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BY REPRESENTATIVES DAZA, SAULOG, VILLAFUERTE, TAN (A.), BAUTISTA-BANDIGAN, REYES, TAMBUNTING, ANGARA, DEL MAR, FARIÑAS I (R.C.), FARIÑAS (R.C.), ROQUE, SANCHEZ, TY (D.), BOLILIA, REVILLA, TULFO, BARONDA, SAVELLANO, NUÑEZ-MALANYAON, LOPEZ, ROMUALDEZ (Y.M.), TALLADO, RADAZA, VERGARA, ACOP, BROSAS, DE VENECIA, RODRIGUEZ, CABOCHAN, QUIMBO, YU, AGABAS, NIETO, ROMUALDO, FORTUN, ALMARIO, YAP (E.), ESCUDERO, SINGSON-MEEHAN, ARENAS, OAMINAL, GARCIA (P.J.), BIAZON, CALDERON, CAMPOS, CUA, CUARESMA, DALIPE, DUAVIT, FRASCO, GASATAYA, GONZAGA, HARESCO, MOMO, SAGARBARRIA, TEJADA, VIOLAGO, ALBANO, BALINDONG, BASCUG, BENITEZ, BORDADO, CABATBAT, CAMINERO, CARI, DAGOOC, DELOSO-MONTALLA, DIMAPORO (A.), DIMAPORO (M.K.), DUJALI, DY (F.), DY (F.M.C.), DY (I.P.), GORRICETA, GULLAS, GUYA, LABADLABAD, MACEDA, NATIVIDAD-NAGAÑO, ONG (J.), ORTEGA, ROMAN, TAN (A.S.), TIANGCO, TORRES-GOMEZ, TUTOR, VARGAS ALFONSO, DE JESUS, DEFENSOR (L.), ENVERGA, FLORES, GO (M.), LOYOLA, ROBES, ACOSTA-ALBA, VILLARAZA-SUAREZ, ARROYO, MENDOZA AND MARIANO-HERNANDEZ, PER COMMITTEE REPORT NO. 865

AN ACT
ESTABLISHING THE POLICY, RULES, AND PROCEDURES FOR DOMESTIC ADOPTION AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE

PURPOSE REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE "DOMESTIC ADOPTION ACT OF 1998"

ARTICLE I
GENERAL PROVISIONS

Section 1. ***Short Title.*** – This Act shall be known as the *Domestic Adoption Act.*

Sec. 2. ***Declaration of Policy.*** – It is hereby declared the policy of the State to ensure that every child remains under the care and custody of biological parents or relatives and be provided with love, care, understanding, and security towards the full and healthy development of the child's personality. Only when such efforts prove insufficient and no appropriate placement or adoption within the child's biological family or relative is available, shall adoption by an unrelated person be considered.

It is also the State's policy to:

(a) Dissuade the biological parents from making hasty decisions to relinquish parental authority over the child;

(b) Prevent unnecessary separation of the child from the biological parents;

(c) Protect the adoptive parents from attempts to disturb their parental authority and custody over the adopted child;

(d) Conduct public information and educational campaign to promote a positive environment for adoption;

(e) 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 pre-adoption and post-adoption services, for the biological parents, children, and adoptive parents; and

(f) Encourage domestic adoption so as to preserve the child's identity and culture in the child's native land, and only when this is not feasible shall intercountry adoption be considered.

No child shall be a subject of adoption unless the status of the child has been declared legally available for adoption in accordance with the provisions of Republic Act No. 9523, "*An Act Requiring the Certification of the Department of Social Welfare and Development (DSWD) to Declare a "Child Legally Available for Adoption" as a Prerequisite for Adoption Proceedings, Amending for this Purpose Certain Provisions of Republic Act No. 8552, Otherwise Known as the Domestic Adoption Act of 1998, Republic Act No. 8043, Otherwise Known as the Inter-Country Adoption Act of 1995, Presidential Decree No. 603, Otherwise*

Known as the Child and Youth Welfare Code, and for Other Purposes" as a prerequisite for adoption proceedings, except when the adoptee is a relative or an adult.

It is hereby recognized that the administrative process of adoption is the most expeditious and beneficial mode for legally available children, relatives, and step-parent adoptees.

Sec. 3. *Objective.* – This Act shall provide for simpler and less costly domestic adoption proceedings through administrative means under the jurisdiction of the Department of Social Welfare and Development (DSWD).

