

TENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
FIRST REGULAR SESSION )

'96 MAY 13 P 2:35

RECEIVED BY: PH

SENATE  
S.B. No. 1523

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The present laws on domestic adoption are The Family Code (Executive Order No. 209 as amended by Executive Order No. 227) and The Child and Youth Welfare Code (PD No. 603). These laws, however, contain deficiencies relating to the:

1. Exclusion of qualified alien residents from adopting locally;
2. Rescission of adoption where the adopted is a minor;
3. Classification of successional rights among the adopted, his biological family, and his adoptive family;
4. Denial of maternity leave for adoptive parents;
5. Absence of penalties for the disregard of adoption laws or procedures; and,
6. Persistent problems of "simulated births."

All existing laws on adoption, including the Family Code, the Child and Youth Welfare Code and the Inter-Country Adoption Act of 1995 (Republic Act No. 8043), underscore the precedence of domestic adoption over inter-country adoption. Nevertheless, domestic adoption continues to be deprived of the priority and importance that it deserves.

The bill seeks to:

1. Correct the prevailing imbalance in the attention given to inter-country adoption as compared to domestic adoption;
2. Ensure that adequate resources are available for domestic adoption promotion and services; and,
3. Rectify the inadequacies in prevailing laws on domestic adoption.

  
MIRIAM DEFENSOR SANTIAGO

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**AN ACT**  
**ESTABLISHING THE RULES TO GOVERN THE ADOPTION OF FILIPINO**  
**CHILDREN IN THE PHILIPPINES**

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

**Article I**  
**GENERAL PROVISIONS**

**SECTION 1. Short Title.** This Act shall be known as the **"DOMESTIC**  
**ADOPTION ACT OF 1996."**

**SECTION 2. Declaration of Policy.** IT IS HEREBY THE POLICY OF THE  
STATE:

(1) TO EXERT ALL EFFORTS TO ENSURE THAT EACH CHILD REMAINS  
UNDER THE CARE AND CUSTODY OF HIS OR HER PARENTS. ONLY WHEN  
SUCH EFFORTS PROVE INSUFFICIENT AND NO APPROPRIATE PLACEMENT  
OR ADOPTION WITHIN THE CHILD'S EXTENDED FAMILY IS AVAILABLE  
SHALL ADOPTION BY AN UNRELATED PERSON BE CONSIDERED;

(2) TO ENSURE THAT THE BEST INTEREST OF THE CHILD SHALL BE  
THE PARAMOUNT CONSIDERATION IN ALL ADOPTION PROCEDURES;

(3) TO PROVIDE EVERY NEGLECTED, ORPHANED, SURRENDERED OR  
ABANDONED CHILD WITH A FAMILY THAT WILL PROVIDE SUCH CHILD

WITH LOVE AND CARE AS WELL AS OPPORTUNITIES FOR GROWTH AND DEVELOPMENT. TOWARDS THIS END, EFFORTS SHALL BE EXERTED TO PROMOTE DOMESTIC ADOPTION AND TO PLACE THE CHILD WITH AN ADOPTIVE FAMILY OR PARENT IN THE PHILIPPINES;

(4) TO CONDUCT PUBLIC EDUCATION TO PROMOTE A POSITIVE ENVIRONMENT FOR ADOPTION;

(5) TO ENSURE THAT SUFFICIENT CAPACITY EXISTS WITHIN GOVERNMENT AND PRIVATE SECTOR AGENCIES TO HANDLE ADOPTION INQUIRIES, PROCESS DOMESTIC ADOPTION APPLICATIONS AND OFFER ADOPTION-RELATED SERVICES, INCLUDING PARENT PREPARATION AND POST ADOPTION EDUCATION AND COUNSELLING; AND,

(6) TO CONSIDER INTER-COUNTRY ADOPTION ONLY AS A LAST RESORT, AFTER ALL POSSIBILITIES FOR THE DOMESTIC ADOPTION OF THE CHILD HAVE BEEN EXHAUSTED.

