly, or administratively  
19 liable for such act: *Provided*, That the simulation of birth

1 was made for the best interest of the child, and that the  
2 child has been consistently considered and treated by such  
3 person or persons as her, his, or their own daughter or son:  
4 *Provided, further,* That such person or persons has or have  
5 filed an application for the rectification of the simulated  
6 birth with administrative petition for adoption within ten  
7 (10) years from the effectivity of this Act.

8 SEC. 5. *Administrative Adoption and Rectification.* –

9 A person or persons who simulated the birth of a child  
10 under the conditions provided under Section 4 of this Act  
11 may avail of administrative proceedings for the adoption  
12 and rectification of the simulated birth of such child:  
13 *Provided,* That the child has been living with the person  
14 for at least three (3) years before the effectivity of this Act.

15 SEC. 6. *Non-admissible Evidence.* – All petitions,  
16 documents, records, and papers relating to adoption and  
17 rectification of simulated births under this Act cannot be  
18 used as evidence against those who simulated the birth of  
19 a child or who cooperated in the execution of such

1 simulation in any criminal, civil, or administrative  
2 proceeding.

3 ARTICLE III

4 ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE

5 ADOPTION

6 SEC. 7. *Personal Qualifications.* – Adopters must:

7 (a) Be Filipino citizens, and of legal age;

8 (b) Possess full civil capacity and legal rights;

9 (c) Be of good moral character;

10 (d) Have not been convicted of any crime involving  
11 moral turpitude;

12 (e) Be emotionally and psychologically capable of  
13 caring for children; and

14 (f) Be in a position to support and care for the child  
15 in keeping with the means of the family.

16 SEC. 8. *Required Consent.* – After being properly  
17 counseled and informed of the right to give or withhold



1 approval of the adoption, the written consent of the  
2 following shall be required:

3 (a) The adoptee, if ten (10) years of age or over;

4 (b) The biological parent of the child, if known and  
5 can be located;

6 (c) The legitimate and adopted sons and daughters,  
7 ten (10) years of age or over, of the adopter and adoptee, if  
8 any;

9 (d) The illegitimate sons and daughters, ten (10)  
10 years of age or over, of the adopter if living with said  
11 adopter and the latter's spouse, if any; and

12 (e) The spouse, if any, of the adoptee.

#### 13 ARTICLE IV

##### 14 ADMINISTRATIVE ADOPTION PROCEDURE

15 SEC. 9. *Application for Rectification with Petition for*  
16 *Administrative Adoption.* – The application for rectification  
17 of simulated birth with petition for administrative  
18 adoption shall be in the form of an affidavit, and shall be  
19 subscribed and sworn to by the petitioner or petitioners



1 before any person authorized by law to administer  
2 affirmations and oaths. It shall state the facts necessary to  
3 establish the merits of the petition, the circumstances  
4 surrounding the simulation of the birth of the child. The  
5 petition shall be supported by the following:

6 (a) A copy of simulated birth or foundling certificate  
7 of the child;

8 (b) Affidavit of admission if the simulation of birth  
9 was done by a third person;

10 (c) Certification issued and signed by the *Punong*  
11 *Barangay* attesting that the petitioner or petitioners is a  
12 resident or are residents of the barangay, and that the  
13 child has been living with the petitioner or petitioners for  
14 at least three (3) years prior to the effectivity of this Act;

15 (d) Affidavits of at least two (2) disinterested persons,  
16 who reside in the same barangay where the child resides,  
17 attesting that the child has been living with the petitioner  
18 for at least three (3) years prior to the effectivity of this  
19 Act;

1 (e) CDCLAA issued by the DSWD; and

2 (f) Photographs of the child and the petitioner or  
3 petitioners taken within the last three (3) months.

4 If the adoptee is a relative of the adopter within the  
5 fourth degree of consanguinity or affinity, a CDCLAA shall  
6 no longer be required. If the adoptee is already an adult, a  
7 CDCLAA shall no longer be required.