Sec. 4. *Definition of Terms.* – As used in this Act:

(a) *Abandoned child* refers to one who has no proper parental care or guardianship or who has been deserted by the parents for a period of at least three (3) continuous months;

(b) *Actual custodian* refers to the guardian or spouses who raised a child or person and consistently treated the child as their own;

(c) *Adoption* refers to a socio-legal process of giving a permanent family to a child whose parents have voluntarily or involuntarily given up their parental rights;

(d) *Adoption social worker* refers to a licensed social worker specializing in handling adoption cases and is accredited as such by the DSWD: *Provided,* That all adoption workers certified to have worked for at least three (3) years as such, shall comply with requirements to be accredited by the said agency within three (3) years from the effectivity of this Act;

(e) *Certificate declaring a child legally available for adoption (CDCLAA)* refers to a certification issued by the DSWD stating that a certain child is available for adoption in accordance with the provisions of R.A. No. 9523;

(f) *Child* refers to a person below eighteen (18) years of age or a person eighteen (18) years of age or over but is unable to fully take care or protect oneself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psycho-social disability or condition;

(g) *Child-caring agency* refers to a duly licensed or accredited agency by the DSWD that provides twenty-four (24)-hour residential care services for children;

(h) *Child-placing agency* refers to a duly licensed or accredited agency by the DSWD to provide comprehensive child welfare services including facilitating applications

for adoption, evaluating the prospective adoptive parents, and preparing the home study report;

(i) *Deed of voluntary commitment (*DVC) refers to the written and notarized instrument relinquishing the parental authority and committing the child to the care and custody of the DSWD, executed by the child's biological parents or legal guardian or a person exercising substitute parental authority over the child as stipulated in Executive Order No. 9, otherwise known as the *"Family Code of the Philippines"*, and signed in the presence of a social worker and a notary public;

(j) *Domestic adoption* refers to an administrative adoption proceeding where the decree of adoption is issued within the Philippines and is undertaken between a Filipino child and adoptive parents qualified under this law;

(k) *Foundling* refers to a deserted or abandoned child of unknown-parentage and whose date or circumstances of birth on Philippine territory are unknown and undocumented;

(l) *Intercountry adoption clearance* refers to the document issued by the DSWD for children suitable for adoption but are exempted from the issuance of CDCLAA under R.A. No. 9523;

(m) *Involuntarily committed child* refers to one of known or unknown parents, who has been permanently and judicially deprived of parental authority due to abandonment; substantial, continuous or repeated neglect; and abuse or incompetence to discharge parental responsibilities;

(n) *Licensed social worker* refers to any person who has passed the Board Examination for social workers administered by the Professional Regulation Commission;

(o) *Matching* refers to the judicious selection by a multidisciplinary body of a family for a child based on the child's best interest and needs;

(p) *Neglected child* refers to one whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months;

(q) *Relative* refers to a member of the family within the fourth (4^{th}) degree of consanguinity or affinity;

(r) *Simulation of birth record* refers to the tampering of the civil registry to make it appear in the record of birth that a child was born to a person who is not such child's biological mother, causing the loss of the true identity and status of such child;

(s) *Supervised trial custody (STC)* refers to a period of six (6) months within which the licensed social worker oversees the adjustment and emotional readiness of both the adopter and adoptee in stabilizing their filial relationship; and

(t) *Surrendered child* refers to a child whose parents knowingly and voluntarily relinquished parental authority to the DSWD.

ARTICLE II
PRE-ADOPTION SERVICES

Sec. 5. *Counseling Services.* – In cases where adoption is being considered, counseling services by a licensed social worker shall be conducted to the following:

(a) *Biological parents or legal guardians or persons exercising parental authority over the child* – Counseling shall be provided before and after the birth of the child. No binding commitment to an adoption plan shall be permitted before the birth of a child. In all proceedings for adoption, the DSWD shall require proof that biological parents have been properly counselled to prevent them from making hurried decisions caused by strain or anxiety to give up the child, to ensure that all measures to strengthen the family have been exhausted, and to advise them that the prolonged stay of the child in the current home will be inimical to the child's welfare and interest.

It shall be the duty of the local government units (LGUs), child-caring agencies, or child-placing agencies to ensure that necessary services are provided to the biological parents of the child to prevent the child's separation from them.

A period of three (3) months after the signing of the DVC shall be allowed for the biological parent to reconsider any decision to relinquish the child for adoption. Counseling and rehabilitation services shall also be offered to the biological parents after relinquishing the child for adoption.

