

Domestic Adoption Act of 1998
Republic Act 8552

REPUBLIC OF THE PHILIPPINES

CONGRESS OF THE PHILIPPINES

METRO MANILA

TENTH CONGRESS

FOURTH SPECIAL SESSION

**BEGUN AND HELD IN METRO MANILA, ON WEDNESDAY
THE ELEVENTH DAY OF FEBRUARY
NINETEEN HUNDRED AND NINETY-EIGHT**

[REPUBLIC ACT NO. 8552]

**AN ACT ESTABLISHING THE RULES AND POLICIES ON
THE DOMESTIC ADOPTION OF FILIPINO CHILDREN AND
FOR OTHER PURPOSES**

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

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. *Short Title* – This Act shall be known as the Domestic Adoption Act of 1998

SECTION 2. *Declaration of Policies*

- a) It is hereby declared the policy of the State to ensure that every child remains under the care and custody of his/her parent(s) and be provided with love, care understanding and security towards the full and harmonious development of his/her personality. Only when such efforts prove insufficient and no appropriate placement or adoption within the child's extended family is available shall adoption by an unrelated person be considered.
- b) In all matters relating to the care, custody and adoption of a child, his/her interest shall be the paramount consideration in accordance with the tenets set forth in the United Nations (UN) Convention on the Rights of the Child; UN Declaration on Social and legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption, Nationality and Internationality; and the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. Towards this end, the State shall provide alternative protection and assistance through foster care or adoption for every child who is neglected, orphaned, or abandoned.
- c) It shall also be a State policy to:
 - (i) Safeguard the biological parent(s) from making hurried decisions to relinquish his/her parental authority over his/her child;
 - (ii) Prevent the child from unnecessary separation from his/her biological parent(s);
 - (iii) Protect adoptive parent(s) from attempts to disrupt his/her parental authority and custody over his/her adopted child.

Any voluntary or involuntary termination of parental authority shall be administratively or judicially declared so as to establish the status of the child as "legally available for adoption" and his/her custody transferred to the Department of Social Welfare and Development or to any duly licensed and accredited child-placing or child-caring agency, which entity shall be authorized to take steps for the permanent placement of the child;

- (iv) Conduct public information and educational campaigns to promote a positive environment for adoption;
- (v) 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, but not limited to, parent preparation and post-adoption education and counseling; and
- (vi) Encourage domestic adoption so as to preserve the child's identity and culture in his/her native land, and only when this is not available shall intercountry adoption be considered as a last resort.

SECTION 3. *Definition of Terms* – For purposes of this Act the following terms shall be defined as:

- a) "**Child**" is a person below eighteen (18) years of age.
- b) "**A child legally available for adoption**" refers to a child who has been voluntarily or involuntarily committed to the Department or to a duly licensed and accredited child-placing, or child-caring agency, freed of the parental authority of his/her biological parent(s) or guardian or adopters in case of rescission of adoption.
- c) "**Voluntarily committed child**" is one whose parent(s), knowingly and willingly relinquishes parental authority to the Department.
- d) "**Involuntarily committed child**" is one whose parent(s), known or unknown, has been permanently and judicially deprived of parental authority due to abandonment, substantial, continuous, or repeated neglect, abuse; or incompetence to discharge parental responsibilities.
- e) "**Abandoned child**" refers to one who has no proper parental care or guardianship or whose parent(s) has deserted him/her for a period of at least six (6) continuous months and has been judicially declared as such.
- f) "**Supervised trial custody**" is a period of time within which a social worker oversees the adjustment and emotional readiness of both adopter(s) and adoptee in stabilizing their filial relationship.
- g) "**Department**" refers to the Department of Social Welfare and Development.
- h) "**Child-placing agency**" is a duly licensed and accredited agency by the Department to provide comprehensive child welfare services including, but not limited to, receiving applications for adoption, evaluating the prospective adoptive parents, and preparing the adoption home study.
- i) "**Child-caring agency**" is a duly licensed and accredited agency by the Department that provides twenty four (24) hour residential care services for abandoned, orphaned, neglected, or voluntarily committed children.
- j) "**Simulation of Birth**" is the tampering of the civil registry making it appear in the birth records that a certain child was born to a person who is not his/her biological mother, causing such child to lose his/her true identity and status.

**ARTICLE II
PRE-ADOPTION SERVICES**

SECTION 4. *Counseling Services* – The Department shall provide the services of licensed social workers to the following:

- a) *Biological Parent(s)* - Counseling shall be provided to the parent(s) before and after the birth of his/her child. No binding commitment to an adoption plan shall be permitted before the birth of his/her child. A period of six (6) months shall be allowed for the biological parent(s) to reconsider any decision to relinquish his/her child for adoption before the decision become irrevocable. Counseling and rehabilitation services shall also be offered to the biological parent(s) after he/she has relinquished his/her child for adoption.

Steps shall be taken by the Department to ensure that no hurried decisions are made, all

alternatives for the child's future and the implications of each alternative have been provided.

- b) **Prospective Adoptive Parent(s)** - Counseling sessions, adoption fora and seminars, among others, shall be provided to prospective adoptive parent(s) to resolve possible adoption issues and to prepare him/her for effective parenting.
- c) **Prospective Adoptee** - Counseling sessions shall be provided to ensure that he/she understand the nature and effects of adoption and is able to express his/her views. on adoption in accordance with his/her age and level of maturity.

SECTION 5. Location of Unknown Parent(s) - It shall be the duty of the Department or the child-placing or child-caring agency which has custody of the child to exert all efforts. to locate his/her unknown biological parent(s). If such efforts fail, the child shall be registered as a foundling and subsequently be the subject of legal proceedings where he/she shall be declared abandoned.

SECTION 6. Support. Services - The Department shall develop a pre-adoption program which shall include, among other, the above-mentioned services.

ARTICLE III ELIGIBILITY

SECTION 7. Who May Adopt – The following may adopt:

- a) Any Filipino citizen of legal age, in possession' of full civil capacity and legal rights, of good moral character, has not been convicted of any crime involving moral turpitude, emotionally and psychologically capable of caring for children, at least sixteen (16) years older that the adoptee, and who is in a position to support and care for his/her children in keeping with the means of the family. The requirement of sixteen (16) years 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;
- b) Any alien possessing the same qualifications as above stated for Filipino nationals; Provided, That his/her country has diplomatic relations with the Republic of the Philippines, that he/she has been living in the Philippines for at least three (3) continuous years prior to the filing of the application for adoption and maintains such residence until the adoption decree is entered, that he/she has been certified by his/her diplomatic or consular office or any appropriate government agency that he/she has the legal capacity to adopt in his/her country, and that his/her government allows the adoptee to enter his/her country as his/her adopted son/daughter. Provided, further, that the requirements on residency and certification of the alien's qualification to adopt in his/her country may be waived for the following:
 - (i) a former Filipino citizen who seeks to adopt a relative within the fourth (4th) degree of consanguinity or affinity; or
 - (ii) one who seeks to adopt the legitimate son/daughter of his/her Filipino spouse; or
 - (iii) one who seeks to adopt jointly with his/her spouse a relative within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse; or

- c) The guardian with respect to the ward after the termination of the guardianship and clearance of his/her financial accountabilities.

