

REPUBLIC OF THE PHILIPPINES
INTER-COUNTRY ADOPTION BOARD
MANILA

RULES AND REGULATIONS ON
INTER-COUNTRY ADOPTION

Pursuant to the authority of the Inter-Country Adoption Board under Section 6, paragraph (a), of Republic Act No. 8043, otherwise known as "The Inter-Country Adoption Act 1995," the following Rules and Regulations are hereby promulgated to govern the adoption of a Filipino child abroad:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. POLICY OBJECTIVES. - It shall be the policy of the State to provide every neglected and 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 place the child with an adoptive family in the Philippines. However, the State shall take measures to ensure that inter-country adoptions are allowed when the same shall prove beneficial to the child's best interests, and shall serve and protect his/her fundamental rights, in order to prevent the sale, trafficking and abduction of children.

SECTION 2. APPLICABILITY. - The Rules shall apply to the adoption of a Filipino child in a foreign country by a person who may not be qualified to adopt under the Family Code.

ARTICLE II
DEFINITION OF TERMS

SECTION 3. DEFINITION OF TERMS. - As used in these Rules, unless the context otherwise requires, the following terms are shall mean:

- (a) "Child" shall refer to a Filipino child below fifteen (15) years of age who can be legally adopted;
- (b) "Inter-Country Adoption" shall refer to the socio-legal process of adopting a Filipino child by a foreign national or a Filipino citizen permanently residing abroad where the petition for adoption is filed, the supervised trial custody is undertaken, and the decree of adoption is issued in the foreign country where the applicant resides thereby creating a permanent parent-child relationship between the child and the adoptive parents;
- (c) "Department" shall refer to the Department of Social Welfare and Development;
- (d) "Secretary" shall refer to the Secretary of the Department;
- (e) "Board" shall refer to the Inter-Country Adoption Board which is the central authority in matters relating to inter-country adoption and the policy-making body for the purpose of carrying out the provisions of R.A. No. 8043;
- (f) "Chairperson" shall refer to the Chairperson of the Board;
- (g) "Committee" shall refer to the Inter-Country Adoption Placement Committee;
- (h) "Foreign Adoption Agency" shall refer to the State welfare agency or the licensed and accredited agency in the country of the foreign adoptive parents that provides comprehensive social services and is duly recognized by the Department;
- (i) "Child Caring Agency" shall refer to a welfare agency that provides a twenty-four (24)-hour resident group care service for the physical, mental, social and spiritual well-being of nine (9) or more mentally gifted, abandoned, neglected, disabled, or disturbed children, or youth offenders. The term shall include an institution whose primary purpose is education whenever nine (9) or more of its pupils or wards in the ordinary course of events do not return annually to the homes of their parents or guardians for at least two (2) months of summer vacation.
- (j) "Child Placing Agency" shall refer to an institution licensed by the Department to assume the care, custody, protection and maintenance of children for purposes of adoption, guardianship or foster care;
- (k) "Application" shall refer to the application form with a homestay report for the inter-country adoption of a child, including its supporting documents;
- (l) "Applicant" shall refer to a person or a married couple who files an application;
- (m) "Matching" refers to the judicious pairing of the applicant and the child to promote a mutually satisfying parent-child relationship; and,
- (n) "Act" shall refer to Republic Act No. 8043, otherwise known as "The Inter-Country Adoption Act of 1995."

ARTICLE III
INTER-COUNTRY ADOPTION BOARD

SECTION 4. MEETINGS. - The Board shall meet regularly or upon the call of the Chairperson. In the absence of the Chairperson, the members present who constitute a quorum may choose a presiding officer from among themselves. A majority of all the members of the Board shall constitute a quorum. The Board may hold meetings in executive session.

SECTION 5. VOTING. - The Board shall act as a body. The vote of a majority of the members of the Board constituting a quorum shall be necessary to perform its functions. The Chairperson of the Board shall not vote in a meeting except to break a tie.