(b) *Prospective adoptive parents (PAPs)* – Counseling sessions, forums, and seminars on adoption, among others, shall be provided to resolve possible adoption issues and to prepare them for effective parenting.

Adoption telling shall be one of the central themes of the sessions, forums, or seminars to equip the prospective adoptive parents with the ability to divulge the adoption to the adoptee in a manner that will strengthen the parent-child relationship.

(c) *Prospective adoptees* – Counseling sessions shall be provided to ensure that prospective adoptees understand the nature and effects of adoption and are able to express their views on adoption in accordance with their age and level of maturity.

As a proven helpful practice, adoption shall be disclosed to the child as early as possible by the adoptive parents: *Provided,* That disclosure of adoption shall be mandatory before the adoptee reaches the age of thirteen (13) years old. A licensed social worker must conduct adoption-themed activities to such children, which will inculcate the positive aspects of adoption in their young minds.

Sec. 6. *Biological Parent Search.* – It shall be the duty of the DSWD or the child-placing or the child-caring agency, which has custody of a child to exert all efforts using tri-media and any other possible means to locate the biological parents of the child and seek their consent. If such efforts fail and, if applicable, the child shall be registered as a foundling and subsequently be the subject of administrative proceedings where said child shall be declared abandoned.

ARTICLE III
ELIGIBILITY

Sec. 7. *Who May Adopt.* – The following persons may adopt:

(a) Any Filipino citizen habitually residing in the Philippines, at least twenty-five (25) years of age, in possession of full civil capacity and legal rights, of good moral character, has not been convicted of any crime involving moral turpitude, is emotionally and psychologically capable of caring for children, at least sixteen (16) years older than the adoptee, and who is in a position to support and care for own children in keeping with the means of the family. The requirement of the sixteen (16) year difference between the age of the adopter and the adoptee may be waived when the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent, or older sibling of the adoptee;

(b) The legal guardian with respect to the ward after the termination of the guardianship and clearance of financial accountabilities;

(c) The actual custodian of the child, or person, who genuinely and consistently treated the child as one's own for a minimum period of three (3) years; or

(d) Any foreign national from a country with diplomatic relations with the Republic of the Philippines, possessing the same qualifications as required for Filipino nationals

and who has been residing in the Philippines for at least ten (10) continuous years prior to the filing of the petition: *Provided*, That the adopter's government allows entry of the child as adoptee.

The requirements of residency and certification of the foreign national's qualification to adopt may be waived under the following circumstances:

(1) The adoptee is the child of the foreign national's Filipino spouse or a relative of the Filipino spouse: *Provided,* That the PAPs are habitually residing in the Philippines;

(2) When the person seeking to adopt a child is a Filipino citizen who is temporarily working abroad; or

(3) When the person who seeks to adopt a relative is a former Filipino citizen who is habitually residing in the Philippines.

Spouses shall jointly adopt, except in the following cases:

(a) If one spouse seeks to adopt the legitimate child of the other;

(b) If one spouse seeks to adopt one's own illegitimate child: *Provided, however,* That the other spouse has signified consent thereto; or

(c) If the spouses are legally separated from each other.

Sec. 8. ***Who May Be Adopted.*** – The following may be adopted:

(a) A child who has been declared available for adoption in accordance with the provisions of R.A. No. 9523;

(b) A legitimate child of one spouse by the other spouse;

(c) An illegitimate child by a qualified adopter to improve the child's status to that of legitimacy;

(d) A person of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopters as their own child since minority;

(e) A child whose adoption has been previously rescinded;

(f) A child whose biological or adoptive parent has died: *Provided,* That no proceedings shall be initiated within six (6) months from the time of death of said parent(s); or

(g) A relative of the adopter.

Sec. 9. ***Consent Necessary to the Adoption.*** – A written consent signed in the presence of a licensed social worker after proper counseling as prescribed in Sec. 5 of this Act, shall be submitted by the following persons:

(a) The adoptee, if ten (10) years of age or over;

(b) The biological parent of the child, if known, or the legal guardian or actual custodians of the child;

(c) The legitimate and adopted children, ten (10) years of age or over, of the adopter and adoptee, if any;

(d) The illegitimate children, ten (10) years of age or over, of the adopter if living with said adopter and the latter's spouse, if any; and

(e) The spouse, if any, of the person adopting or to be adopted.