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

- (i) if one spouse seeks to adopt the legitimate son/daughter of the other, or
- (ii) if one spouse seeks to adopt his/her own illegitimate son/daughter:
 Provided, however, that the other spouse has signified his/her consent thereto: or.
- (iii) if the spouses are legally separated from each other.

In case husband and wife jointly adopt or one spouse adopts the illegitimate son/daughter of the other, joint parental authority shall be exercised by the spouses.

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

- a) Any person below eighteen (18) years of age who has been administratively or judicially declared available for adoption;
- b) The legitimate son/daughter of one spouse by the other spouse;
- c) An illegitimate son/daughter by a qualified adopter to improve his/her status to the of legitimacy;
- d) A person of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopter(s) as his/her own child since minority;
- e) A child whose adoption has been previously rescinded; or
- f) A child whose biological or adoptive parents(s) has died; Provided, that no proceeding shall be initiated within six (6) months from the time of death of said parent(s).

SECTION 9. *Whose Consent is Necessary to the Adoption* – After being properly counseled and informed of his/her right to give or withhold his/her approval of the adoption, the written consent of the following to the adoption is hereby required;

- a) The adoptee, if ten (10) years of age or over;
- b) The biological parent(s) of the child, if known, or the legal guardian, or the proper government instrumentality which has legal custody of the child;
- c) The legitimate and adopted sons/daughters, ten (10) years of age or over, of the adopter(s) and adoptee, if any;
- d) The illegitimate sons/daughters, 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 to be adopted.

ARTICLE IV PROCEDURE

SECTION 10. *Hurried Decisions* – In all proceedings for adoption, the court shall require proof that the biological parent(s) has been properly counseled to prevent him/her from making hurried decision caused by strain or anxiety to give up the child, and to sustain that all measures to strengthen the family have been exhausted and that any prolonged -stay of the child in his/her own home will be inimical to his/her welfare and interest.

SECTION 11. *Case Study* - No petition for adoption shall be set for hearing unless a licensed social worker of the Department, the social service office of the local government unit, or any child-placing or child-caring agency has made a case study of the adoptee, his/her biological parent(s), as well as the adopter(s), and submitted the report and recommendations on the matter to the court hearing such petition.

At the time of preparation of the adoptee's case study, the concerned social worker shall confirm with the Civil Registry the real identity and registered name of the adoptee. If birth of the adoptee was not registered with the Civil Registry, it shall be the responsibility of the concerned social worker to ensure that the adoptee is registered.

The case study on the adoptee shall establish that he/she is legally available for adoption and that the documents to support this fact are valid and authentic. Further, the case study of the adopter(s) shall ascertain his/her genuine intentions and the adoption is in the best interest of the child.

The Department shall intervene on behalf of the adoptee if it finds, after the conduct of the case studies, that the petition should be denied. The case studies and other relevant documents and records pertaining to the adoptee and the adoption shall be preserved by the Department.

SECTION 12 *Supervised Trial Custody* – No petition for adoption shall be finally granted until the adopter(s) has been given by the court a supervised trial custody period for at least six (6) months' within which the parties are expected to adjust psychologically and emotionally to each other and establish a bonding relationship. During said period, temporary parental authority shall be vested in the adopter(s).

The court by *motu proprio* or upon motion of any party reduce the trial custody period if it finds the same to be in the best interest of the adoptee, stating the reasons for the reduction of the period. However, for alien adopter(s), he/she must complete the six (6) months trial custody except for those enumerated in Sec. 7 (b) (i) (ii) (iii).

If the child is below seven (7) years of age and is placed with prospective adopter(s) through a pre-adoption placement authority issued by the Department, the prospective adopter(s) shall enjoy all the benefits to which biological parent(s) is entitled from the date the adoptee is placed with the prospective adopter(s).

SECTION 13 *Decree of Adoption* - If, after the publication of the order of hearing has been complied with, and no opposition has been interposed to the petition, and after consideration of the case studies, the qualifications of the adopter(s), trial custody report and the evidence submitted, the court is convinced that the petitioners are qualified to adopt, and that the adoption would redound to the best interest of adoptee, a decree of adoption shall be entered which shall be effective as of the date the original petition was filed. This provision shall also apply in case the petitioner(s) dies before the issuance of the decree of adoption to protect the interest of the adoptee. The decree shall state the name by which the child is to be known.

SECTION 14 *Civil Registry Record* – An amended certificate of birth shall be issued by the Civil Registry, as required by the Rules of Court, attesting to the fact that the adoptee is the child of the adopter(s) by being registered with his/her surname. The original certificate of birth shall be stamped "cancelled" with the annotation of the issuance of an amended birth certificate in its place and shall be seated 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 issue.

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

If the court finds that the disclosure of the information to a third person is necessary for purposes connected with or arising out of the adoption and will be for the best interest of the adoptee, the court may merit the necessary information to be released, restricting the purposes for which it may be used.

ARTICLE V EFFECTS OF ADOPTION

SECTION 16 *Parental Authority* - Except in cases where the biological parent is the spouse of the adopter, all legal ties between the biological parent(s) and the adoptee shall be severed and the same shall then be vested on the adopter(s).

SECTION 17 *Legitimacy* – The adoptee shall be considered the legitimate son/daughter of the adopter(s) for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate sons/daughters born to them without discrimination of any kind. To this end the adoptee is entitled to love, guidance, and support in keeping with the means of the family.

SECTION 18 *Succession* – In legal and intestate succession, the adopter(s) and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiation. However, if the adoptee and his/her biological parent(s) had left a will, the law on testamentary succession shall govern.

ARTICLE VI RESCISSION OF ADOPTION

SECTION 19 *Grounds for Rescission of Adoption* - Upon petition of the adoptee, with the assistance of the Department, if a minor or if over eighteen (18) years of age but is incapacitated, as guardian/counsel, the adoption may be rescinded on any of the following grounds committed by the adopter(s); (a) repeated physical and verbal maltreatment by the adopter(s) despite having undergone counseling; (b) attempt on the life of the adoptee; (c) sexual assault 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 adopter(s). However, the adopter(s) may disinherit the adoptee for causes provided in Article 919 of the Civil Code.