**SECTION 3. DEFINITION OF TERMS.** AS USED IN THIS ACT, THE TERM:

(1) "CHILD" REFERS TO A PERSON BELOW EIGHTEEN (18) YEARS OF AGE;

(2) "A CHILD LEGALLY AVAILABLE FOR ADOPTION" REFERS TO A CHILD WHO HAS BEEN VOLUNTARILY OR INVOLUNTARILY COMMITTED TO THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT IN ACCORDANCE WITH THE PROVISIONS OF THE CHILD AND YOUTH WELFARE CODE (PD NO. 603);

(3) "RESIDENT ALIEN" REFERS TO A PERSON RESIDING LEGALLY IN THE PHILIPPINES, INCLUDING AN ALIEN WHO IS LEGALLY PERMITTED TO WORK OR ENGAGE IN BUSINESS IN THE PHILIPPINES, A MEMBER OF THE DIPLOMATIC CORPS AND STAFF OF INTERNATIONAL ORGANIZATIONS BASED IN THE PHILIPPINES;

(4) "DEPARTMENT" REFERS TO THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT;

(5) "CHILD PLACEMENT AGENCY" REFERS TO AN AGENCY DULY LICENSED AND ACCREDITED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT TO PROVIDE COMPREHENSIVE CHILD PLACEMENT SERVICES INCLUDING RECEIVING APPLICATIONS FOR ADOPTION, EVALUATING THE PROSPECTIVE ADOPTIVE PARENTS AND PREPARING THE ADOPTION HOME STUDY;

(6) "CHILD CARING AGENCY" REFERS TO AN AGENCY DULY LICENSED AND ACCREDITED BY THE DEPARTMENT THAT PROVIDES TWENTY-FOUR (24) HOUR RESIDENT GROUP SERVICE FOR THE PHYSICAL, MENTAL, SOCIAL AND SPIRITUAL WELL-BEING OF NINE (9) OR MORE MENTALLY-GIFTED, DEPENDENT, ABANDONED, NEGLECTED, HANDICAPPED OR DISTURBED CHILDREN OR YOUTH OFFENDERS;

(7) "PRE-ADOPTION PLACEMENT AUTHORITY" REFERS TO THE DOCUMENT ISSUED BY THE DEPARTMENT AUTHORIZING THE PLACEMENT OF A CHILD WITH A PROSPECTIVE PARENT FOR A GIVEN PERIOD PREPARATORY TO ADOPTION; AND,

(8) "SIMULATION OF BIRTH" REFERS TO THE PRETENSION THAT A CHILD WAS BORN TO A WOMAN WHO IS NOT THE CHILD'S BIOLOGICAL MOTHER AND THE REGISTRATION OF THE CHILD IN THE REGISTRY OF BIRTHS AS SUCH.

## **Article II**

### **BIOLOGICAL PARENTS**

**SECTION 4. COUNSELLING SERVICES.** THE SERVICES OF LICENSED SOCIAL WORKERS SHALL BE PROVIDED TO BIOLOGICAL PARENTS CONTEMPLATING THE RELINQUISHMENT OF THEIR CHILD FOR ADOPTION.

COUNSELLING SHOULD BE PROVIDED TO THE BIOLOGICAL PARENTS, IF POSSIBLE, BEFORE AND AFTER THE BIRTH OF THE CHILD, TO ASSIST THEM IN CONSIDERING THE ALTERNATIVES FOR THE CHILD'S FUTURE AND THE IMPLICATIONS OF EACH ALTERNATIVE. NO BINDING COMMITMENT TO AN ADOPTION PLAN SHALL BE PERMITTED BEFORE THE BIRTH OF THE CHILD. A PERIOD OF SIX (6) MONTHS SHALL BE ALLOWED FOR THE BIOLOGICAL PARENTS TO RECONSIDER ANY DECISION TO RELINQUISH A CHILD FOR ADOPTION BEFORE THE DECISION BECOMES IRREVOCABLE. COUNSELLING AND REHABILITATION SERVICES SHOULD ALSO BE OFFERED TO THE BIOLOGICAL PARENTS AFTER THEY HAVE RELINQUISHED THE CHILD FOR ADOPTION.