Sec. 10. ***Documentary Requirements.*** – The prospective adoptive parents shall attach the following to the Petition for Adoption:

(a) Case Study or Home Study and Child Study Report duly prepared by a licensed social worker;

(b) Authenticated birth record of the PAPs and the child;

(c) NBI or Police Clearance; if a foreign national married to a Filipino, clearance from the international police and police authorities of the country or countries where one has been a resident for at least six (6) continuous months;

(d) Written consent to the adoption as required in Section 9 hereof;

(e) Authenticated Death Certificate of biological parents, as applicable;

(f) CDCLAA, as provided in R.A. No. 9523;

(g) Certification from the Bureau of Immigration that the adoptees are habitual residents of the Philippines and have been habitually residing in the country for at least ten (10) years;

(h) Result of recent medical evaluation of the child and PAPs;

(i) Result of psychological evaluation of the PAPs;

(j) Result of psychological evaluation of the child, as applicable;

(k) Recent close-up and full body pictures of the child and PAPs taken within the last six (6) months;

(l) Proof of financial capacity of PAPs; and

(m) Marriage Certificate or Decree of Annulment or Divorce, Decree of Legal Separation or Decree of Absolute Nullity of Marriage, whichever is applicable.

The licensed social worker of the DSWD is not precluded from asking additional documents deemed necessary as proof of facts alleged in the petition or to establish a factual claim.

ARTICLE IV
PROCEDURE

Sec. 11. ***Case Study or Child and Home Study Report.*** – A licensed social worker from the social service office of the LGU, or any child-placing or child-caring agency or an adoption social worker shall personally conduct a case study of the adoptee, the biological parents, as well as the adopters, and shall submit the report and recommendations on the matter to the DSWD as among the supporting documents of the petition.

The case study of one adoptee shall establish that one is eligible for adoption, unless exempted under this Act. The various interventions from the State and counseling sessions extended to the child's biological family to prevent them from making a hurried decision shall be recorded in the case study.

Further, a home study of the PAPs shall be conducted to ascertain their genuine intentions for the adoption and determine their capacity to care for the child, including possession of the personal qualifications required for adopters under this Act. If the adoption social worker determines that the adoption shall redound to the best interest of the child, a recommendation shall be made to the DSWD for the petition to be granted, otherwise, a denial thereof shall be recommended. Upon discovery of new information that would warrant denial of the petition to protect the best interest of the child, the adoption social worker is duty bound to report the same to the DSWD.

The case studies and other relevant documents and records pertaining to the adoptee and the adoption shall be preserved by the DSWD.

Sec. 12. ***Matching Process.*** – There shall be a matching process for cases of legally available children, thirty (30) days after the issuance of the CDCLAA or the next matching conference, whichever comes first.

Cases of relative and adult adoption shall not undergo the matching process.

Sec. 13. ***Petition for Administrative Adoption.*** – The thriving parent-child relationship during the STC period as substantiated by the bi-monthly monitoring report of the licensed social worker shall give rise to the filing of a petition for administrative adoption.

The petition for administrative adoption shall be notarized. It shall state the facts necessary to establish the merits of the petition. The petitioner must specifically allege being qualified to adopt in accordance with Section 7 of this Act.

No subsequent petition for adoption shall be entertained unless a prior petition has attained finality.

The petition shall be filed with the DSWD Field Office where the PAPs reside.

Sec. 14. ***Issuance of Pre-Adoption Placement Authority.*** – Once a child is matched to an approved PAP and is subsequently accepted, the DSWD shall authorize the pre-adoption placement of the child to the PAPs.

In cases of adult or relative adoption, the PAPs shall automatically be issued a Pre-Adoption Placement Authority (PAPA) without undergoing the matching process.

Sec. 15. ***Supervised Trial Custody (STC).*** – After the matching process and issuance of the PAPA, the DSWD shall give the adopters trial custody of the adoptee for a period of at least six (6) months within which the parties are expected to adjust psychologically and emotionally with each other and establish a bonding relationship. The licensed social worker who prepared the home study report shall monitor the STC bi-monthly, and shall submit a report regarding the placement.

During said period, temporary parental authority shall be vested in the adopters. The STC may be waived in cases of step-parent, relative, or adult adoptions.

In case the placement did not prosper, the licensed social worker must provide the necessary intervention to ensure that the child is protected, cared for, and adequately provided for.