SECTION 20 *Effects of Rescission* – If the petition is granted, the parental authority of the adoptee's biological parent(s), if known, or the legal custody of the Department shall be restored if the adoptee is still a. minor or incapacitated. The reciprocal rights and obligations of the

adopter(s) and the adoptee to each other shall be extinguished.

The court shall order the Civil Registrar to cancel the amended certificate of birth of the adoptee and restore his/her original birth certificate.

Succession rights shall revert to its status prior to adoption, but only as of the date of judgment or judicial rescission. Vested rights acquired prior to judicial rescission shall be respected.

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

ARTICLE VII VIOLATIONS AND PENALTIES

SECTION 21 *Violations and Penalties*

- (a) The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and/or a fine 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 shall be imposed on any person who shall commit any of the following acts:
- (i) obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;
 - (ii) non-compliance with the procedures and safeguards provided by law for the adoption; or
 - (iii) subjecting or exposing the child to be adopted to danger, abuse, or exploitation.
- (b) Any person who shall cause the fictitious registration of birth of a child under the name(s) of a person(s) who is not his/her biological parent(s) shall be guilty of simulation of birth, and shall be punished by prison mayor in its medium period and a fine not exceeding fifty thousand pesos (P50,000.00).

Any physician or nurse or hospital personnel who, in violation of his/her oath of office, shall cooperate in the execution of the above mentioned crime shall suffer the penalties herein prescribed and also the penalty of permanent disqualification.

Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents, and communications of 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 peso (P10,000.00) 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 herein enumerated.

Act 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 *reclusion perpetua*.

Acts punishable under this Article are deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any of the unlawful acts 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 an alien, he/she shall be deported immediately after service and perpetually excluded from entry to the country.

Any government official, employee of 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 either administrative or criminal, said government official employee, or functionary concerned shall automatically suffer suspension until resolution of the case.

SECTION 22 *Rectification of Simulated Births* – A person who has, prior to the effectivity of this Act, simulated the birth of a child shall not be punished for such act. Provided, that the simulation of birth was made for the best interest of the child and that he/she has been consistently considered and treated by that person as his/her own son/daughter. Provided, further, that the application for correction of the birth registration and petition for adoption shall be filed within five (5) years from the effectivity of this Act and completed thereafter. Provided, finally, that such person comply with the procedures as specified in Article IV of this Act and other requirements as determined by the Department.

ARTICLE VIII FINAL PROVISIONS

SECTION 23 *Adoption Resource & Referral Office* – There shall be established an Adoption Resources and Referral Office under the Department with the following functions: (a) monitor the existence, number and flow of children legally available for adoption and prospective adopter(s) so as to facilitate their matching; (b) maintain a nationwide information and educational campaign on domestic adoption; (c) keep records of adoption proceedings; (d) generate resources to help child-caring and child-placing agencies and foster homes maintain viability; and (e) do policy research in collaboration with the Intercountry Adoption Board and other concerned agencies. The office shall be manned by adoption experts from the public and private sectors.

SECTION 24 *Implementing Rules and Regulations* – Within six (6) months from the promulgation of this Act, the Department, with the Council for the Welfare of Children, the Office of Civil Registry General, the Department of Justice, Office of the Solicitor General, and two (2) private individuals representing child-placing and child-caring agencies shall formulate the necessary guidelines to make the provisions of this Act operative.

SECTION 25 *Appropriations* – Such sum as may be necessary for implementation of the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 26 *Repealing Clause* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 27 *Separability Clause* – If any provision on this Act is held invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 28 *Effectivity Clause* – This Act shall take effect fifteen (15) days following its complete publication in any newspaper of general circulation or in the Official Gazette.

Approved,

(SGD.) **JOSE DE VENECIA JR.**
Speaker of the House of Representatives

(SGD.) **NEPTALI A. GONZALES**
President of the Senate

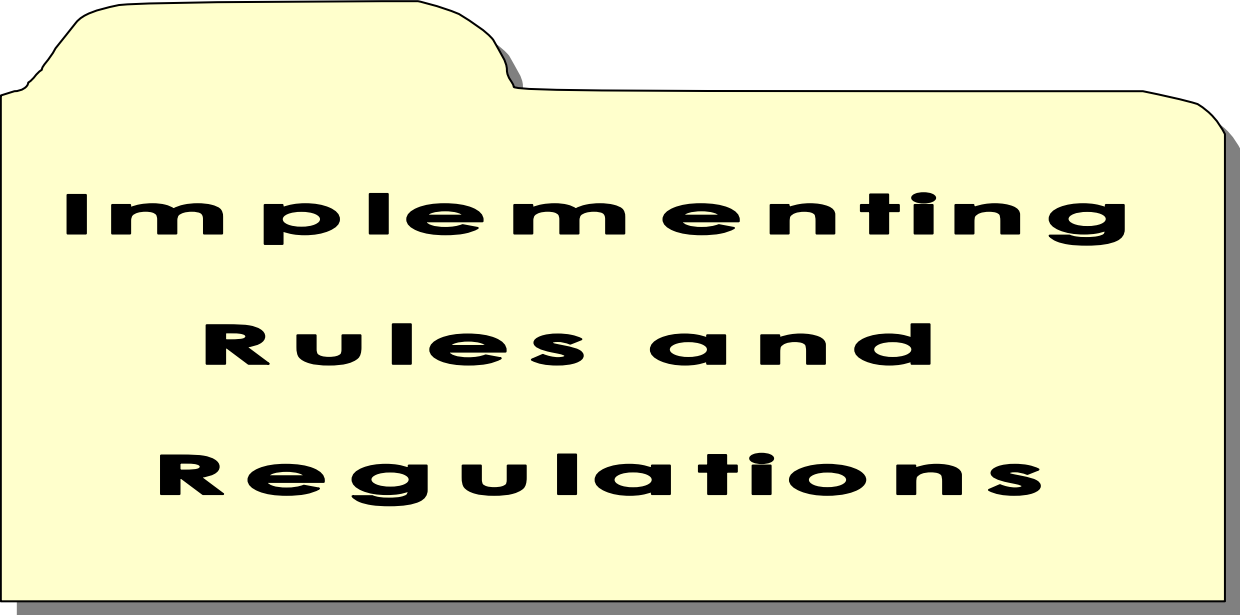
This Act, which is a consolidation of Senate Bill No. 1523 and House Bill No. 10378 was finally passes by the Senate and the House of Representative on February 13, 1998.