**SECTION 5. Hurried Decisions.** In all proceedings for adoption, steps should be taken BY THE DEPARTMENT, BY THE DULY LICENSED AND ACCREDITED CHILD CARING AGENCY AND by the court to prevent the BIOLOGICAL [natural] parents from making hurried decisions caused by strain or anxiety to give up the child, and to ascertain that all measures to strengthen the family have been exhausted and that any prolonged stay of the child WITH THE BIOLOGICAL PARENTS [in his own home] will be inimical to the CHILD'S [his] welfare and SAFETY [interest].

**SECTION 6. UNKNOWN PARENTS.** IF THE BIOLOGICAL PARENTS ARE NOT KNOWN, THE DEPARTMENT, OR THE DULY LICENSED AND ACCREDITED CHILD CARING AGENCY WHICH HAS CUSTODY OF THE CHILD, SHOULD REGISTER THE CHILD AS A FOUNDLING. THEREAFTER, THE CHILD MAY BE THE SUBJECT OF COURT PROCEEDINGS WHERE HE OR SHE MAY BE DECLARED ABANDONED OR NEGLECTED AND IN THE LEGAL CUSTODY OF THE DEPARTMENT.

### **Article III**

#### **ELIGIBILITY AND PROCEDURE**

**SECTION 7. WHO MAY ADOPT.** A person of age and in possession of full civil capacity and legal rights may adopt, provided he OR SHE is in a position to support and care for his OR HER children, legitimate or illegitimate, in keeping with the means of the family.

In addition, the adopter must be at least sixteen (16) years older than the person to be adopted, unless the adopter is the BIOLOGICAL parent [by nature] of the adopted, or is the spouse of the legitimate parent of the person to be adopted.

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

- (1) When one spouse seeks to adopt his OR HER own illegitimate child; or
- (2) When one spouse seeks to adopt the legitimate child of the other; or
- (3) WHEN THE SPOUSES ARE LEGALLY SEPARATED FROM EACH

OTHER.

In case husband and wife jointly adopt or one spouse adopts the legitimate child of the other, joint parental authority shall be exercised by the spouses [in accordance with this Code].

**SECTION 8. WHO MAY BE ADOPTED.** Only minors may be adopted, except in cases where the adoption of a person of majority age is allowed UNDER THIS ACT [in this Title].

The following may not be adopted

- (1) A person of legal age, unless he or she is a BIOLOGICAL child [by nature] of the adopter or his or her spouse, or, prior to the adoption, said person HAS [had] been consistently considered and treated by the adopter as his or her own child during minority;
- (2) An alien with whose government the Republic of the Philippines has no

diplomatic relations; and,

(3) A person who has already been adopted unless such adoption has been previously [revoked or] rescinded OR UNLESS HIS OR HER ADOPTIVE PARENTS HAVE ALREADY DIED.

**SECTION 9. WHO MAY NOT ADOPT.** The following persons may not adopt:

(1) The guardian with respect to the ward prior to the approval of the final accounts rendered upon the termination of their guardianship relation;

(2) Any person who has been convicted of a crime PUNISHABLE BY IMPRISONMENT OF SIX (6) YEARS AND ONE (1) DAY OR HIGHER [involving moral turpitude];

(3) An alien, except:

(a) A former Filipino citizen who seeks to adopt a relative by consanguinity;

(b) One who seeks to adopt the legitimate child OR CHILDREN of his or her Filipino spouse; [or]

(c) One who is married to a Filipino citizen and seeks to adopt jointly with his or her spouse a relative by consanguinity of the latter; or,

(d) A RESIDENT ALIEN WHO HAS BEEN LIVING IN THE PHILIPPINES FOR AT LEAST THREE (3) YEARS PRIOR TO THE FILING OF THE APPLICATION FOR ADOPTION AND MAINTAINS SUCH RESIDENCE UNTIL THE ADOPTION DECREE IS ENTERED. THE ALIEN MUST BE ELIGIBLE TO ADOPT UNDER HIS OR HER NATIONAL LAW, PROVIDED THAT THE COUNTRY OF WHICH SUCH ALIEN IS A NATIONAL MAINTAINS DIPLOMATIC RELATIONS WITH THE PHILIPPINES.