Sec. 16. ***Administrative Adoption Process.*** – Upon termination of the STC, the DSWD Regional Director (RD) shall review the petition and the supporting documents and personally determine the identity of the child, the qualification of petitioner, and the motivation to adopt, capacity to respond to the needs of the child and whether or not the adoption shall redound to the best interest of the child.

The RD shall have thirty (30) days to examine the petition and its supporting documents, determine whether the same is sufficient in form and substance, and render a recommendation thereof. Within seven (7) days from the rendition of the recommendation, the RD shall submit the petition and the supporting documents to the Office of the DSWD Secretary. The DSWD Secretary shall act and decide on the recommendation within thirty (30) days from receipt thereof.

Should the RD find that the petition is insufficient in form or substance, the RD shall return the same to the petitioner with a written explanation of its insufficiency. The petitioner may refile the petition once all required documents and information are ready for submission: *Provided*, That the period within which the petition shall be evaluated shall commence only upon compliance with all documentary and information requirements.

Sec. 17. ***Counting of the Period for Processing of a Petition for Adoption.*** – The prescribed period relating to the preparation, endorsement, and transmittal of documents required under the Act shall be mandatory. If, however, the last day of such period, falls on a Saturday, a Sunday or a legal holiday, the time shall not run until the next working day. The insufficiency of documents or information shall automatically halt the running of the period and counting shall commence only upon the completion of the documentary requirements.

Sec. 18. ***Objection to the Petition.*** – Any person who has personal knowledge of any information, which by ordinary diligence could not be discovered, and which when introduced and admitted, would result in the denial of the Petition and would require protection of the child from possible harm or abuse, may, at any time during the STC or before the issuance of the Order of Adoption, interpose an objection to the petition and file with the offices of the RD and the DSWD Secretary, a complaint supported by evidence of such critical information or circumstances. The complaint will be subjected to verification and further investigation.

Sec. 19. ***Order of Adoption.*** – An order of adoption shall be issued by the Office of the DSWD Secretary. The petition and its supporting documents affirming that the adoption shall redound to the best interest of the adoptee if granted, shall take effect as of the date the original petition was filed even if the petitioners die before its issuance. The same shall be final and executory.

The order shall state the name by which the child is to be known and registered. It shall order the following:

(a) For the adopter to submit a certified true copy of the order of adoption to the Civil Registrar where the child was originally registered within thirty (30) days from receipt thereof; and

(b) For the Civil Registrar of the place where the adoptee was registered:

(1) to annotate on the adoptee's original birth record the order of adoption within thirty (30) days from receipt of the Adoption Order;

(2) to issue a new certificate of birth which shall not bear any notation that it is a new or amended certificate but shall instead show the following: registry number, date of registration, name of child, sex, date of birth, place of birth, name and citizenship of adoptive mother and father, and the date and place of their marriage, when applicable;

(3) to seal the original birth record in the civil registry records which can be opened only upon the order of the DSWD Secretary or the proper courts; and

(4) to submit to the DSWD proof of compliance with all of the foregoing within thirty (30) days from receipt of the decree.

Sec. 20. ***Benefits of Prospective Parents.*** – The issuance of the PAPA shall entitle the PAPs to the rights and privileges of a biological parent under existing laws, such as paid leave benefits, inclusion of the adoptee as beneficiary of any insurance policy or health insurance coverage of the adoptive parents.

Sec. 21. ***Civil Registry Record.*** – An amended certificate of birth shall be issued by the Civil Registry, pursuant to the Order of Adoption, attesting to the fact that the adoptee is the child of the adopter being registered under the adopter's surname. The original birth record shall be stamped "cancelled" with the annotation of the issuance of an amended birth certificate in its place and shall be sealed in the civil registry records. The new birth certificate to be issued to the adoptee shall not bear any notation that it is an amended issuance.

Sec. 22. ***Book of Adoptions.*** – From the effectivity of this Act, the DSWD shall keep a Book of Adoptions showing the date of issuance of the Order of Adoption in each case, and compliance by the Civil or Municipal Registrar with the preceding section and all incidents arising after the issuance of the order.

Sec. 23. ***Confidentiality.*** – All petitions, documents, records, and papers relating to administrative adoption proceedings in the files of the city or municipal social welfare and development offices (SWDOs), the DSWD central and field offices, or any other agency or institution participating in such proceedings shall be kept strictly confidential. If the disclosure of certain information to a third person is necessary for security reasons or for purposes connected with or arising out of the administrative adoption and will be for the best interest of the adoptee, the DSWD Secretary may, upon appropriate request of the adoptee, legal guardian or adoptive parent or upon order of a lawful authority, order the necessary information released, restricting the purposes for which it may be used, and in accordance with the existing laws on data privacy.