(SGD.) **ROBERTO P. NAZARENO**
Secretary General
House of Representatives

(SGD.) **HAZEL P. GACUTAN**
Secretary of the Senate

Approved: February 25, 1998

(SGD.) **FIDEL V. RAMOS**
President of the Philippines



**Implementing
Rules and
Regulations**

Rules and Regulations to Implement the Domestic Adoption Act of 1998

Pursuant to the authority of the Department of Social Welfare and Development under Article VIII, Section 24 of Republic Act 8552, otherwise known as "The Domestic Adoption Act of 1998", the following Rules and Regulations are hereby promulgated to govern the adoption of Filipino children within the Philippines.

ARTICLE I GENERAL PROVISIONS

SECTION 1 *Affirmation of Policy* – It is the policy of the State to ensure that every child remains under the care and custody of his/her biological parents and be provided with love, care, understanding and security toward the full development of his/her personality. When care of the biological parents is unavailable or inappropriate and no suitable alternative parental care or adoption within the child's extended family is available, adoption by an unrelated person shall be considered. However, no direct placement of a child to a non-relative shall be countenanced.

Adoption is the most complete means whereby permanent family life can be restored to a child deprived of his/her biological family.

This child's best welfare and interest shall be the paramount consideration in all questions relating to his/her care and custody.

SECTION 2 *Applicability* – These Rules shall apply to the adoption in the Philippines of a Filipino child by a Filipino or alien qualified to adopt under Article III, Section 7 of RA 8552.

Adoption of a child by any member of his/her extended family shall likewise be governed by these Rules.

ARTICLE II DEFINITION OF TERMS

SECTION 3 *Definition of Terms* – As used in these Rules, unless the context otherwise requires, the following terms shall mean:

- a) "**Act**" shall refer to Republic Act, No. 8552 otherwise known as "**The Domestic Adoption Act of 1998**".
- b) "**Department**" shall refer to the Department of Social Welfare and Development.
- c) "**Child**" shall refer to a person below eighteen (18) years of age.
- d) "**A child legally available for adoption**" shall refer to a child who has been voluntarily or involuntarily committed to the Department or to a duly licensed and accredited child-placing or child-caring agency, freed of the parental authority of his/her biological parent(s) or guardian or adopter(s) in case of rescission of adoption.
- e) "**Voluntarily committed child**" shall refer to one whose parent(s) knowingly and willingly relinquishes parental authority to the Department
- f) "**Involuntarily committed child**" shall refer to one whose parent(s), known or unknown, has been permanently and judicially deprived of parental authority due to abandonment, substantial, continuous or repeated neglect; abuse or incompetence to discharge parental

responsibilities.

- g) "**Abandoned child**" shall refer to one who has no proper parental care or legal guardianship or whose parent(s) has deserted him/her for a period of at least six (6) continuous months and has been judicially declared as such.
- h) "**Foundling**" shall refer to a deserted or abandoned infant or a child found, with parents, guardian, or relatives being unknown, or a child committed in an orphanage or charitable or similar institution with unknown facts of birth and parentage and registered-in the Civil Register as a "foundling".
- i) "**Deed of Voluntary Commitment**" shall refer to the written and notarized instrument relinquishing parental authority and committing the child to the care and custody of the Department executed by the child's biological parent(s) or by the child's legal guardian in their absence, mental incapacity or death, to be signed in 'the presence of an authorized representative of the Department after counseling and other services have been made available to encourage the child's biological parent(s) to keep the child.
- j) "**Child Study Report**" shall refer to a study of a child's legal status, placement history, psychological, social, spiritual, medical, ethno-cultural background and that of his/her biological-family as basis in determining the most desirable placement for him/her.
- k) "**Home Study Report**" shall refer to a study of the motivation and capacity of the prospective adoptive parents to provide a home that meets the needs of a child.
- l) "**Matching**" shall refer to the judicious selection from the regional or interregional levels of a family for a child based on the child's needs and in his/her best interest as well as the capability and commitment of the adoptive parents to provide such needs and promote a mutually satisfying parent-child relationship.
- m) "**Supervised Trial Custody**" shall refer to the period during which a social worker oversees the adjustment and emotional readiness of both adopting parents and adopted child in stabilizing their filial relationship.
- n) "**Licensed Social Worker**" shall refer to one who possesses a bachelor of science in social work degree as a minimum education requirement and must have passed the government licensure examination for social workers as required by Republic Act 4373.
- o) "**Child Placing Agency**" shall refer to a private non-profitable or charitable institution or government agency duly licensed and accredited by the Department to provide comprehensive child welfare services including but not limited to receiving applications for adoption/foster care, evaluating the prospective adoptive/foster parents, preparing the home study and all other processes as provided for in Article V of the Rules.
- p) "**Child Caring Agency**" shall refer to a private non-profitable or charitable institution or government agency duly licensed and accredited by the Department that provides twenty-four (24) hour residential care services for abandoned, orphaned, neglected, or voluntarily committed children.
- q) "**Simulation of birth**" shall refer to the tampering of civil registry making it appear in the

birth records that a certain child was born to a couple or a person who is not his/her biological mother and/or his/her biological father, causing such child to lose his/her true identity and status.

- r) "**Extended Family**" shall refer to a relative of a child both at the paternal and maternal side within the fourth degree of consanguinity.
- s) "**Biological Parents**" shall refer to the child's mother and father by nature or the mother alone if the child is an unacknowledged illegitimate child.
- t) "**Prospective Adoptive Parent(s)**" shall refer to person/s mentioned under Section 7 of the Act who have filed an application for adoption.
- u) "**Prospective Adoptee**" shall refer to one who is legally available for adoption as defined in Section 3 (d) of this rule or one who falls under the enumeration in Section 8 of the Act.
- v) "**Pre-Adoption Services**" shall refer to psycho-social services provided by professionally trained social workers of the Department, the social services units of the local government, private and government health facilities, Family Courts, licensed and accredited child-caring and child-placing agency and such other individuals or entities involved in adoption as may be authorized by the Department.
- w) "**Post-Adoption Services**" shall refer to psycho-social services and support services provided by professionally trained social workers from above-mentioned offices after the issuance of the Decree of Adoption.
- x) "**Residence**" shall refer to a person's actual and legal stay in the Philippines for three (3) continuous years immediately prior to the filing of the application for Adoption Decree is entered; Provided, that temporary absences for professional, business or emergency reasons not exceeding sixty (60) days in one (1) year shall not be considered as breaking the continuity requirement; Provided further that the Department may extend this period in meritorious cases.
- y) "**Alien**" shall refer to any person, not a Filipino citizen, who enters and remains in the Philippines and is in possession of a valid passport or travel documents and visa.

