



HOUSE OF REPRESENTATIVES

H. No. 5729

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BY REPRESENTATIVES AGGABAO, MACAPAGAL-ARROYO, ARROYO,  
ROMUALDO, RELAMPAGOS, ROBES, SUANSING, BRAVO (A.), VILLAR,  
CO AND BATOCABE, PER COMMITTEE REPORT NO. 711

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AN ACT ALLOWING THE RECTIFICATION OF SIMULATED BIRTH  
RECORDS AND PRESCRIBING ADMINISTRATIVE ADOPTION  
PROCEEDINGS

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

1           SECTION 1. *Rectification of Simulated Birth Record.* —  
2   Notwithstanding any provision of law to the contrary, a person who, prior to  
3   the effectivity of this Act, simulated the birth of a child shall not be criminally  
4   liable for such act: *Provided*, That the simulation of birth was made for the  
5   best interest of the child and that the child had been consistently considered  
6   and treated by the person as one's son or daughter: *Provided, further*, That  
7   such person has filed a petition for adoption with an application for  
8   rectification of simulated birth record within ten (10) years from the effectivity  
9   of this Act.

10           For purposes of this Act, simulation of birth refers to the tampering of  
11   the civil registry making it appear in the birth records that a certain child was

1 born to a person who is not the biological mother, causing the loss of the true  
2 identity of the child.

3       SEC. 2. *Administrative Adoption and Rectification of Simulated Birth*  
4 *Record.* – A person who simulated the birth of a child under the conditions  
5 provided under Section I of this Act may avail of administrative proceedings  
6 for the adoption and rectification of the simulated birth record of the child:  
7 *Provided,* That the child has been living with the person for at least five (5)  
8 years before the effectivity of this Act.

9       Article III on Eligibility, Article V on Effects of Adoption, and  
10 Article VI on Rescission of Adoption of Republic Act No. 8552, otherwise  
11 known as the “Domestic Adoption Act of 1998”, shall apply to administrative  
12 adoption under this Act. An administrative adoption decree obtained under  
13 this Act shall have the same effect as a decree of adoption issued pursuant to  
14 Republic Act No. 8552.

15       SEC. 3. *Procedure.* – The petition for adoption with application for  
16 rectification of simulated birth record shall be in the form of an affidavit and  
17 shall be subscribed and sworn to before any person authorized by law to  
18 administer affirmations and oaths. It shall state the facts necessary to establish  
19 the merits of the petition and the circumstances surrounding the simulation of  
20 the birth of the child. The petition shall be supported by the following:

- 21       (a) The simulated birth certificate of the child;  
22       (b) A social case study report prepared by the Social Welfare and  
23 *Development Office of the city or municipality where the child resides;*  
24       (c) Information on the identities, background, and location of the  
25 biological parents of the child;  
26       (d) The affidavits of at least two (2) disinterested persons, who reside  
27 in the same barangay where the child resides, attesting that the child has been

1 living with the petitioner for at least five (5) years prior to the effectivity of this  
2 Act;

3 (e) Proof of publication of the petition in at least one (1) newspaper of  
4 general circulation in the region where the child resides and of posting in at  
5 least three (3) conspicuous places in the city or municipality where the child  
6 resides; and

7 (f) Recent photographs of the child and the petitioner.

8 The petition shall be filed with the Office of the Social Welfare and  
9 Development Officer (SWDO) of the city or municipality where the child  
10 resides. The SWDO shall have three (3) days to examine the petition and its  
11 supporting documents and determine whether the same is sufficient in form and  
12 substance. If the SWDO finds that the petition is insufficient in form or  
13 substance, the SWDO shall return the same to the petitioner with a written  
14 explanation of its insufficiency. If the SWDO finds the petition sufficient in  
15 form and substance, the SWDO shall forward the petition and the supporting  
16 documents within seven (7) days to the Regional Director of the Department of  
17 Social Welfare and Development (DSWD) Field Office (hereinafter referred to  
18 as the Regional Director) exercising jurisdictional responsibility over the city  
19 or municipality where the child resides.

20 The Regional Director shall act and decide on the petition within thirty  
21 (30) days from receipt thereof. The Regional Director may require the  
22 petitioner to submit additional information or evidence to support the petition.  
23 The failure of the petitioner to comply with the request for additional evidence  
24 of the Regional Director shall not preclude the Regional Director from  
25 deciding the petition based on the evidence on hand.

26 The decision of the Regional Director may be appealed to the Secretary  
27 of Social Welfare and Development, hereinafter referred to as the Secretary,

1 within ten (10) days from receipt thereof. The Secretary shall act and decide  
2 on the appeal within thirty (30) days from receipt thereof.

3 The SWDO, DSWD, and the Office of the Local Civil Registrar may  
4 charge socialized fees to those who avail of the administrative adoption  
5 proceedings under this Act.

6 SEC. 4. *Decree of Adoption.* – If the Regional Director or the  
7 Secretary determines that the adoption shall redound to the best interests of the  
8 child, a decree of adoption shall be issued which shall take effect on the date  
9 the petition was filed, even if the petitioner dies before its issuance.

10 SEC. 5. *Civil Registry Record.* – Upon the finality of the decree of  
11 adoption, the Regional Director shall immediately transmit the same to the  
12 Local Civil Registrar of the place with custody over the simulated birth record  
13 of the child. The record of simulated birth shall be stamped “cancelled” with  
14 an annotation of the issuance of a new certificate of birth in its place and shall  
15 be sealed in the civil registry records. The new certificate of birth to be issued  
16 shall not bear any notation that it is a new or amended issue.

17 SEC. 6. *Confidentiality.* – All petitions, documents, records, and  
18 papers relating to administrative adoption proceedings in the files of the City  
19 or Municipal Social Welfare and Development Offices, the DSWD Central and  
20 Field Offices, or any other agency or institution participating in such  
21 proceedings shall be kept strictly confidential. If the disclosure of certain  
22 information to a third person is necessary for security reasons or for purposes  
23 connected with or arising out of the administrative adoption and will be for the  
24 best interest of the adoptee, the Secretary may, upon appropriate request, order  
25 the necessary information released, restricting the purposes for which it may be  
26 used.

1           SEC. 7. *Regular Adoption Proceedings.* – Persons who are not  
2 qualified to avail of administrative proceedings for the adoption and  
3 rectification of the simulated birth record of a child under Section 2 of this Act  
4 may initiate adoption proceedings only in accordance with Republic Act  
5 No. 8552 and Administrative Matter No. 02-6-02-SC, otherwise known as the  
6 Rule on Adoption.

7           SEC. 8. *Information Dissemination.* – The DSWD, in coordination  
8 with the Department of the Interior and Local Government, shall disseminate  
9 information regarding this Act to the public.

10          SEC. 9. *Implementing Rules and Regulations.* – The Secretary shall  
11 issue such rules and regulations for the effective implementation of this Act  
12 within thirty (30) days from its approval.

13          SEC. 10. *Repealing Clause.* – Section 22 of Republic Act No. 8552,  
14 otherwise known as the “Domestic Adoption Act of 1998”, is hereby amended.  
15 All other laws, decrees, letters of instruction, executive issuances, resolutions,  
16 orders or parts thereof which are inconsistent with the provisions of this Act  
17 are hereby repealed, modified, or amended accordingly.

18          SEC. 11. *Separability Clause.* – If any provision or part of this Act is  
19 declared unconstitutional or invalid, the remaining parts or provisions not  
20 affected shall remain in full force and effect.

21          SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after  
22 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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