ARTICLE IV
SECRETARIAT

SECTION 6. EXECUTIVE DIRECTOR. - The Board shall have a Secretariat headed by an Executive Director who shall be appointed by the Chairperson with

SECTION 19. RENEWAL OF ACCREDITATION. - The Board shall re-accredit previously accredited foreign adoption agencies in order to ensure that all pertinent requirements for proper inter-country adoption are current and valid. The Board shall inspect the facilities of the foreign adoption agency once every four (4) years but may require periodic reports.

SECTION 20. FEES. - No fees or charges of any kind shall be charged in connection with licensing and accreditation under the Act.

ARTICLE VII
SUSPENSION OR REVOCATION
OF LICENSE OR ACCREDITATION

SECTION 21. GROUNDS. - The Board shall suspend or revoke the license or accreditation issued to a child caring or child placing agency or foreign adoption agency on any of the following grounds:

- (a) Imposing or accepting directly or indirectly any consideration, money, goods or services in exchange of an allocation of a child in violation of the Rules;
- (b) Misrepresenting or concealing any vital information required under the Rules;
- (c) Offering money, goods or services to any member, official or employee, or representative of the Board, to give preference in the adoption process to any applicant;
- (d) Advertising or publishing the name or photograph of a child for adoption to influence any person to apply for adoption except special homestaying for hard-to-place children;
- (e) Failure to perform any act required under the Rules that results in prejudice to the child or applicant;
- (f) Appointing or designating any liaison or agent without prior approval of the Board;
- (g) Engaging in matching arrangement or any contact to pre-identify a child in violation of the Rules; or
- (h) Any other act in violation of the provisions of the Act, the Rules and other related laws.

SECTION 22. WHO MAY INITIATE ACTION TO SUSPEND OR REVOKE LICENSE OR ACCREDITATION. - The Board, motu proprio upon receipt of any information regarding any violation or irregularity, or upon receipt of a complaint under oath or request for investigation, may conduct initial inquiries and upon being satisfied that the report, complaint or request for investigation has legal and factual basis, shall require the agency concerned to answer within fifteen (15) working days from receipt of notice, furnishing the agency concerned with copy of the complaint or a brief statement of the report of request.

SECTION 23. PROCEEDINGS FOR SUSPENSION OR REVOCATION. - Upon receipt of the answer or failure to receive an answer within the required period, the Board shall conduct a hearing or investigation and decide according to the evidence. Depending upon the gravity of the violation charged or if the agency shall fail to answer, the Board shall suspend any dealings with the agency concerned during the pendency of the investigation.

SECTION 24. ACTION OF THE BOARD. - Upon termination of the investigation, the Board shall dismiss the charge, or suspend or revoke the license or accreditation of the agency concerned, if the evidence so warrants.

The Board's decision shall be sent to the agency concerned, the Department, the regulatory of the state or country where the agency operates, and the Department of Foreign Affairs.

ARTICLE VIII
INTER-COUNTRY ADOPTION PROCESS

SECTION 25. WHO MAY BE ADOPTED. - Any child who has been voluntarily committed to the Department as dependent, abandoned, or neglected pursuant to the provisions of the Child and Youth Welfare Code may be the subject of Inter-Country Adoption; Provided that in the case of a child who is voluntarily committed, the physical transfer of said child shall be made not earlier than six (6) months from the date the Deed of Voluntary Commitment was executed by the child's biological parents. The prohibition against physical transfer shall not apply to adoption by a relative or children with special medical conditions.

SECTION 26. WHO MAY ADOPT. - Any foreign national or Filipino citizen permanently residing abroad who has the qualifications and none of the disqualifications under the Act may file an application if he/she:

- (a) is at least twenty-seven (27) years of age;
- (b) is at least sixteen (16) years older than the child to be adopted at the time of the filing of the application, unless the applicant is the parent by nature of the child to be adopted or is the spouse of such parent by nature;
- (c) has the capacity to act and assume all the rights and responsibilities incident to parental authority under his/her national law;
- (d) has undergone appropriate counselling from an accredited counselor in his/her country;
- (e) has not been convicted of a crime involving moral turpitude;
- (f) is eligible to adopt under his/her national law;
- (g) can provide the proper care and support and give the necessary moral values and example to the child and, in the proper case, to all his/her other children;
- (h) comes from a country
 - (i) with whom the Philippines has diplomatic relations;
 - (ii) whose government maintains a foreign adoption agency; and
 - (iii) whose laws allow adoption; and
 - (i) files jointly with his/her spouse, if any, who shall have the same qualifications and none of the disqualifications to adopt as prescribed above.