ARTICLE III PRE-ADOPTION SERVICES

SECTION 4 *Pre-Adoption Services* – Pre-adoption services including counseling shall be provided by professionally trained social workers of the Department, the social services units of local government, private and governmental health facilities, Family Court, licensed and accredited child-caring and child-placing agency and such other individuals or entities involved in adoption as may be authorized by the Department to the following:

1. Biological Parent(s)

1.1 Biological parents shall be counseled regarding their options:

- a) to keep the child and avail of services and assistance;
- b) avail of temporary child care arrangements such as foster care, or;

c) relinquish the child for adoption.

1.2 Counseling shall be provided in a language and manner understandable to the biological parent(s)/legal guardian on the implications of relinquishing his/her parental authority over the child focusing on:

- a) the loss of parental rights over the child as a rule, not having further contact with the child;
- b) the importance of providing relevant information on the child, their own medical history and family background;
- c) the possibility that the child may be placed for adoption within the Philippines or in a foreign country;
- d) the possibility that in the future, there may be communication with the child at their or the child's initiative.
- e) the right to reconsider his/her decision to relinquish his/her child within six months from signing the Deed of Voluntary Commitment (DVC) subject to assessment by the Department.

1.3 Continuing services shall be provided after relinquishment to cope with feelings of loss, etc. and other services for his/her reintegration to the community.

1.4 The biological parent(s) who decides to keep the child shall be provided with adequate services and assistance to fulfill parental responsibilities.

2. Prospective Adoptive Parent(s)

2.1 Prospective adoptive parent(s) shall attend adoption fora and seminars to help them assess their motivation, capacity and readiness to adopt. The Department shall conduct fora, seminars and counseling sessions to achieve the following additional objectives:

- a) to disseminate basic information, about adoption including the adoption process and procedures and the effects of adoption.
- b) to inform them of the general background of children in need of adoptive homes including children with special needs;
- c) to develop among prospective adoptive parents a respect for the child's biological origin and an awareness of the importance of telling the child that he/she is adopted.
- d) to provide a support group for adoptive parents which shall give them a venue for sharing their adoption experiences.

2.2 A certificate shall be issued by the Department to the prospective adoptive parents

attesting that they have undergone pre-adoption services.

The certificate shall be made a pre-requisite of the homestudy.

3. Prospective Adoptee

3.1 A prospective adoptee shall be provided with counseling and other support services appropriate to his/her age and maturity, and in a manner and language that the child comprehends, especially to enable him/her to understand why he/she has been relinquished for adoption.

3.2 In the case of a prospective adoptee whose consent to his/her own adoption is necessary, the social worker/counselor shall consider the child's wishes and opinions, ensure that his/her consent is voluntary and duly inform him/her of the effects of such consent.

SECTION 5 *Location of Unknown Parent(s)* – It shall be the duty of the Department or the child placing or child caring agency which has custody of the child to exert all efforts to locate his/her unknown biological parent(s).

The following shall be sufficient proof that such efforts to locate the biological parents, guardians or relatives have been made:

- a) Certification from radio and/or TV stations that the case was aired on three (3) different occasions; and
- b) Publication in newspapers of general or local circulation whichever is appropriate to the circumstances.

If the biological parent(s) is located, he/she will be assessed to determine their willingness to keep the child and their parenting capability. If reunification is desired, it shall be effected after the parent(s) and child undergo counseling.

If efforts to locate the child's parent(s) fail, the child shall be registered as a foundling and within three (3) months from the time he/she is found be the subject of legal proceedings where he/she shall be declared abandoned. If the child's parents are located but reunification is not desired, the parent(s) shall execute a Deed of Voluntary Commitment to the Department.

SECTION 6 *Support Services* – The Department and other authorized agencies shall organize and assist support groups for adoptive' parents, biological parents and adoptees, provide parent and family life education sessions and referral for specialized services, among others.

ARTICLE IV ELIGIBILITY

SECTION 7 *Who May Adopt* – Any Filipino citizen or alien residing in the Philippines who has the qualifications and none of the disqualifications under the Act may be eligible to adopt if he/she:

- a) is of legal age;

- b) is at least sixteen (16) years older than the adoptee; Provided, however that the minimum age gap between the adopter and adoptee may not be required if the adopter is the biological parent or sibling of the adoptee or the spouse of the adoptee's parent;
- c) has the capacity to act and assume all rights and duties incident to the exercise of parental authority;
- d) is of good moral character and has not been convicted of any crime involving moral turpitude;
- e) is in a position to support, educate and care for his/her legitimate and illegitimate children and the child to be adopted in keeping with the means of the family;
- f) has undergone pre-adoption services as required in Section 4 of the Act.

In addition to these qualifications, an alien may adopt if he/she:

- a) is a citizen of a state which has diplomatic relations with the Philippines;
- b) has been certified by his/her diplomatic or consular office or any appropriate agency that:
 - i) he/she is qualified to' adopt in his/her country; and,
 - ii) his/her government will allow the adoptee to enter the adopters' country and reside there permanently as an adopted child;
- c) has submitted the necessary clearances and such other certifications as may be required by the Department.

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

- a) any person below (18) "years of age Who has been administratively or judicially declared available for adoption in accordance with the procedures as indicated in Articles 142 to 155 of the P.D.603: The Child and Youth Welfare Code;
- b) the legitimate son/daughter of one spouse by the other spouse;
- c) an illegitimate son/daughter by a qualified adopter to improve his/her status to that of legitimacy;
- d) a person of 1egal age if, prior to the adoption, said person has been consistently considered and treated by the adopter(s) as his/her own child since minority;
- e) a child whose adoption has been previously rescinded; or
- f) a child whose biological or adoptive parent(s) has died: Provided, That no proceedings shall be initiated within six (6) months from the time of death of said parent(s).

SECTION 9 *Person Whose Consent Is Necessary To The Adoption* – In addition to the consent to Adopt by the Department under Section 22 of these Rules, the written consent of the following persons to the adoption shall be given in the required legal form and attached to every petition for adoption:

- a) the prospective adoptee, if ten (10) years of age or over;
- b) the prospective adoptee's biological parents of the child or legal guardian;
- c) the prospective adopter's legitimate and adopted sons/daughters who are ten (10) years of age or over and, if any, illegitimate sons/daughters living with them;
- d) the prospective adopter's spouse in appropriate cases; and prospective adoptee in appropriate cases.

The foregoing consent shall be given freely after they have been properly counseled as required under Section 4 by a social worker who shall attest in the same document that the required counseling and information have been given.

ARTICLE V PROCEDURE

SECTION 10 *Hurried Decision* – In all proceedings for adoption a comprehensive study report prepared by a licensed social worker shall be submitted to the court as proof that the biological parent(s) has been properly counseled and provided other support services:

1. to exhaust all measures to strengthen family ties and keep the child;
2. to ensure that their decision to relinquish their child for adoption is not caused by stress, anxiety or pressure and;
3. to ascertain that such decision does not result in improper financial gain for those involved in it.