AN ALIEN SEEKING TO ADOPT THROUGH THE DOMESTIC ADOPTION PROGRAM SHALL BE REQUIRED TO SUBMIT A CERTIFICATION ISSUED BY THE ALIEN'S DIPLOMATIC OR CONSULAR OFFICE OF HIS OR HER LEGAL

CAPACITY TO ADOPT AND OF THE ABSENCE OF ANY LEGAL IMPEDIMENT OR VIOLATION OF PUBLIC POLICY THAT WOULD BAR RECOGNITION BY THE ALIEN'S NATIONAL LAW OF THE PHILIPPINE DECREE OF ADOPTION. SUCH ALIEN MAY ALSO BE SUBJECT TO ADDITIONAL DOCUMENTARY REQUIREMENTS BY THE DEPARTMENT IN ORDER TO ASCERTAIN THAT THE ALIEN POSSESSES ALL THE QUALIFICATIONS AND NONE OF THE DISQUALIFICATIONS OF AN ADOPTIVE PARENT. ALIENS DISQUALIFIED TO ADOPT UNDER SECTION 9(3d) ABOVE MAY ADOPT FILIPINO CHILDREN IN ACCORDANCE WITH REPUBLIC ACT NO. 8043.

**SECTION 10. CHILD PLACEMENT AGENCIES.** ONLY AGENCIES WHICH HAVE BEEN DULY LICENSED AND ACCREDITED BY THE DEPARTMENT TO ACCEPT AND PROCESS APPLICATIONS FOR ADOPTION, CONDUCT THE ADOPTION HOME STUDY AND PROVIDE OTHER CHILD PLACEMENT-RELATED SERVICES ARE AUTHORIZED TO RENDER SUCH SERVICES. THE DEPARTMENT IS EMPOWERED TO DETERMINE A REASONABLE SCHEDULE OF FEES AND CHARGES THAT MAY BE EXACTED BY DULY LICENSED AND ACCREDITED CHILD PLACEMENT AGENCIES IN CONNECTION WITH THE APPLICATION FOR ADOPTION.

**SECTION 11. Case Study.** No petition for adoption shall be granted unless the Department [of Social Welfare] OR CHILD PLACEMENT AGENCY DULY LICENSED AND ACCREDITED BY THE DEPARTMENT has made a case study of the child to be adopted, his BIOLOGICAL [natural] parents, as well as the prospective adopting parents, and has submitted its report and recommendations on the matter to the court hearing such petition.

AT THE TIME OF PREPARATION OF THE CHILD'S CASE STUDY, THE CONCERNED SOCIAL WORKER SHALL CONFIRM WITH THE CIVIL REGISTRY THE REAL IDENTITY AND REGISTERED NAME OF THE CHILD. IF THE BIRTH



OF THE CHILD WAS NOT REGISTERED IN THE REGISTRY OF BIRTHS, IT SHALL BE THE RESPONSIBILITY OF THE CONCERNED SOCIAL WORKER TO ENSURE THAT AN APPLICATION IS PROMPTLY SUBMITTED TO THE CIVIL REGISTRAR FOR DELAYED REGISTRATION OF THE CHILD'S BIRTH BY THE BIOLOGICAL PARENTS OR, IN THEIR ABSENCE, THE PERSON OR ENTITY HAVING LEGAL CUSTODY OVER THE CHILD.

THE CASE STUDY OF THE CHILD SHOULD ESTABLISH THAT THE CHILD IS LEGALLY AVAILABLE FOR ADOPTION AND THAT THE NECESSARY DOCUMENTS TO SUPPORT THIS FACT ARE VALID AND AUTHENTIC.