8 SEC. 10. *Procedure.* – The application for rectification  
9 of simulated birth with petition for administrative  
10 adoption shall be filed with the Office of the Social Welfare  
11 and Development Officer (SWDO) of the city or  
12 municipality where the child resides. The SWDO shall  
13 have seven (7) days to examine the petition and its  
14 supporting documents and determine whether the same is  
15 sufficient in form and substance. If the SWDO finds that  
16 the petition is insufficient in form or substance, the SWDO  
17 shall return the same to the petitioner with a written  
18 explanation of its insufficiency. If the SWDO finds the  
19 petition sufficient in form and substance, the SWDO shall

1 forward the petition and supporting documents within  
2 three (3) days to the Regional Director.

3 The Regional Director shall review the petition,  
4 establish the identity of the child, and prepare a  
5 recommendation on the petition, and submit it with a copy  
6 of the petition and its supporting documents to the  
7 Secretary not later than thirty (30) days from receipt  
8 thereof. The Regional Director may require the applicant-  
9 petitioner to submit additional information or evidence to  
10 support the application and petition. The failure of the  
11 applicant-petitioner to comply with such request shall not  
12 preclude the Regional Director from acting on the  
13 application and petition based on the evidence on hand.

14 The Secretary of the DSWD shall act and decide on  
15 the petition within thirty (30) days from receipt of the  
16 recommendation of the Regional Director.

17 SEC. 11. *Order of Adoption.* – If the Secretary  
18 determines that the adoption shall redound to the best  
19 interest of the child, an order of adoption shall be issued

1    which shall take effect on the date the petition was filed  
2    with the Office of the SWDO, even if the petitioner dies  
3    before its issuance.

4           The order of adoption shall state the name by which  
5    the adoptee shall be known and shall likewise direct the:

6           (a) Cancellation of the simulated birth record of the  
7    child;

8           (b) Issuance of the rectified birth record bearing the  
9    names of the biological parents of the child or the foundling  
10   certificate; and

11          (c) Issuance of an amended birth certificate.

12          An administrative adoption order obtained under this  
13   Act shall have the same effect as a decree of adoption  
14   issued pursuant to Republic Act No.8552, otherwise known  
15   as the "Domestic Adoption Act of 1998".

16          SEC. 12. *Civil Registry Record.* – The DSWD  
17   Secretary shall immediately transmit the Order of  
18   Adoption to the appropriate Local Civil Registrar, and  
19   provide a copy to the concerned DSWD Regional Office.

1 The Local Civil Registrar shall stamp the simulated birth  
2 record "cancelled" with an annotation of the issuance of a  
3 new rectified certificate of birth in its place. The rectified  
4 birth certificate bearing the names of the biological parents  
5 of the child or the foundling certificate shall then likewise  
6 be stamped "cancelled" with the annotation of the issuance  
7 of an amended certificate in its place, and shall be sealed  
8 in the civil registry records. Thereafter, the Local Civil  
9 Registrar shall record, register, and issue an amended  
10 certificate of birth which shall not bear any notation that is  
11 a new or amended issue,

12 SEC. 13. *Socialized Fees.* — The city or municipal  
13 SWDO, the Regional Director, and the Office of the Local  
14 Civil Registrar may charge socialized fees to those who  
15 avail of the administrative adoption proceedings under this  
16 Act. Fees shall be waived if the applicant-petitioner is  
17 indigent.

18 SEC. 14. *Confidentiality.* — All petitions, documents,  
19 records, and papers relating to administrative adoption

1 proceedings in the files of the city or municipal SWDOs,  
2 the DSWD Central and Field Offices, or any other agency  
3 or institution participating in such proceedings shall be  
4 strictly confidential. The disclosure of any information to a  
5 third person shall only be allowed if it is necessary for  
6 security reasons or for purposes connected with or arising  
7 out of the administrative adoption and if it is for the best  
8 interest of the adoptee, upon her or his appropriate  
9 request. The Secretary may, upon appropriate request,  
10 order the necessary information released, restricting the  
11 purposes for which it may be used.

## 12 ARTICLE V

### 13 EFFECTS OF ADMINISTRATIVE ADOPTION

14 SEC. 15. *Legitimacy.* – The adoptee shall be  
15 considered the legitimate son or daughter of the adopter  
16 for all intents and purposes and as such is entitled to all  
17 rights and obligations provided by law to legitimate sons or  
18 daughters born to them without discrimination of any  
19 kind. To this end, the adoptee is entitled to love, guidance,  
20 and support in keeping with the means of the family.