SECTION 27. FORM OF APPLICATION. - An application shall be in the form prescribed by the Board. It shall include an undertaking under oath signed by the applicant to uphold the rights of the child under Philippine laws and the applicant's national laws, the United Nations Convention on the Rights of the Child, and to abide by the provisions of the Act and all rules and regulations issued pursuant thereto. The application shall include an undertaking that should the adoption not be approved, or if for any reason the adoption does not take place, the applicant shall pay for the cost of travel back to the Philippines of the child and his/her companion, if any.

SECTION 28. SUPPORTING DOCUMENTS OF APPLICATION. - The following documents, written and officially translated in English shall accompany the Application:

- (a) Family and Home Study reports on the family and home life of the applicant;
- (b) Birth certificate of the applicant;

child's parents-guardians or custodians, nor shall any contact between them concerning a particular child be done before the matching proposal of the Committee has been approved by the Board. This prohibition shall not apply in cases of adoption of a relative or in exceptional cases where the child's best interest, as determined by the Board, is at stake.

SECTION 38. PLACEMENT AUTHORITY. - Upon receipt of the applicant's acceptance of the matching proposal and confirmation of the pre-adoptive placement plans presented by the foreign adoption agency, the Board shall issue the Placement Authority within five (5) working days. A certified excerpt of the Minutes of the meeting of the Committee approving the matching shall be attached to the Placement Authority and shall form part of the records of the child.

Copy of the Placement Authority shall be transmitted to the Department of Foreign Affairs and to the foreign adoption agency.

SECTION 39. PRE-ADOPTIVE PLACEMENT COSTS. - Upon acceptance of the matching proposal, the applicant, through the foreign adoption agency, shall pay for the expenses incidental to the pre-adoptive placement of the child, including the cost of the child's travel and medical and psychological evaluation and other related expenses. Under exceptional circumstances, the Board may defer the costs subject to reimbursement.

SECTION 40. PRE-DEPARTURE PREPARATION OF THE CHILD. - After the issuance of the Placement Authority and prior to departing abroad, the child shall be given the necessary preparation and guidance by the child caring/placing agency which submitted the matching proposal or by the social worker of the Department in case of adoption by a relative, in order to minimize the trauma of separation from the persons with whom the child may have formed attachments and to ensure that the child is physically and emotionally ready to travel and to form new relationships.

SECTION 41. FETCHING OF CHILD BY APPLICANT. - The applicant shall personally fetch the child from the Philippines not later than thirty (30) days after notice of issuance of the visa of the child for travel to the country where the applicant resides.

The unjustified failure of the applicant to fetch the child within said period shall result in the automatic cancellation of the Placement Authority.

SECTION 42. TRANSFER OF CUSTODY OF THE CHILD. - Trial custody shall start upon actual physical transfer of the child to the applicant who, as actual custodian, shall exercise substitute parental authority over the person of the child. In all cases, the foreign adoption agency shall supervise and monitor the exercise of custody by maintaining communication with the applicant from the time the child leaves the Philippines.

SECTION 43. SUPERVISION OF PRE-ADOPTIVE PLACEMENT. - The foreign adoption agency shall be responsible for the pre-adoptive placement, care and family counselling of the child for at least six (6) months from the arrival of the child in the residence of the applicant. During the period of pre-adoptive placement, the foreign adoption agency shall finish the Board with bi-monthly reports on the child's health, psycho-social adjustment and relationships which the child has developed with the applicant; including the applicant's health, financial condition and legal capacity. The Board shall furnish the child's home agency a copy of the report.

