



HOUSE OF REPRESENTATIVES

H. No. 5675

BY REPRESENTATIVES ROMUALDO, RELAMPAGOS, MACAPAGAL-ARROYO,
ERIGUEL, YAP (M.), UNABIA, BORDADO, BROSAS, CASTRO (F.L.),
BILLONES, VARGAS-ALFONSO, MANGAOANG, ORTEGA (P.),
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TAN (A.), ROQUE (H.), SANTOS-RECTO, SY-ALVARADO,
OLIVAREZ, CASTELO, ESCUDERO, PRIMICIAS-AGABAS, TAMBUNTING,
MARCOLETA, REVILLA, ATIENZA, SALO, NIETO, EVARDONE,
AGLIPAY-VILLAR AND CHIPECO, PER COMMITTEE REPORT NO. 246

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

*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 Simulated
Birth Rectification Act.

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

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

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

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

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

19 (e) To educate and inform the public about the rectification of
20 simulated births and to encourage people to avail of the benefits of this Act.

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

22 (a) *Child* refers to a person below eighteen (18) years of age, or a
23 person eighteen (18) years of age or over who is unable to fully take care of
24 himself or herself or protect himself or herself from abuse, neglect, cruelty,
25 exploitation, or discrimination because of a physical or mental disability or
26 condition, whose birth was simulated;

27 (b) *Child legally available for adoption* refers to a child in whose favor
28 a certification is issued by the Department of Social Welfare and Development
29 (DSWD) stating that such child is legally available for adoption after it

1 has been established that his or her birth was simulated and that the
2 conditions provided for in this Act to allow for the rectification of such
3 simulated birth are present;

4 (c) *Foundling* refers to a child who is abandoned and whose parentage
5 is unknown;

6 (d) *Regional Director* refers to the head of a field office of the DSWD;

7 (e) *Secretary* refers to the Secretary of Social Welfare and
8 Development;

9 (f) *Simulation of birth* refers to the tampering of the civil registry to
10 make it appear in the record of birth that a child was born to a person who is
11 not such child's biological mother, causing such child to lose his or her true
12 identity and status; and

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

17 ARTICLE II

18 RECTIFICATION OF SIMULATED BIRTHS

19 SEC. 4. *Rectification of Simulated Births.* – Notwithstanding any
20 provision of law to the contrary, a person or persons who, prior to the
21 effectivity of this Act, simulated the birth of a child, and those who cooperated
22 in the execution of such simulation, shall not be criminally, civilly, or
23 administratively liable for such act: *Provided*, That the simulation of birth was
24 made for the best interest of the child and that the child has been consistently
25 considered and treated by such person or persons as his, her, or their own son
26 or daughter: *Provided, further*, That such person or persons has or have filed
27 a petition for adoption with an application for the rectification of the simulated
28 birth within ten (10) years from the effectivity of this Act.

- 1 (b) The biological parent of the child, if known;
- 2 (c) The legitimate and adopted sons and daughters, ten (10) years of
3 age or over, of the adopter and adoptee, if any;
- 4 (d) The illegitimate sons and daughters, ten (10) years of age or over,
5 of the adopter if living with said adopter and the latter's spouse, if any; and
- 6 (e) The spouse, if any, of the adoptee.

7 ARTICLE IV

8 ADMINISTRATIVE ADOPTION PROCEDURE

9 SEC. 9. *Petition.* – The petition for adoption with application for
10 rectification of simulated birth record shall be in the form of an affidavit and
11 shall be subscribed and sworn to by the petitioner or petitioners before any
12 person authorized by law to administer affirmations and oaths. It shall state
13 the facts necessary to establish the merits of the petition, the circumstances
14 surrounding the simulation of the birth of the child. The petition shall be
15 supported by the following:

- 16 (a) A copy of simulated birth or foundling certificate of the child;
- 17 (b) Affidavit of admission if the simulation of birth was done by a
18 third person;
- 19 (c) Certification issued and signed by the punong barangay attesting
20 that the petitioner or petitioners is a resident or are residents of the barangay
21 and that the child has been living with the petitioner or petitioners for at least
22 three (3) years prior to the effectivity of this Act;
- 23 (d) Affidavits of at least two (2) disinterested persons, who reside in
24 the same barangay where the child resides, attesting that the child has been
25 living with the petitioner for at least three (3) years prior to the effectivity of
26 this Act;
- 27 (e) CDCLAA issued by the DSWD; and
- 28 (f) Photographs of the child and the petitioner or petitioners taken
29 within the last three (3) months.

1 If the adoptee is already an adult, a CDCLAA shall no longer be
2 required.

3 SEC. 10. *Adoption Process.* – The petition shall be filed with the
4 Office of the Social Welfare and Development Officer (SWDO) of the city
5 or municipality where the child resides. The SWDO shall have seven (7) days
6 to examine the petition and its supporting documents and determine whether
7 the same is sufficient in form and substance. If the SWDO finds that the
8 petition is insufficient in form or substance, the SWDO shall return the same
9 to the petitioner with a written explanation of its insufficiency. If the SWDO
10 finds the petition sufficient in form and substance, the SWDO shall forward
11 the petition and the supporting documents within three (3) days to the
12 Regional Director.

13 The Regional Director shall review the petition, establish the identity
14 of the child, and prepare his or her recommendation on the petition not later
15 than thirty (30) days from receipt thereof. The Regional Director may require
16 the petitioner to submit additional information or evidence to support the
17 petition. The failure of the petitioner to comply with such request shall
18 not preclude the Regional Director from acting on the petition based on
19 the evidence on hand.

