

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

FIFTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 1791

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**Introduced by: Honorable Mar-Len Abigail S. Binay**

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**EXPLANATORY NOTE**

The primary function of Republic Act No. 8552, otherwise known as the “Domestic Adoption Act of 1998” is to provide amnesty to individuals who have already falsified birth certificates or are already in the process of undertaking similar procedures in the hope of legitimizing their custody and care over a child. Given that the law is only applicable to the individuals acting out of good faith, for the sole purpose of caring for and the protection of the child, the state recognizes the absurdity in punishing these persons.

This proposed measure aims to repeal the prescriptive period originally provided for under Section 22 of the Act, to effectively remove the time constraint governing the applicability of the amnesty offered to the concerned individuals, and ultimately the completion of the proper registration processes. The initial allotted time period of five (5) years from the passage of this Act to an unlimited time thereafter is hereby strongly suggested, for the Act to be made more manifest and consequently, much more effective in its implementation.

Upon approval of this proposed measure, the affected individuals need not concern themselves anymore with the legal time constraint imposed upon the completion of the adoption process. This in turn would lead to greater participation and motivation to undergo the proper process, ensuring the enforceability of the law for future cases. The occurrence of which can only bring positive changes to the development of the procedures for domestic adoption, as this would put a specific and organized system in place.

As a result from this measure, the Department of Social Welfare and Development shall be able to perform its duties in a more efficient and practical manner, since the participation of the affected individuals and the local government units in these matters is made much more concrete, thereby saving precious funds and resources allocated to these agencies.

Therefore, it is respectfully prayed of this 15<sup>th</sup> Congress that an amendment to RA 8552 be made for the reasons herein discussed

  
MAR-LEN ABIGAIL S. BINAY

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AN ACT  
AMENDING SECTION 22 OF REPUBLIC ACT NO. 8552, OTHERWISE KNOWN AS THE  
“DOMESTIC ADOPTION ACT OF 1998”

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

**SECTION 1.** Section 22 of Republic Act No. 8552 is hereby amended to read as follows:

“SEC. 22. Rectification of Births. – A person who has simulated birth of a child shall not be punished for such act: Provided, That the simulation was made for the best interest of the child and that he/she is consistently considered and treated by that person as his/her own son/daughter; Provided, further, That the application for the 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 complies with the procedures as specified in Article IV of this Act and other requirements as determined by the Department.”

THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT SHALL ALSO CLOSELY COORDINATE WITH THE LOCAL GOVERNMENT UNITS TO SUCCESSFULLY DISSEMINATE THIS INFORMATION TO THEIR RESPECTIVE TERRITORIAL JURISDICTION.

**SEC. 4. REPEALING CLAUSE.** - All other laws, decrees, executive orders, and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, amended, superseded or repealed accordingly.

**SEC. 5. EFFECTIVITY.** - This Act shall take effect after fifteen (15) days following the completion of its publication in the *Official Gazette* or any major daily newspaper of general circulation in the Philippines.

Approved,