SECTION 44. EMERGENCY REPORT. - During the trial custody period, the foreign adoption agency shall notify the Board of any incident that may have resulted in a serious impairment of the relationship between the child and the applicant or of any serious ailment or injury suffered by the child, as soon as possible but not later than seventy-two (72) hours after the incident or the discovery of the ailment or injury.

SECTION 45. TERMINATION OF PRE-ADOPTIVE RELATIONSHIP. - If the pre-adoptive relationship is found unsatisfactory by the child or the applicant, or both, or if the foreign adoption agency finds that the continued placement of the child is not in the child's best interests, said relationship shall be suspended by the Board and the foreign adoption agency shall arrange for the child's temporary care. No termination of pre-adoptive relationship shall be made unless it is shown that the foreign adoption agency has exhausted all means to remove the cause of the unsatisfactory relationship which impedes or prevents the creation of a mutually satisfactory adoptive relationship.

SECTION 46. NEW PLACEMENT FOR CHILD. - In the event of termination of the pre-adoptive relationship, the Board shall identify from the Roster of Applicants a qualified family to adopt the child with due consideration for suitability and proximity. In the absence of any suitable family in the Roster of Applicants, the foreign adoption agency may propose a replacement family whose application shall be filed for the consideration of the Board.

The consent of the child shall be obtained in relation to the measures to be taken under this Section, having regard in particular to his/her age and level of maturity.

SECTION 47. REPATRIATION OF THE CHILD. - The child shall be repatriated as a last resort if found by the Board to be in his/her best interests. If the Board in coordination with the foreign adoption agency fails to find another placement for the child within a reasonable period of time after the termination of the pre-adoptive relationship, the Board shall arrange for the child's repatriation. The Board shall inform the Department, the child caring/placing agency concerned and the Department of Foreign Affairs, of the decision to repatriate the child.

SECTION 48. CONSENT TO ADOPTION. - If a satisfactory pre-adoptive relationship is formed between the applicant and the child, the Board shall transmit the written consent to the adoption executed by the Department to the foreign adoption agency within thirty (30) days after receipt of the latter's request.

SECTION 49. FILING OF PETITION FOR ADOPTION. The applicant shall file the petition for the adoption of the child with the proper court or tribunal in the country where the applicant resides within six (6) months after the completion of the trial custody period.

SECTION 50. DECREE OF ADOPTION. - A copy of the final decree of adoption of the child, including the certificate of citizenship/naturalization whenever applicable, shall be transmitted by the foreign adoption agency to the Board within one (1) month after its issuance. The copy of the adoption decree shall form part of the records of the Board which shall require the recording of the final judgment in the appropriate local and foreign Civil Register.

SECTION 51. - DISMISSAL OF PETITION FOR ADOPTION. - In case of dismissal by the foreign tribunal of the petition for adoption filed by the applicant, the procedures under Sections 45, 46, and 47 shall apply.

SECTION 52. POST-ADOPTION SERVICES. - The Board shall establish a program of post-adoption services in cooperation with local child caring and child placing agencies and foreign adoption agencies.

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supervision over its personnel. He/she shall also act as the Secretary of the Board.

SECTION 8. QUALIFICATIONS OF THE EXECUTIVE DIRECTOR. - The Executive Director shall have the qualifications of a Director IV, a master's degree in Social Work or its equivalent in a related discipline, and at least five (5) years of supervisory experience, two (2) years of which should be in the area of child care and placement.

SECTION 9. SUPPORT STAFF. - The Secretariat shall have such operating units and personnel as the Board may find necessary for the proper performance of its functions.

SECTION 10. FUNCTIONS OF THE SECRETARIAT. - The functions of the Secretariat shall include the following:

- (a) maintain and facilitate communications with the Committee and the different government offices, non-governmental agencies and the general public;
- (b) review and process applications, matching proposals, placement, and all documents requiring action by the Board;
- (c) review licensing and accreditation applications of agencies for action by the Board;
- (d) provide secretariat, records keeping, and other services to the Board and the Committee; and
- (e) perform such other duties as the Board may direct.