Sec. 24. ***Fees.*** – The DSWD, the Office of the Local Civil Registrar (LCR), and child-caring or child-placing agencies may charge fees to those who avail of the administrative adoption proceedings to be determined and adjusted by the DSWD for the conduct of home

visits, monitoring visits, child and home study report, and other expenses incurred by the DSWD or the licensed social worker.

ARTICLE V
EFFECTS OF ADOPTION

Sec. 25. ***Legitimacy.*** – The adoptee shall be considered the legitimate child of the adopter for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate children born to them without discrimination of any kind. The legitimate filiation that is created between the adopter and adoptee shall be extended to the adopter's parents, adopter's legitimate siblings, and legitimate descendants. To this end, the adoptee is entitled to love, guidance, and support which the family can afford.

Sec. 26. ***Parental Authority.*** – Except in cases where the biological parent is the spouse of the adopter, all legal ties between the biological parents and the adoptee shall be severed and the same shall then be vested on the adopter.

Spouses who jointly adopt shall both exercise parental authority over the child.

Sec. 27. ***Succession.*** – In legal and intestate succession, the adopter and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiation. However, if the adoptee and the biological parents had left a will, the law on testamentary succession shall govern.

ARTICLE VI
POST-ADOPTION SERVICES

Sec. 28. ***Preliminaries to Adoption Telling.*** – The licensed social worker handling the adopted child's case shall assist the adoptive parents in disclosing to the child the story about the adoption at an age deemed proper by psycho-social standards: *Provided,* That nothing in this Act shall be construed as mandatory for the licensed social worker to be the principal party to make such disclosure. The actual disclosure regarding the adoption shall be the duty of the adoptive parents.

Sec. 29. ***Tracing the Roots.*** – Upon reaching the age of majority, or if assessed that it will benefit the adoptee, the assistance of the DSWD, LGU, or the child-caring or child-placing agency may be sought to trace the biological family and eventually arrange for re-union of the members thereof and the child: *Provided,* That the adoptees, the biological

parents, as well as the adopters received adequate preparation from a licensed social worker regarding the said re-union.

Sec. 30. ***Monitoring and Submission of Report.*** – Upon finalization of the adoption, the licensed social worker of the adoptive parents is mandated to conduct post-placement monitoring to ensure that the adoption redounded to the best interest of the child. A semestral report shall be submitted to the DSWD within the first year of the issuance of the Order of Adoption. Depending on the age and circumstances of the child, the DSWD shall require additional visit or reporting after the one (1) year period.

ARTICLE VII
RECISSION OF ADOPTION

Sec. 31. ***Grounds for Rescission of Adoption.*** – Upon petition of the adoptee with the DSWD, or with the assistance of the SWDO if the adoptee is a child or upon petition by the guardian, the adoption may be rescinded on any of the following grounds committed by the adopter:

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

(b) Attempt on the life of the adoptee;

(c) Sexual abuse or violence; or

(d) Abandonment and failure to comply with parental obligations.

Adoption, being in the best interest of the child, shall not be subject to rescission by the adopter. However, the adopter may disinherit the adoptee for causes provided for in Article 919 of Republic Act No. 386 otherwise known as the "*Civil Code of the Philippines*".

Sec. 32. ***Venue.*** – The petition shall be filed with the DSWD field office where the adoptee resides.

Sec. 33. ***When to File Petition.*** – Upon existence of any ground, the adoptee or the SWDO, must file the petition for rescission or revocation of adoption.

Sec. 34. ***Order to Answer.*** – The DSWD shall issue an order requiring the adverse party to answer the petition within fifteen (15) days from receipt of a copy thereof. The order and copy of the petition shall be served on the adverse party in such manner as the DSWD may direct.

Sec. 35. *Decision.* – If the DSWD finds that the allegations of the petition are true, it shall render a decision ordering the rescission of adoption, with or without costs, as justice requires.