The Department shall intervene on behalf of the child if it finds, after the case study, that the petition should be denied. THE CASE STUDY AND OTHER RELEVANT DOCUMENTS AND RECORDS PERTAINING TO THE CHILD AND THE ADOPTION SHALL BE PRESERVED BY THE DEPARTMENT.

**SECTION 12. LEGAL PROCEEDINGS.** The proceedings for adoption shall be governed by the Rules of Court in so far as they are not in conflict with this ACT [chapter].

**SECTION 13. Trial Custody.** No petition for adoption shall be finally granted unless and until the adopting parents are given by the court a supervised trial custody period of at least six (6) months to assess their adjustment and emotional readiness for the legal union. During the period of trial custody, parental authority shall be vested in the adopting parents.

The court may, upon its own motion or on motion of the petitioner, reduce or dispense with the trial period if it finds that is IN [to] the best interest of the child. In such case, the court shall state its reasons for reducing OR DISPENSING WITH THE TRIAL [said] period.

**SECTION 14. Decree of Adoption.** If, after considering the report of the Department [of Social Welfare] or duly licensed AND ACCREDITED child placement agency and the evidence submitted before it, the court is satisfied that the petitioner is qualified to maintain, care for, [and] educate AND PROTECT the child, that the trial custody period has been completed, and that the best interests of the child will be promoted by the adoption, a decree of adoption shall be entered, which shall be effective as of the date the original petition was filed. The decree shall state the name by which the child is [thenceforth] to be known.

**SECTION 15. Confidential Nature of Proceedings and Records.** All hearings in adoption cases shall be confidential and shall not be open to the public. All records, books and papers relating to the adoption cases in the files of the court, OR of the Department [of Social Welfare] and of any other agency and institution participating in the adoption proceedings, shall be kept strictly confidential.

Subject to the provisions of Article 7 OF THE CHILD AND YOUTH WELFARE CODE, in any case in which the information from such records, books and papers is needed, the person or agency requesting the release of the information may file a petition WITH [to] the court which ENTERED [ordered] the decree of adoption for its release. If the court finds that the disclosure of the information is necessary for purposes connected with or arising out of the adoption and will be IN [for] the best interest of the ADOPTED [child], the court may permit the necessary information to be released, restricting the purposes for which it may be used. PERSONS TO WHOM THE INFORMATION IS TO BE RELEASED SHALL BE REQUIRED TO OBTAIN APPROPRIATE PRIOR COUNSELLING TO HELP ENSURE THAT THE INFORMATION IS RECEIVED AND USED IN A RESPONSIBLE MANNER.

**SECTION 16. Civil Registry Record.** The adoption shall be recorded in the local civil register and shall be annotated on the record of birth and the same shall entitle

the adopted person [to] the issuance of an amended BIRTH certificate [of birth] IN KEEPING WITH THE NEED FOR CONFIDENTIALITY, THE AMENDED BIRTH CERTIFICATE, UNLESS SO REQUESTED, SHOULD NOT INDICATE THAT IT WAS AMENDED.

**SECTION 17. CONSENT TO ADOPTION.** The written consent of the following to the adoption shall be necessary:

- (1) The person to be adopted, if ten (10) years of age or over;
- (2) The BIOLOGICAL parents [by nature] of the child, [the] legal guardian, or the proper government instrumentality;
- (3) The legitimate and adopted children, ten (10) years of age or over, of the adopting parent or parents;
- (4) The illegitimate children, ten (10) years of age or older, of the adopting parent, if living with the said parent and the latter's spouse, if any; and,
- (5) The spouse, if any, of the person adopting or to be adopted.

