

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1288

INTRODUCED BY HONORABLE DARLENE R. ANTONINO-CUSTODIO

Explanatory Note

This Bill seeks to provide additional safeguards to the Inter-country adoption of Filipino children.

Under the Inter-country adoption Act of 1995, it is the declared policy of the State to provide every neglected and abandoned child with a family that will provide such child with love and care as well as opportunities for growth and development. Towards this end, efforts have been exerted to place the child with an adoptive family in the Philippines. However, inter-country adoption has been considered as an alternative, thus allowing aliens, not presently allowed by law to adopt a Filipino child if such child cannot be adopted by qualified Filipino citizens. The State must however, take measures to ensure that inter- country adoption is allowed when it shall prove beneficial to the child's best interest, and shall serve and protect his/he fundamental rights.

The implementation of the law for the past few years exposed loopholes that need to be corrected immediately in order to preserve its objective and spirit. One of the safeguards envisioned by this measure is the reduction of the term of inter-country adoption board members from six (6) years to two (2) years. This would eliminate

To be more efficient in protecting Filipino children, members of the inter-country adoption board be insulated from the influence exerted by agencies, institutions and organizations they are presently or were previously associated. Having this in mind, the proposed measure prohibits any member of the board and such agencies from receiving money, donations and other benefits by reason of his officer or the implementation of the inter-country adoption law. Hopefully, this safeguard will pave the development of a system in the referral of a Filipino child for adoption that does not require connections with a member of the board or a director of an orphanage.

This bill becomes imperative if only to give meaning to the constitutional provision which provides that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect abuse, cruelty, exploitation, and other conditions prejudicial to their development. (Art. XV, Section 3, par.2)

In view of the foregoing, immediate approval of this bill is earnestly sought.

DARLENE R. ANTONINO-CUSTODIO

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AN ACT
PROVIDING ADDITIONAL SAFEGUARDS TO THE INTER-COUNTRY ADOPTION OF FILIPINO CHILDREN, AMNDING FOR THE PURPOSE THE INTER-COUNTRY ADOPTION ACT OF 1995.

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

SECTION 1. Section 5 of Republic Act No. 8043, otherwise known as the "Inter-Country Adoptation Act of 1995," is hereby amended to read as follows:

SEC. 5. Composition of the Board – The Board shall composed of the Secretary of the Department as ex-officio Chairman, and six (6) other members to be appointed by the President for a nonrenewable term of [six(6)] to two (2) years.

Provided, that there shall be appointed one (1) psychiatrist or psychologist, two (2) lawyers who shall have at least the qualifications of a regional trail court judge, one (1), one (1) registered social worker and two (2) representatives from non-governmental organizations engaged in child-caring and placement activities.

The members of the board shall receive a per diem allowance of One Thousand Five Hundrend Pesos (P1,500.00) for each meeting attended by them. Provided further, that no compensation shall be paid for more than four (4) meetings a month."

SEC. 2. *Sec. 6, par. g of the same Act is hereby amended to read as follows:*

Sec. 6. Powers and Functions of the Board –

The Board shall have the following powers and functions:

xxx xxx xxx

g.) to institute systems and procedures to prevent improper financial gain in connection with adoption and deter improper practices which are contrary to this Act[;] WHICH SHALL INCLUDE PROHIBITION FOR MEMBERS OF THE BOARD, INCLUDING THE AGENCIES, INSTITUTIONS AND ORGANIZATIONS TO WHICH ANY MEMBER IS PRESENTLY OR WAS PREVIOUSLY ASSOCIATED, FROM RECEIVING MONEY, DONATION OR OTHER BENEFITS, DIRECTLY OR INDIRECTLY, BY REASON OF HIS OFFICE OR THE IMPLEMENTATION OF THE INTER-COUNTRY ADOPTION LAW,"

SEC. 3. All laws, decrees, rules and regulations and executive orders contrary or inconsistent with the Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.