


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

7 JUL 18 2001

SENATE

S.B. NO. 1245

RECEIVED BY: 

Introduced by Senator Francis N. Pangilinan

EXPLANATORY NOTE

It is a fact that most "adoptions" in the Philippines have been and continue to be handled through "simulation of birth". It is estimated that there are several hundred thousand Filipinos who have been "informally" adopted in this manner. In these cases, because the assumed filiation under simulated births have no legal basis, the child is deprived of the benefits and legal adopted children.

The Domestic Adoption Act of 1998 which was signed into law on February 25, 1998 and which took effect on March 22, 1998, provides for an amnesty from pecuniary and penal sanctions for those who have been falsified the birth certificate/s of minor/s in their custody through the registration of a simulated birth certificates.

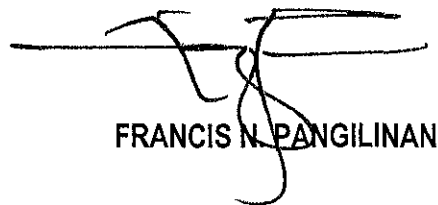
Since CY 1998 to CY 2001, only a total of 364 applicants have availed of the amnesty against the estimated number of those who simulated the birth registration of minors.

The low number of applicants can be attributed to the unreadiness of the "parents" to legalize the adoption and their ambivalence to tell the child of his/her legal status. Also, it was known that parents complained about the tedious process in the rectification of the simulated birth. Further, the public has misconception towards the amnesty provided by law.

In view of the above, educating and informing the public on the facts of rectification of the simulated birth requires time, effort and money. For those who falsified birth certificates, the amnesty period given to them expired last March 2003. The information dissemination efforts of the concerned agencies to encourage the people to avail of the amnesty was ineffective. Hence, an amendment seeking the extension of the deadline is hereby proposed.

It is important that this proposed bill extending the deadline for the rectification of simulated births to March 2008 or ten years from March 1998, the effectivity date of R.A. No. 8552, be passed by Congress to allow those who wish to avail of the amnesty to comply with the provisions provided by law and to have the opportunity to fully enjoy the benefits of a legally adopted child.

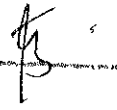
For this reason, the approval of this bill is earnestly sought.


FRANCIS N. PANGILINAN

FOURTEENTH CONGRESS OF THE REPUBLIC }
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AN ACT
EXTENDING THE PRESCRIPTIVE PERIOD FOR RECTIFICATION OF SIMULATED BIRTHS
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE
"DOMESTIC ADOPTION ACT OF 1998"

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

1 **SECTION 1.** Section 22 of Republic Act No. 8552 is hereby amended to read as follows:

2 "SEC. 22. *Rectification of Simulated Births.* - A person who has, [prior to the
3 effectivity of this Act,] simulated birth of a child shall not be punished for such act:
4 *Provided,* That the simulation was made for the best interest of the child and that he/she
5 is consistently considered and treated by that person as his/her own son/daughter:
6 *Provided, further,* That the application for the correction of the birth registration and
7 petition for adoption shall be filed within [five(5)] **TEN (10)** years from the effectivity of this
8 Act and completed thereafter: *Provided, finally,* That such person complies with the
9 procedures as specified in Article IV of this Act and other requirements as determined by
10 the Department."

11 **SEC. 2.** This Act shall take effect fifteen (15) days following its publication in any two (2)
12 newspapers of general circulation or in the Official Gazette.

Approved,