#### **Article IV**

#### **SUCCESSION AND EFFECT OF ADOPTION**

**SECTION 18. EFFECT OF ADOPTION.** Adoption shall have the following effects:

- (1) For ALL [civil] purposes, the adopted shall be deemed to be a legitimate child of the adopter [s] and both shall acquire the reciprocal rights and obligations arising from the relationship of parent and child [including the right of the adopted to use the surname of the adopter]; and,
- (2) EXCEPT IN CASES WHERE THE BIOLOGICAL PARENT IS THE SPOUSE OF THE ADOPTER, ALL LEGAL TIES BETWEEN THE BIOLOGICAL

**PARENTS AND THE ADOPTED SHALL BE SEVERED.**

**SECTION 19. SUCCESSION. SUCCESSIONAL RIGHTS OF THE ADOPTED SHALL BE GOVERNED BY THE PROVISIONS IN TITLE IV OF THE CIVIL CODE SUBJECT TO SEC. 18 OF THIS ACT.**

#### **Article V**

#### **RESCISSION OF ADOPTION**

**SECTION 20.** If the adopted is a CHILD [minor] or otherwise incapacitated, the adoption may be judicially rescinded upon the petition of any person authorized by the court or proper government instrumentality acting IN BEHALF OF THE CHILD [on his behalf], on his OR HER behalf, on the same grounds prescribed for loss or suspension of parental authority. If the adopted is at least eighteen (18) years of age, he OR SHE may petition for judicial rescission of the adoption on the same grounds prescribed for disinheriting an ascendant.

**SECTION 21.** ADOPTION, BEING IN THE BEST INTEREST OF THE CHILD, SHALL NOT BE SUBJECT TO RESCISSION BY THE ADOPTERS. HOWEVER, THE ADOPTERS MAY DISINHERIT THE ADOPTED FOR CAUSES PROVIDED IN ARTICLE 919 OF THE CIVIL CODE.

**SECTION 22.** If the adopted [minor] has not reached the age of majority at the time of the judicial rescission of the adoption, the court, in the same proceeding, shall reinstate the parental authority of the BIOLOGICAL parents [by nature], unless the latter are disqualified [or], incapacitated OR HAVE ABANDONED THE CHILD. IN THE

LATTER [in which] case, the court shall appoint a guardian over the person and property of the minor. If the adopted is physically or mentally handicapped, the court shall appoint in the same proceeding a guardian over THE ADOPTED [his person] OR THE ADOPTED'S property or both.

Judicial rescission of the adoption shall extinguish all reciprocal rights and obligations between the adopters and the adopted arising from the relationship of parent and child AS OF THE DATE OF JUDGMENT OF JUDICIAL RESCISSION. The adopted shall likewise lose the right to use the surname [s] of the adopters and shall USE [resume] his or her surname prior to the adoption WHICH SHALL BE RECORDED IN THE PROPER CIVIL REGISTRY. SUCCESSIONAL RIGHTS SHALL REVERT BACK TO ITS STATUS PRIOR TO ADOPTION, BUT ONLY AS OF THE DATE OF JUDGMENT OF JUDICIAL RESCISSION. VESTED RIGHTS ACQUIRED PRIOR TO JUDICIAL RESCISSION SHALL BE RESPECTED.

## **Article VI**

### **BENEFIT AND LEAVE ENTITLEMENTS**

**SECTION 23.** PROVIDED THAT THE CHILD TO BE ADOPTED IS BELOW SEVEN (7) YEARS OF AGE AND IS PLACED WITH THE PROSPECTIVE ADOPTIVE PARENT THROUGH A PRE-ADOPTION PLACEMENT AUTHORITY ISSUED BY THE DEPARTMENT, THE PROSPECTIVE ADOPTIVE PARENT SHALL ENJOY ALL THE PARENTAL BENEFITS TO WHICH BIOLOGICAL PARENTS ARE ENTITLED UNDER EXISTING LAWS, INCLUDING PARENTAL LEAVE, FROM THE DATE THE CHILD IS PLACED WITH THE PROSPECTIVE ADOPTIVE PARENT.