5           SEC. 17. *Succession.* – In legal and intestate  
6 succession, the adopter and the adoptee shall have  
7 reciprocal rights of succession without distinction from  
8 legitimate filiation. However, if the adoptee and his or her  
9 biological parents left a will, the law on testamentary  
10 succession shall govern.

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18 (a) Repeated physical or verbal maltreatment by the  
19 adopter;



- 1 (b) Attempt on the life of the adoptee;
- 2 (c) Sexual assault or violence;
- 3 (d) Abandonment and failure to comply with parental
- 4 obligations; or
- 5 (e) Other acts that are detrimental to the
- 6 psychological and emotional development of the adoptee.

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

11 SEC. 19. *Rescission of Administrative Adoption.* – The  
12 process for administrative adoption as provided under  
13 Section 10 of this Act shall apply to the rescission of  
14 administrative adoption: *Provided*, That the concerned  
15 SWDO, Regional Director, and the Secretary shall act on  
16 the petition for rescission immediately bearing in mind the  
17 best interest of the child.

18 SEC. 20. *Effects of Rescission.* – If the petition for  
19 rescission of administrative adoption is granted by the

1 Secretary, the parental authority of the adoptee's biological  
2 parents, if known, shall be restored if the adoptee is still a  
3 minor or incapacitated. The reciprocal rights and  
4 obligations of the adopter and adoptee to each other shall  
5 be extinguished.

6 The Secretary shall furnish a copy of the order of  
7 rescission to the Local Civil Registrar concerned who shall  
8 thereafter cancel the amended certificate of birth of the  
9 adoptee, and restore the adoptee's rectified birth certificate  
10 bearing the name/s of the latter's biological parents, or the  
11 foundling certificate, as the case may be.

12 Successional rights shall revert to its status prior to  
13 adoption, but only as of the date of judgment of  
14 administrative rescission. Vested rights acquired prior to  
15 administrative rescission shall be respected.

16 All the foregoing effects of rescission of adoption shall  
17 be without prejudice to the penalties imposable under the  
18 Revised Penal Code if the criminal acts are proven.

## ARTICLE VII

## VIOLATIONS AND PENALTIES

SEC. 21. *Violations and Penalties.* – The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine not less than Two hundred thousand pesos (P200,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

(a) Obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;

(b) Noncompliance with the procedures and safeguards provided by law for the adoption; or

(c) Subjecting or exposing the child to be adopted to danger, abuse, or exploitation.

## ARTICLE VIII

## FINAL PROVISIONS

SEC. 22. *Information Dissemination.* – The DSWD, in coordination with the Department of the Interior and Local

1 Government (DILG), the Philippine Commission on  
2 Women (PCW), the Council for the Welfare of Children  
3 (CWC) and the Philippine Statistics Authority (PSA) shall  
4 disseminate to the public information regarding this Act  
5 and its implementation.

6       SEC. 23. *Implementing Rules and Regulations.* – The  
7 Secretary, after due consultation with the PSA, the DILG,  
8 the PCW, and the CWC, together with representatives  
9 from the Local Civil Registrar, parents and children shall  
10 issue rules and regulations for the effective  
11 implementation of this Act within thirty (30) days from its  
12 effectivity.

13       SEC. 24. *Repealing Clause.* – Section 22 of Republic  
14 Act No. 8552 is hereby repealed. All other laws, decrees,  
15 letters of instruction, executive issuances, resolutions,  
16 orders or parts thereof which are inconsistent with the  
17 provision of this Act are hereby repealed, modified, or  
18 amended accordingly.

1           SEC. 25. *Separability Clause.* – If any provision or  
2 part of this Act is declared unconstitutional or invalid, the  
3 remaining parts or provisions not affected shall remain in  
4 full force and effect.

5           SEC. 26. *Effectivity.* – This Act shall take effect fifteen  
6 (15) days after its publication in the *Official Gazette* or in a  
7 newspaper of general circulation.

Approved,