**ARTICLE V
PLACEMENT COMMITTEE**

SECTION 11. COMPOSITION. - The matching of a child to a foreign adoptive family shall be approved by the Board upon the recommendation of a Committee which shall have five (5) members composed of a child psychiatrist or psychologist, a medical doctor or pediatrician, a lawyer, a registered social worker, and a representative of a non-governmental organization engaged in child welfare activities.

The Board shall appoint qualified persons who shall serve in the Committee for a term of two (2) years which may be renewed.

SECTION 12. FUNCTIONS OF THE COMMITTEE. - The Committee shall have the following functions:

- (a) carry out an integrated system and network of selection and matching of applicants and children;
- (b) recommend to the Board approval of applications and matching proposals; and
- (c) perform such other functions and duties as may be prescribed by the Board.

SECTION 13. ALLOWANCES OF COMMITTEE MEMBERS. - A committee member shall receive an honorarium of One Thousand Pesos (P1,000.00) for each meeting actually attended; Provided, that the total amount of honorarium that a member may receive shall not exceed Four Thousand Pesos (P4,000.00) a month.

SECTION 14. RULES OF PROCEDURE. - Subject to the approval of the Board, the Committee shall fix its own internal rules and procedures, including the selection of its chairperson.

SECTION 15. MEETINGS. - The Committee shall meet regularly or upon the call of the Board.

**ARTICLE VI
LICENSING AND ACCREDITATION**

SECTION 16. LOCAL CHILD CARING AND CHILD PLACING AGENCIES. - Only local child caring and placing agencies licensed and accredited by the Department and with personnel and facilities to undertake a comprehensive child welfare program shall be accredited by the Board to participate in the inter-country adoption program.

SECTION 17. FOREIGN ADOPTION AGENCIES. - No foreign adoption agency shall be allowed to participate in the Philippines inter-country adoption program unless it is granted by the Board an accreditation in its own name. The accreditation from the Board shall be issued upon submission of the following requirements:

- (a) A license and/or accreditation or authorization from its government to operate as an adoption agency to carry out inter-country adoption;
- (b) Name and qualifications of the members of the board of directors, senior officers and other staff involved in inter-country adoption;
- (c) Detailed description of its programs and services, researchers and publications;
- (d) Audited financial report including sources of funds, adoption fees and charges;
- (e) Undertaking under oath that it shall assume responsibility for the selection of qualified applicants; that it shall comply with the Philippine laws on inter-country adoption; that it shall inform the Board of any change in the foregoing information; and shall comply with post adoption requirements as specified by the Board; and
- (f) Such other requirements which the Board may deem necessary in the best interests of the child.

Authentication of the aforementioned documents shall be made by either the official designated by the Philippine embassy or consulate in the country where the foreign adoption agency operates, or the authorized official of the embassy or consulate in the Philippines of the country where the foreign adoption agency operates.

SECTION 18. LIAISON SERVICES. - Only a non-profit licensed and accredited child caring or child placing agency shall be allowed to serve as a representative of a foreign adoption agency, and subject to prior approval by the Board based on specific requirements.

The Board shall periodically review the liaison services and may terminate any such services when, after a thorough evaluation, the agency is proven to have violated the requirements under these Rules. The agency concerned shall be given prior notice as provided for in Section 22.

- (e) Physical and medical evaluation by a duly licensed physician, and psychological evaluation by a psychologist;
- (f) Latest income tax return or any other documents showing the financial capability of the applicant;
- (g) Clearance issued by the police or other proper government agency of the place where the applicant resides;
- (h) Character reference from the local church/minister, the applicant's employer and a non-relative member of the immediate community who have known the applicant for at least five (5) years;
- (i) Certification from the Department of Justice or other appropriate government agency that the applicant is qualified to adopt under their national law and that the child to be adopted is allowed to enter the country for trial custody and reside permanently in the said place once adopted; and
- (j) Recent postcard-size pictures of the applicant and his immediate family.