## **Article VII**

### **PENALTIES**

**SECTION 24. PENALTIES.** ANY PERSON WHO KNOWINGLY PARTICIPATES IN SECURING THE ADOPTION OF A CHILD CONTRARY TO THE REQUIREMENTS PROVIDED IN THIS ACT AND OTHER LAWS PERTAINING TO ADOPTION SHALL BE PUNISHED WITH A PENALTY OF IMPRISONMENT RANGING FROM SIX (6) YEARS AND ONE (1) DAY TO TWELVE (12) YEARS AND/OR A FINE OF NOT LESS THAN FIFTY THOUSAND PESOS (P50,000.00), BUT NOT MORE THAN TWO HUNDRED THOUSAND PESOS (P200,000.00) AT THE DISCRETION OF THE COURT.

VIOLATION OF ADOPTION LAWS INCLUDE THE FOLLOWING ACTS:

(1) OBTAINING CONSENT FOR AN ADOPTION THROUGH COERCION, UNDUE INFLUENCE, FRAUD, IMPROPER MATERIAL INDUCEMENT OR OTHER SIMILAR ACTS;

(2) NON-COMPLIANCE WITH THE PROCEDURES AND SAFEGUARDS PROVIDED BY THE LAW FOR ADOPTION; AND,

(3) SUBJECTING OR EXPOSING THE CHILD TO BE ADOPTED TO DANGER, ABUSE AND EXPLOITATION.

ANY PERSON WHO SHALL VIOLATE ESTABLISHED REGULATIONS RELATING TO THE CONFIDENTIALITY AND INTEGRITY OF RECORDS, DOCUMENTS AND COMMUNICATIONS OF ADOPTION APPLICATION CASES AND PROCESSES SHALL SUFFER THE PENALTY OF IMPRISONMENT RANGING FROM ONE (1) YEAR AND ONE (1) DAY TO TWO (2) YEARS, AND/OR A FINE OF NOT LESS THAN TEN THOUSAND PESOS (P10,000.00) BUT NOT MORE THAN TWENTY THOUSAND PESOS (P20,000.00), AT THE DISCRETION OF THE COURT.

A PENALTY LOWER BY TWO (2) DEGREES THAN THAT PRESCRIBED FOR THE CONSUMMATED FELONY UNDER THIS ARTICLE SHALL BE IMPOSED UPON THE PRINCIPALS WHO ATTEMPT TO COMMIT ANY OF THE ACTS HEREIN ENUMERATED.

ACTS PUNISHABLE UNDER THIS ARTICLE, WHEN COMMITTED BY A SYNDICATE OR WHERE IT INVOLVES TWO OR MORE CHILDREN, SHALL BE CONSIDERED AS AN OFFENSE CONSTITUTING CHILD TRAFFICKING AND SHALL BE PUNISHABLE BY *RECLUSION PERPETUA*.

ACTS PUNISHABLE UNDER THIS ARTICLE ARE DEEMED COMMITTED BY A SYNDICATE IF CARRIED OUT BY A GROUP OF THREE (3) OR MORE PERSONS CONSPIRING AND/OR CONFEDERATING WITH ONE ANOTHER IN CARRYING OUT ANY OF THE UNLAWFUL ACTS DEFINED UNDER THIS ARTICLE. PENALTIES IMPOSED UNDER THIS ACT SHALL BE IN ADDITION TO ANY OTHER PENALTIES WHICH MAY BE IMPOSED FOR THE SAME ACTS PUNISHABLE UNDER OTHER LAWS, ORDINANCES, EXECUTIVE ORDERS AND PROCLAMATIONS.

WHEN THE OFFENDER IS AN ALIEN, HE OR SHE SHALL BE DEPORTED IMMEDIATELY AFTER SERVICE OF SENTENCE AND PERPETUALLY EXCLUDED FROM ENTRY TO THE PHILIPPINES.