The DSWD shall:

(a) Order that the parental authority of the biological parent of the adoptee, if known, or the legal custody of the DSWD, shall be restored if the adoptee is still a child and declare that the reciprocal rights and obligations of the adopter and the adoptee to each other shall be extinguished;

(b) Declare that successional rights shall revert to its status prior to adoption, as of the date of decision. Vested rights acquired prior to administrative rescission shall be respected;

(c) Order the adoptee to use the name stated in the original birth or foundling certificate; and

(d) Order the Civil Registrar where the adoption order was registered to cancel the new birth certificate of the adoptee and reinstate the original birth or foundling certificate.

Sec. 36. *Service of Decision.* – A certified true copy of the decision shall be served by the petitioner upon the Civil Registrar concerned within thirty (30) days. The Civil Registrar shall forthwith enter the rescission order in the register and submit proof of compliance to the DSWD within thirty (30) days from receipt of the order.

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

ARTICLE VIII
VIOLATION AND PENALTIES

Sec. 37. *Penalties.* –

(a) The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years or a fine not less than Fifty thousand pesos (Php 50,000.00), but not more than Two hundred thousand pesos (Php 200,000.00), or both, at the discretion of the court shall be imposed on any person who shall commit any of 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; or

(3) subjecting or exposing the child to be adopted to danger, abuse, or exploitation.

(b) Any person who shall cause the fictitious registration of the birth of a child under the name of a person who is not the child's biological parent shall be guilty of simulation of birth, and shall be imposed the penalty of imprisonment from eight (8) years and one (1) day to ten (10) years and a fine not exceeding Five hundred thousand pesos (Php 500,000.00).

Any physician, midwife, nurse, or hospital personnel who, in violation of their oath of profession, shall cooperate in the execution of the above-mentioned crime shall suffer the penalties herein prescribed as well as the penalty of permanent disqualification from the practice of profession following relevant prescriptions of the law and governing authorities.

Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents, and communications related to adoption applications, cases, and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (l) day to two (2) years, or a fine of not less than Five thousand pesos (Php 5,000.00) but not more than Ten thousand pesos (Php 10,000.00), or both, at the discretion of the court.

A penalty lower by two (2) degrees than that prescribed for the consummated offense under this Article shall be imposed upon the principals of the attempt to commit any of the acts described herein. Acts punishable under this Article, when committed by a syndicate or where it involves two (2) or more children shall be considered as an offense constituting child trafficking and shall merit the penalty of imprisonment from twenty (20) years and one (1) day to forty (40) years.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another in carrying out any of the unlawful acts defined under this Article. Penalties as are 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.

When the offender is a foreign national, deportation proceedings shall immediately follow after service of sentence, and the offender shall be perpetually excluded from entry into the country.

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 a case, whether administrative or criminal, said government official, employee, or functionary concerned shall automatically be suspended from the service until the resolution of the case.

ARTICLE IX
FINAL PROVISIONS

Sec. 38. ***Information Dissemination.*** – The DSWD shall, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd), the Department of Health (DOH), and the Council for the Welfare of Children (CWC), disseminate information regarding this Act and its implementation to the public.

To promote awareness that adoption is an act of love and a means to cultivate meaningful relationships that ultimately help build strong families and thriving communities, the DepEd shall integrate the topic of adoption into the Basic education curriculum.

The PIA shall strive to rectify mass media portrayals that adopted children are inferior to other children, and shall enjoin the *Kapisanan ng mga Brodkaster sa Pilipinas*, all print media and various social media platforms to disseminate positive information on adoption.

The DOH shall ensure that hospital workers including doctors, nurses, and midwives are knowledgeable on adoption processes and the criminal liability attached to the act of simulating birth records.

Sec. 39. ***Appropriations.*** – The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act.

Sec. 40. ***Implementing Rules and Regulations.*** – Within ninety (90) days, the DSWD Secretary shall, after due consultation with the Philippine Statistics Authority, Department of Justice, DepEd, DOH, association of LCRs, Department of Foreign Affairs, Child's Rights Network, CWC, Office of the Solicitor General, and two (2) private individuals representing child-placing and child-caring agencies, promulgate the rules and regulations to implement this Act.

Sec 41. ***Saving Clause.*** – Nothing in this Act shall affect any right of an adoptee acquired by judicial proceeding or otherwise before the commencement of this Act.

Sec. 42. ***Separability Clause.*** – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

Sec. 43. ***Repealing Clause.*** – Republic Act No. 8552, otherwise known as the *"Domestic Adoption Act of 1998"* is hereby repealed. Other laws, decrees, letters of instruction, executive issuances, resolutions, orders, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

Sec. 44. ***Effectivity***. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,