SECTION 29. FEES, CHARGES AND ASSESSMENTS. - There shall be a fee of \$100 upon filing of the application and \$900 upon acceptance of the matching proposal for processing and operational expenses of the inter-country adoption program, and other charges and assessments for child care and placement programs and services. Fees for applicants for special needs children shall be a filing fee of \$100 and a processing fee of \$400. Such fees, charges and assessments shall be indicated on the application form and communicated to all foreign adoption agencies.

SECTION 30. WHERE TO FILE APPLICATION. - The application shall be filed with the Board through a foreign adoption agency in the country where the applicant resides. In the case of a foreign national who has filed a petition for adoption in the Philippines under Article 184 of the Family Code but after hearing is found to be not qualified under any of the exceptions therein, the Regional Trial Court where the case is pending may determine if the petitioner is qualified to adopt under the Act and the Rules. If the petitioner has all the qualifications and none of the disqualifications, the Court shall issue an order for inclusion of the petitioner, upon filing of the application and fee, in the Board's Roster of Applicants, and shall direct the petitioner to submit a Deed of Voluntary Commitment of the child executed by the child's parents in favor of the Department.

SECTION 31. ROSTER OF APPLICANTS. - The Board shall act on each application and direct the Secretariat to include those approved in the Roster of Applicants within one (1) month from receipt thereof.

SECTION 32. ENDORSEMENT OF CHILD FOR INTER-COUNTRY ADOPTION. - A child who has been committed to the Department and who may be available for inter-country adoption shall be endorsed to the Board by the Department. The endorsement shall contain a certification by the Department that all possibilities for adoption of the child in the Philippines have been exhausted and that inter-country adoption is in the best interests of the child. The endorsement must be made within one (1) week after transmittal of the child study report and other pertinent documents from the local placement committee for inter-regional matching.

SECTION 33. SUPPORTING DOCUMENTS. - The following documents pertaining to the child shall be attached to the endorsement:

- (a) Child Study Report which shall include information about the child's identity, upbringing, and ethnic, religious and cultural backgrounds, social environment, family history, medical history and special needs;
- (b) Birth of founding certificate;
- (c) Decree of abandonment of the child, or the death certificate of the child's parents, or the Deed of Voluntary Commitment executed after the birth of the child and after proper counselling as to the effect of termination of parental authority to ensure that consent was not induced by monetary or other consideration;
- (d) Medical evaluation or history, including that of the child's biological parents, if available;
- (e) Psychological evaluation, as may be necessary; and
- (f) Child's own consent if he/she is ten (10) years or older, witnessed by a social worker of the child caring/placing agency and after proper counselling.

SECTION 34. MATCHING. - The matching of the child to an applicant shall be carried out during a matching conference before the Committee participated in by the executive director or social worker of the child caring agency or the social worker of the Department in case of adoption by a relative. The Board shall set the guidelines for the manner by which the matching process shall be conducted and shall include among others the following:

- (a) Matching proposal
- (b) Filing of matching proposal
- (c) Presentation by the social worker
- (d) Deliberations
- (e) Committee action (approval, disapproval or deferment)
- (f) Motion for reconsideration

SECTION 35. APPROVAL OF MATCHING. - The Committee shall endorse the matching proposal to the Board for its approval or other appropriate action. The endorsement shall state the reasons for the Committee's recommendation on the placement.

SECTION 36. BOARD ACTION ON APPROVED MATCHING. - The Board shall immediately act on the matching proposal of the Committee. If the same is approved, a notice of matching shall be sent to the concerned foreign adoption agency within five (5) days from date of approval and shall be accompanied by the following documents:

- (a) Child Study Report;
- (b) Health certificate and medical history of the child;
- (c) Recent photographs of the child; and
- (d) Itemized pre-adoptive placement costs.

The applicant shall notify the foreign adoption agency in writing of his/her decision on the matching proposal within fifteen (15) calendar days from receipt of said proposal unless the applicant requests for additional information about the child. The matching proposal shall be deemed rejected if the applicant, through the foreign adoption agency, fails to notify the Board of his/her decision within fifteen (15) days from receipt of the notice.