SECTION 11 *Attendance In Adoption Fora and Seminars* – In accordance with Section 4.2 of these Rules, prospective adoptive parents shall attend adoption fora and seminars prior to filing their application to adopt.

SECTION 12 *Fees and Charges* - Pursuant to Section 23(d) of the Act, child-caring and child-placement agencies may charge reasonable fees as determined by the Department to cover expenses in providing adoption services. The applicant(s) shall be apprised of the fees at the start of the adoption process.

SECTION 13 *Application For Adoption* – A person eligible to adopt under Article III, Section 7 of the Act who desires to adopt a child in the Philippines whether a relative or not and has attended adoption fora and seminar, shall file his/her application for adoption with the Department directly or with a social service office of local, government unit, or with any licensed accredited child placing agency. Spouses shall file their application jointly.

SECTION 14 *Preparation of Home Study Report* – A home study report of the applicant shall be prepared by a licensed and accredited social worker of the Department, or social service office of the local government unit or licensed and accredited child placing agency where pre-application is filed who shall conduct home visits to the applicants to determine capacity to adopt and possession of qualification. The home study report shall clearly indicate whether the

applicant is being recommended for child placement or not. The applicant's Home Study Report shall be accompanied by the following documents/certifications:

1. Authenticated certificate;
2. Marriage Contract or Divorce, Annulment, Declaration of Nullity, or Legal Separation documents;
3. Written consent to the adoption by the legitimate and adopted sons/ daughters, and illegitimate sons/daughters if living with the applicant, who are at least ten (10) years old;
4. Physical and medical evaluation by a duly licensed physician; and when appropriate, psychological evaluation;
5. NBI /Police Clearance;
6. Latest Income tax return or any other documents showing financial capability, e.g. Certificate of Employment, Bank Certificate of Statement of Assets and Liabilities;
7. Three (3) character references, e.g. the local Church/Minister, the employer, and a non-relative member of the immediate Community who have known the applicant(s) for at least three (3) years;
8. 3 x 5 sized pictures of the applicant(s) and his/her immediate family taken within the last three (3) months;
9. Certificate of attendance to pre-adoption fora or seminars

In addition, foreign nationals shall submit the following:

10. Certification that the applicant(s) have legal capacity to adopt in his/her country and that his/her country has a policy, or is a signatory of an international agreement, which allows a child adopted in the Philippines by its national to enter his/her Country and permanently reside therein as his/her legitimate child which may be issued by his/her country's diplomatic or consular office or central authority on intercountry adoption or any government agency which has jurisdiction over child and family matters; or, in the absence of any of the foregoing, the Philippine Intercountry Adoption Board may also certify that the Philippines and the applicants' country have an existing agreement or arrangement on intercountry adoption whereby a child who has been adopted in the Philippines or has a pre-adoption placement approved by the Board is allowed to enter and remain as permanent resident in the applicants' country as his/her legitimate child.
11. Certificate of Residence in the Philippines issued by the Bureau of Immigration or Department of Foreign Affairs, as appropriate;
12. Two (2) character references from a non-relatives who knew the applicant(s) in the country of which he/she is a Citizen or was a resident prior to residing in the Philippines, except for those who have resided in the Philippines for more than fifteen (15) years;
13. Police Clearance from all places of residence in the past two years immediately prior to residing in the Philippines.

In the case of an applicant who is residing abroad, but is otherwise qualified to adopt in the

Philippines under the provisions of the Act, the Home Study Report shall be prepared by an accredited foreign adoption agency. However, a certification from the Intercountry Adoption Board shall be required to ensure that said agency is accredited.

SECTION 15 *Disapproval of Adoption Application* – The applicants shall be informed as soon as possible about the approval or disapproval of the adoption application. In case of disapproval, the social worker shall help them understand the reasons for their disapproval and shall assist or refer them for appropriate services in areas where they need to be helped. Except when found by the social worker that such application can no longer be considered, there shall be no prejudice to future application of said applicants.

SECTION 16 *Certificate of Availability of Child for Adoption* - No child shall be placed for adoption unless a clearance has been obtained from the Department that said child is available for adoption. The Department shall not issue such certification unless the Child Study Report prepared by a duly licensed and accredited social worker of the Department or of a child caring agency recommends that the child's best interests will be served by adoption.

The Department shall issue the Certificate of Availability for Adoption not later than fifteen (15) day after expiration of six (6) month period after execution of Deed of Voluntary Commitment by the child's parents or legal guardian required under P.O. No. 603 or the Child and Youth Welfare Code or after receipt of entry of judgment in case of involuntary commitment. Copy of the Certificate of Availability for Adoption and Child Study Report shall be sent to the Child Welfare Special Group (CWSG) for purpose of placement of the child for adoption.

SECTION 17 *Supporting Documents of Child Study Report* – The Child Study Report shall be prepared only by licensed and accredited social workers of the Department or child caring agency not involved in child placement. Such Child Study Report shall include assessment and recommendations of the social worker as to the alternative child custody and care appropriate for the child.

The following documents shall accompany the child report:

1. Authenticated birth certificate or foundling certificate, when appropriate;
2. Written consent to adoption by the biological parent(s), or the legal guardian and the written consent of the child if at least ten (10) years old, signed in the presence of the social worker of the Department or child caring agency after proper counseling as prescribed in Section III of these Rules;
3. Death Certificate of-biological parents, Decree of Abandonment or Decree of Voluntary Commitment, as appropriate;
4. Medical evaluation of the child and his/her parent(s) if available;
5. Psychological evaluation, when appropriate;
6. Picture of the child.

SECTION 18 *Submission of Case Records of Prospective Adoptees and Prospective Adoptive Parents* – Case Records of prospective adoptees and prospective adoptive parents shall be submitted to the concerned Adoption Resource and Referral Office (ARRO) which was established according to Section 23 of the Act for matching.

SECTION 19 Matching – The matching of the child to an approved adoptive parent(s) shall be carried out during the regular matching conference by the Matching Committee otherwise called the Child Welfare Specialist Group (CWSG) in the regional level where the social workers of the child and family are present. Subject to the approval of the Department, the CWSG shall fix its own internal rules and procedures in accordance with the rules of Court; Provided, however, that records of children and approved adoptive parent/s not matched within thirty (30) days in the regional level shall be forwarded to the Department's Central Office for interregional matching; Provided further that children with special needs shall be immediately forwarded if not matched in the first meeting, except under special circumstances.