**SECTION 25. PUBLIC OFFICERS AS OFFENDERS.** ANY GOVERNMENT OFFICIAL, EMPLOYEE OR FUNCTIONARY WHO SHALL BE FOUND GUILTY OF VIOLATING ANY OF THE PROVISIONS OF THIS ACT, OR WHO SHALL CONSPIRE WITH PRIVATE INDIVIDUALS SHALL, IN ADDITION TO THE ABOVE-PRESCRIBED PENALTIES, BE PENALIZED IN ACCORDANCE WITH EXISTING CIVIL SERVICE LAW, RULES AND REGULATIONS; PROVIDED, THAT UPON THE FILING OF A CASE, EITHER ADMINISTRATIVE OR CRIMINAL, SAID GOVERNMENT OFFICIAL, EMPLOYEE OR FUNCTIONARY CONCERNED SHALL AUTOMATICALLY SUFFER SUSPENSION UNTIL THE RESOLUTION OF THE CASE.

**SECTION 26. RECTIFICATION OF SIMULATED BIRTH.** A PERSON WHO HAS, PRIOR TO THE EFFECTIVITY OF THIS ACT, SIMULATED THE

BIRTH OF A CHILD SHALL NOT BE PUNISHED FOR SUCH ACT UNDER ARTICLE 347 OF THE REVISED PENAL CODE OR OTHER EXISTING LAWS, PROVIDED THE SIMULATION OF BIRTH WAS MADE FOR THE BEST INTEREST OF THE CHILD AND THE CHILD HAS BEEN CONSISTENTLY CONSIDERED AND TREATED BY THAT PERSON AS HIS OR HER OWN CHILD; PROVIDED FURTHER THAT THE APPLICATION FOR CORRECTION OF THE BIRTH REGISTRATION AND PETITION FOR ADOPTION SHALL BE SIMULTANEOUSLY FILED WITHIN FIVE (5) YEARS FROM THE EFFECTIVITY OF THIS ACT AND COMPLETED THEREAFTER; PROVIDED FINALLY, THAT SUCH PERSON COMPLIES WITH THE PROCEDURE AS SPECIFIED IN ARTICLE III OF THIS ACT AND OTHER REQUIREMENTS AS DETERMINED BY THE DEPARTMENT.

#### **Article VIII**

#### **FINAL PROVISIONS**

**SECTION 27. IMPLEMENTING RULES AND REGULATIONS.** AS THE LEAD AGENCY FOR THE DOMESTIC ADOPTION PROGRAM, THE DEPARTMENT, IN COORDINATION WITH THE COUNCIL FOR THE WELFARE OF CHILDREN, THE DEPARTMENT OF JUSTICE AND THE OFFICE OF THE CIVIL REGISTRAR GENERAL, AND AFTER DUE CONSULTATION WITH AGENCIES INVOLVED IN DOMESTIC ADOPTION, CHILD CARE AND PLACEMENT, SHALL PROMULGATE THE NECESSARY RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ACT WITHIN SIX (6) MONTHS AFTER ITS EFFECTIVITY.

**SECTION 28. APPROPRIATIONS.** THE AMOUNT OF TEN MILLION PESOS (P10,000,000.00) IS HEREBY APPROPRIATED TO THE DEPARTMENT TO COVER ADMINISTRATIVE AND OTHER EXPENSES ASSOCIATED WITH THE

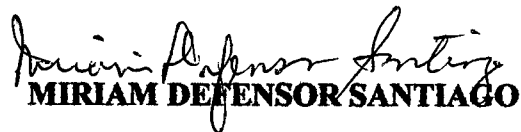


PROMOTION OF DOMESTIC ADOPTION, COUNSELLING SERVICES FOR PARENTS CONSIDERING THE RELINQUISHMENT OF A CHILD FOR ADOPTION, PRE- AND POST-ADOPTION SERVICES FOR ADOPTIVE FAMILIES, AND OTHER EXPENSES ASSOCIATED WITH THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT. SUBSEQUENTLY, SUCH SUMS AS MAY BE NECESSARY FOR THE PURPOSES STATED IN THIS SECTION SHALL BE INCLUDED ANNUALLY IN THE GENERAL APPROPRIATIONS ACT.

**SECTION 29. Separability Clause.** If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SECTION 30. Repealing Clause.** Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this act is hereby repealed, modified or amended accordingly.

**SECTION 31. Effectivity Clause.** This law shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

  
**MIRIAM DEFENSOR SANTIAGO**