SECTION 37. NO CONTACT BETWEEN APPLICANT AND CHILD'S PARENTS. - No matching arrangement except under these Rules shall be made between the applicant and the

- counseling, or his/her duly authorized representative spouse, parent or parents, direct descendants, or guardian or legal institution legally in charge of the adopted person, or a minor;
- b) the court or proper public official whenever necessary in an administrative, judicial or other official proceeding to determine the identity of the parent or parents or of the circumstances surrounding the birth of the child/adopted person; or
- c) the nearest kin, in case of the death of the child/adopted person.

SECTION 54. PRESERVATION OF INFORMATION. - The Board shall ensure that information held by them concerning the origin of the child/adopted person, in particular the identity of his/her biological parents, is preserved.

SECTION 55. ILLEGAL ADOPTION. - Any person who shall knowingly participate in the conduct or carrying out of an illegal adoption shall be punished with 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. For purposes of this Act, an adoption is illegal if it is effected in any manner contrary to the provisions of this Act or established State policies, its implementing rules and regulations, executive agreements, and other laws pertaining to adoption.

SECTION 56. PRESUMPTION OF ILLEGALITY. - An adoption shall be presumed illegal if:

- (a) the consent for an adoption was acquired through, or attended by coercion, fraud, or improper material inducement;
- (b) there is no authority from the Board to effect adoption;
- (c) the procedures and safeguards placed under the Act for adoption were not complied with; or
- (d) if the child to be adopted is subjected or exposed to danger, abuse and exploitation.

SECTION 57. VIOLATION OF CONFIDENTIALITY. - Any person who shall violate the confidentiality and integrity of records, documents and communications relating to adoption applications, 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 Five Thousand Pesos (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00), at the discretion of the court.

SECTION 58. ATTEMPT TO COMMIT OFFENSE. - A penalty lower by two (2) degrees than that prescribed for the consummated felony described above shall be imposed upon the principals of the attempt to commit any of the acts herein enumerated.

SECTION 59. CHILD TRAFFICKING. - Acts punishable under the above provisions shall be considered as an offense constituting child trafficking and shall be punished with reclusion perpetua when committed by a syndicate or where it involves two or more children.

An offense is deemed committed by a syndicate if it is 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.

Penalties herein provided 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.

SECTION 60. 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 laws, rules and regulations; Provided, that upon the filing of an administrative or criminal case, the public officer concerned shall automatically be suspended from office until the resolution of the case.

**ARTICLE XI
FINAL PROVISIONS**

SECTION 61. INTERPRETATION OF THE PROVISIONS OF THE RULES. - Any doubt or vagueness in the provisions of the Rules shall be interpreted for the best interests of the child.

SECTION 62. REPEALING CLAUSE. - The provisions under the Rules shall supersede any other rules and regulations on the Inter-Country Adoption of Filipino children.

SECTION 63. SEPARABILITY CLAUSE. - The declaration of invalidity of any provision of the Rules or part thereof shall not affect the validity of the remaining provisions.

SECTION 64. EFFECTIVITY CLAUSE. - The Rules shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation, except those which pertain to self-executing provisions of the Act.

Approved in the City of Manila this 28th day of December in the year of our Lord, Nineteen Hundred and Ninety-Five.

INTER-COUNTRY ADOPTION BOARD

Linea B. Laigo
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Chairman

Lourdes G. Balanon
LOURDES G. BALANON
Member

Sedfrey M. Candelaria
SEDFREY M. CANDELARIA
Member

Azucena J. Cortice
AZUCENA J. CORTICE
Member

Sr. Mary Lilia A. Flores, RGS
SR. MARY LILIA A. FLORES, RGS
Member

Ma. Paz U. Ortizman
MA. PAZ U. ORTIZMAN
Member

Lourna Teresita R. Laraya, N.D.
LOURNA TERESITA R. LARAYA
Member

ATTESTED

Ruben D. Torres
RUBEN D. TORRES

SENATE LEGISLATIVE DIV.