The matching proposal made by the CWSD shall be approved by the Department.

SECTION 20 Interregional Matching – Records of prospective adoptees and approved adoptive parent/s not matched in the regional level shall be forwarded to the Department's Central Office for interregional matching by the Interregional Adoptive Placement Committee whose internal rules and procedures shall be established by the Department.

SECTION 21 Pre-Placement – The respective social worker who prepared the reports shall also prepare the adoptive family and the child, physically and psychologically before actual placement.

SECTION 22 Placement - The physical transfer of a child from child caring agency or foster home to the prospective adoptive parents who shall be responsible for his/her care and custody shall be made after the necessary forms are accomplished and the Pre-adoptive Placement Authority (PAPA) has been issued after approval of the Regional Director for placement within the region or by the Department Secretary or his/her duly authorized representative in cases of interregional placements.

SECTION 23 Supervised Trial Custody – The placement of the child shall take effect upon issuance of the Pre-Adoption Placement Authority by the Department after which the supervised trial custody shall immediately commence.

During the supervised trial custody, the social worker shall conduct monthly home visits to monitor adjustment of the prospective adopter(s) and child to each other and submit progress report to the Department. A copy of these reports shall be given to the child caring agency where the child came from.

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

SECTION 24 Disruption of Pre-Adoptive Placement – If the placement/relationship is found unsatisfactory by the child or the adopter(s), or both, or if the social worker finds that the continued placement of the child is not for the child's best interest said relationship/placement shall be suspended by the Department which shall recommend to the Adoption Resource and Referral Office to consider another possible placement. Should there be no available prospective adoptive family, the Department shall arrange for the child's temporary care. No termination of placement shall be made unless it is shown that the social worker has exhausted all efforts to remove the cause of the unsatisfactory relationship/placement within a reasonable period of time.

SECTION 25 *New Placement* – In the event of the disruption of the pre-adoptive placement, the Department shall arrange without delay a new placement of the child, or, if inappropriate, other alternative long term care. The consent of the child to the measures to be taken under this section shall be obtained having regard to his/her age level of maturity in particular.

SECTION 26 *Consent to Adoption* – If the adjustment of the child/adopter(s) is satisfactory, the social worker shall forward to the Department the final supervisory report which shall include the recommendation for the issuance of the written consent to adoption to be executed by the Department.

SECTION 27 *Filing of Petition for Adoption* – The prospective adoptive parent(s) shall initiate judicial proceeding by filing the petition to adopt not later than thirty (30) days from date of receipt of the Department's written consent to adoption.

SECTION 28 *Issuance of Decree of Adoption and Entry of Judgment* – If, after considering the recommendation and reports of the social worker and other evidence, the Court is satisfied that the adopter(s) are qualified to adopt, then an Adoption Decree and an Entry of Judgment shall be issued stating the name by which the child is to be known. A copy of the Decree of Adoption shall be forwarded to the Department. The effectivity of the decree shall be as of the date the original petition was filed.

SECTION 29 *Travel Authority of Adopted Child* – No adoptee shall be issued a travel authority unless a Decree of Adoption has already become final and executory. In this respect, the amended birth certificate shall be presented. If for any valid reason the same cannot be presented, the application for travel authority shall be accompanied by the duplicate original or certified true copy of the Decree of Adoption and entry of judgment issued by the court which promulgated the decision and a certification from the Office of the Solicitor General that the decision is final and executory and that no appeal therefrom has been filed by the said office.

SECTION 30 *Recording of the Court Decision* – A court decision on adoption as well as the finality of decision shall be submitted by the clerk of court or in his default, by the adopting parent(s), to the Local Civil Registry Office of the city/municipality where the court issuing the same is situated, for entry in the Registry of Court Decrees, not later than thirty (30) days after the court decision has become final and executory. Such Local Civil Registry Office shall submit one copy of the court decision to the Local Civil Registry Office of the city or municipality where the birth of the adopted child was registered and the latter office shall have the duty to prepare the amended certificate of live birth of the adopted child.

SECTION 31 *Civil Registry Record* – The adopted child shall be entitled to the issuance of a new certificate of live birth. Amendment to the certificate of live birth shall be done in accordance with the rules and regulations promulgated by the Office of the Civil Registrar General and Section 14 of the Act.

A copy of the new birth certificate shall be transmitted by the local civil registrar to the National Statistics Office within 30 days from registration.

SECTION 32 *Post Adoption Services* – Post Adoption Services which shall include counseling shall be made available by the social workers of the Department, social services unit of the local government, child placing and child caring agencies to the adoptee, adopter and the biological parents.

**ARTICLE VI
EFFECTS OF ADOPTION**

SECTION 33 *Effects of Adoption* – Adoption shall have the following effects:

1. Sever all legal ties between the biological parent(s) and the adoptee, except when the biological parent is the spouse of the adopter,
2. Deem the adoptee as a legitimate child of the adopter,
3. Give adopter and adoptee reciprocal rights and obligations arising from the relationship of parent and child, including but not limited to:
 - i) the right of the adopter to choose the name the child is to be known; and
 - ii) the right of the adopter and adoptee to be legal and compulsory heirs of each other.

SECTION 34 *Benefits* – The adoptive parents shall, with respect to the adopted child, enjoy all the benefits to which biological parents are entitled. Maternity and paternity benefits given to biological parents upon the birth of a child shall be enjoyed if the adoptee is below seven (7) years of age as of the date the child is placed with the adoptive parents thru the Pre-Adoptive Placement Authority issued by the Department.

**ARTICLE VII
RESCISSION OF ADOPTION**

SECTION 35 *Grounds for Rescission* – Adoption being in the best interest of the child, shall not be subject to rescission by the adopters(s). The adoption may be rescinded only upon the petition of the adoptee with the assistance of the Department, if a minor or if over eighteen (18) years of age but is incapacitated, on any of the following grounds committed by the adopters(s):

1. Repeated physical and verbal maltreatment by the adopter(s) despite having undergone counseling;
2. Attempt on the life of the adoptee;
3. Sexual assault or violence; or
4. Abandonment and failure to comply with parental obligations.

SECTION 36 *Disinheritance of Adoptee* – The adopter(s) may disinherit the adoptee for causes provided in Article 919 of the Civil Code.

SECTION 37 *Effects of Rescission* – Rescission of adoption shall have the following effects:

1. Restoration of parental authority of the adoptee's biological parent(s), if known or the legal custody of the Department of the adoptee if still a minor or incapacitated.
2. The reciprocal rights and obligations of the adopter(s) and the adoptee to each other shall be extinguished.
3. Cancellation of the new birth certificate of the adoptee by the Civil Registrar as ordered by the court and restoration of the adopter's original birth certificate.