20 The Regional Director shall transmit his or her recommendation
21 and copies of the petition and its supporting documents to the Secretary.
22 The Secretary shall act and decide on the petition within thirty (30) days
23 from receipt of the recommendation of the Regional Director.

24 SEC. 11. *Order of Adoption.* – If the Secretary determines that
25 the adoption shall redound to the best interest of the child, an order of
26 adoption shall be issued which shall take effect on the date the petition was
27 filed with the Office of the SWDO, even if the petitioner dies before its
28 issuance.

1 The order of adoption shall state the name by which the adoptee shall
2 be known and shall likewise direct the cancellation of the simulated birth
3 record of the child and the issuance of a rectified birth record establishing
4 the biological parentage of the child and an amended birth record reflecting
5 the adoption of the child.

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

9 SEC. 12. *Civil Registry Record.* – The Secretary shall immediately
10 transmit the order of adoption to the appropriate local civil registrar.

11 The local civil registrar shall stamp the simulated birth record
12 "cancelled" with an annotation of the issuance of a new rectified certificate of
13 birth in its place. The rectified birth certificate bearing the names of the
14 biological parents of the child or the foundling certificate shall then likewise
15 be stamped "cancelled" with the annotation of the issuance of an amended
16 birth certificate in its place and shall be sealed in the civil registry records.
17 Thereafter, the local civil registrar shall record, register, and issue an amended
18 certificate of birth, which shall not bear any notation that it is a new or
19 amended issue.

20 SEC. 13. *Socialized Fees.* – The city or municipal SWDO, the
21 DSWD, and the Office of the Local Civil Registrar may charge socialized fees
22 to those who avail of the administrative adoption proceedings under this Act.

23 SEC. 14. *Confidentiality.* – All petitions, documents, records, and
24 papers relating to administrative adoption proceedings in the files of
25 the city or municipal SWDOs, the DSWD Central and Field Offices, or
26 any other agency or institution participating in such proceedings shall
27 be kept strictly confidential. If the disclosure of certain information to a
28 third person is necessary for security reasons or for purposes connected
29 with or arising out of the administrative adoption and will be for the best

1 interest of the adoptee, the Secretary may, upon appropriate request, order
2 the necessary information released, restricting the purposes for which it
3 may be used.

4 ARTICLE V

5 EFFECTS OF ADMINISTRATIVE ADOPTION

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

12 SEC. 16. *Parental Authority.* – Except where a biological parent
13 is the spouse of the adopter, all legal ties between the biological parents
14 and the adoptee shall be severed and the same shall then be vested in the
15 adopter.

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

20 ARTICLE VI

21 RESCISSION OF ADMINISTRATIVE ADOPTION

22 SEC. 18. *Grounds for Rescission.* – Upon petition of the adoptee,
23 with the assistance of the city or municipal SWDO or the DSWD if a
24 minor or if over eighteen (18) years of age but is incapacitated, the
25 adoption may be rescinded on any of the following grounds committed
26 by the adopter:

27 (a) Repeated physical or verbal maltreatment by the adopter despite
28 having undergone counseling;

29 (b) Attempt on the life of the adoptee;

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

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

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

13 SEC. 20. *Effects of Rescission.* – If the petition for rescission of
14 administrative adoption is granted by the Secretary, the parental authority of
15 the adoptee's biological parents, if known, shall be restored if the adoptee is
16 still a minor or incapacitated. The reciprocal rights and obligations of the
17 adopter and the adoptee to each other shall be extinguished.

18 The Secretary shall furnish a copy of the order of rescission to the
19 local civil registrar concerned who shall thereafter cancel the amended
20 certificate of birth of the adoptee and restore the adoptee's rectified birth
21 certificate bearing the name of his or her biological parents or the foundling
22 certificate, as the case may be.

23 Successional rights shall revert to its status prior to adoption,
24 but only as of the date of judgment of administrative rescission. Vested rights
25 acquired prior to administrative rescission shall be respected.

26 All the foregoing effects of rescission of adoption shall be without
27 prejudice to the penalties imposable under the Revised Penal Code if the
28 criminal acts are properly proven.

ARTICLE VII

VIOLATIONS AND PENALTIES

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3 **SEC. 21. *Violations and Penalties.*** — The penalty of imprisonment
4 ranging from six (6) years and one (1) day to twelve (12) years and/or a fine
5 not less than fifty thousand pesos (P50,000.00) but not more than two hundred
6 thousand pesos (P200,000.00) at the discretion of the court shall be imposed
7 on any person who shall commit any of the following acts:

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

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

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

ARTICLE VIII

FINAL PROVISIONS

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16 **SEC. 22. *Information Dissemination.*** — The DSWD, in coordination
17 with the Department of the Interior and Local Government (DILG),
18 the Philippine Commission on Women (PCW), the Council for the Welfare
19 of Children (CWC) and the Philippine Statistics Authority (PSA) shall
20 disseminate to the public information regarding this Act and its
21 implementation.

22 **SEC. 23. *Implementing Rules and Regulations.*** — The Secretary,
23 after due consultation with the PSA, the DILG, the PCW, and the CWC shall
24 issue such rules and regulations for the effective implementation of this Act
25 within thirty (30) days from its effectivity.

26 **SEC. 24. *Repealing Clause.*** — Section 22 of Republic Act No. 8552
27 is hereby repealed. All other laws, decrees, letters of instruction, executive
28 issuances, resolutions, orders or parts thereof which are inconsistent with

1 the provisions of this Act are hereby repealed, modified, or amended
2 accordingly.

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

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

Approved,

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