4. Succession rights shall revert to its status prior to adoption but only as of the date of judgment of judicial rescission.
5. Vested rights acquired prior to judicial rescission shall be respected.

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

ARTICLE VIII ADOPTION RESOURCE AND REFERRAL OFFICE

SECTION 38 *Functions* – The Adoption Resource and Referral Office (ARRO) shall be under the supervision of the Department's Central Office and the Regional Office Director.

The functions of the ARRO shall include the following:

1. Monitor the existence, number and flow (if children legally available for adoption and prospective adopter(s), so as to facilitate their matching;
2. Maintain a nationwide/regional information and educational campaign on domestic adoption;
3. Keep records of adoption proceedings;
4. Generate resources to help child-caring and child placing agencies and maintain viability;
5. Do policy research in collaboration with the Intercountry Adoption Board and other concerned agencies; and
6. Acts as Secretariat to the Child Welfare Specialist Group (CWSG) during Interregional/regional matching conferences.

SECTION 39 *Composition of the CWSG* – The CWSG shall have five (5) members composed of a social worker of the Department, a lawyer specializing on child and youth welfare cases, a physician, psychiatrist or psychologist, and a representative of a non-governmental organization of adoptive parents or child welfare agencies who shall be selected in consultation with the recognized association or organization of adoptive parents and child caring agencies.

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

Only CWSG members who are not with the Department shall be entitled to a per diem for every meeting attended but not to exceed four (4) meetings a month.

SECTION 40 *Functions of the CWSG* – The CWSG shall have the following functions:

1. Match children for adoption;
2. Implement an integrated system and network of selection and matching of applicants and children;
3. Initiate, review and recommend changes in policies concerning child placement

and other matters related to the child welfare;

4. Perform such other functions and duties as may be prescribed by the Department.

ARTICLE IX PROCEDURE FOR RECTIFICATION OF SIMULATED BIRTH

SECTION 41 *Procedure for Rectification* – A person who has under his care and custody a child whose birth registration has been simulated to make it appear that the child is his/her own son or daughter shall file in the appropriate court an application for correction of the birth registration and for adoption of the child. For the purpose of availing of the benefit under Section 22 of the Act, said person shall initiate said proceedings within five (5) years from effectivity of the Act and shall thereafter complete said proceedings wherein he/she proves that the simulation of birth was made for the best interest of the child and the child has been consistently considered and treated as his/her own son/daughter. The Department shall conduct its own child and home study reports through a licensed and duly accredited social worker to determine if said conditions exist.

In all cases of rectification of simulated birth and adoption of said child, the Department shall secure a Deed of Voluntary Commitment executed by the child's biological parent(s) or a judicial Declaration of Abandonment transferring legal custody of the child to the Department; Provided, that if adoption by the person who has custody of the child is recommended, said person shall retain custody of the child unless the court decides otherwise.

Any publication to determine the whereabouts of the child's biological parents and relatives shall be limited to the circumstances at the time the child was found without revealing the present identity of the child and his/her own current custodian. Any inquiries regarding the child shall be directed to the Department.

ARTICLE X REGISTRATION OF BIRTH

SECTION 42 *Registration of Birth* – All hospitals, attending physicians and midwives in attendance at the birth of a child shall register such birth of a child not later than 30 days from the date of said birth as required under the Civil Register Law.

ARTICLE XI CONFIDENTIALITY OF ADOPTION RECORDS

SECTION 43. *Confidentiality* – All records, documents and court proceedings relating to adoption shall be confidential. No copy thereof shall be released without determination that it is for reasons substantially connected with or arising out of adoption.

In such event, records and information shall be disclosed in a way that will prevent persons who do not have a legitimate interest from learning that fact that a person has been adopted or, if that is revealed, the identity of his/her biological parents.

**ARTICLE XII
REPORTING VIOLATIONS**

SECTION 44. *Offices in Charge of Handling Violations* – The CWSG, child caring/placing agencies and every person who has knowledge of any violation under the Act or related laws shall immediately report the same to the nearest police station, local government unit or office of the Department who shall act thereon within twenty-four (24) hours from receipt of the report. Any delay or negligence in acting on the reported violations shall be dealt with criminally and administratively.

Failure of adopters to initiate legalization of the adoption of children placed in their care and custody within six (6) months from the end of supervised trial custody shall be considered an act not in the best interest of the child.

**ARTICLE XIII
VIOLATIONS AND PENALTIES**

Any person who shall violate any provisions of the act shall be dealt with accordingly pursuant to Article VII Section 21 of the Act.

**ARTICLE XIV
FINAL PROVISIONS**

SECTION 45. *Interpretation of the Provisions of the Rule* – Any doubt or ambiguity in the provisions of these Rules shall be interpreted in the interest of the child.

SECTION 46. *Repealing Clause* – All rules and regulations, orders, resolutions, and parts thereof inconsistent with the provisions of this Rules are hereby repealed or modified accordingly.

SECTION 47. *Separability Clause* – If for any reason, any section or provision of these Rules is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected shall continue in full force and effect.

Approved in the City of Manila this 8th day of December in the years of our Lord, Nineteen Hundred and Ninety Eight.

Approved by:

**The Joint Social Development Committee
Cabinet Level
Cabinet Cluster C**

Hon. Alberto Romualdez
Secretary, Department of Health

Hon. Andrew Gonzales
Secretary, Department of Education
Culture and Sport

Hon. Bienvenido Laguesma
Secretary, Department of Labor and
Employment

Hon. Orlando Sacay
Secretary, National Anti-Poverty
Commission

Hon. William Dar
Secretary, Department of Agriculture

Hon. Horacio Morales
Secretary, Department of Agrarian Reform

Hon. Karina David
Chairperson, Housing and Urban
Development Management
Coordinating Council

Hon. Benjamin Doikno
Secretary, Department of Budget
and Management

Hon. Ronaldo Zamora
Executive Secretary

Hon. Leonora Vasquez-de Jesus
Presidential Adviser and Head

Presidential Management Staff

Hon. Jose Pardo
Secretary, Department of Trade and Industry

Hon. William Padolina
Secretary, Department of Science
and Technology

Hon. Ronaldo Puno
Undersecretary, Department of Interior
and Local Government

Hon. Leonor Briones
Presidential Adviser on Social Development

Hon. Jaime Laya
Chairman, National Commission for
Culture and the Arts

Hon. Amelou Reyes
Chairperson, National Commission on
the Role of Filipino Women

Hon. Carlo Arellano
Administrator, Social Security System

Hon. Edicio dela Torre
Director General, Technical Education
and Skills Development Authority

Hon. Tomas Osias
Executive Director, Commission on Population

