

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1822

Introduced by Hon. Giorgidi B. Aggabao

EXPLANATORY NOTE

It is common knowledge that couples (especially childless) resort to simulation of birth to avoid the tedious process of adoption. To be sure, simulation of birth is a criminal act punishable under Article 347 of the Revised Penal Code; it also constitutes falsification under Article 172 of the same code. Yet, Congress has recognized that this unlawful scheme is often resorted to with good faith intentions and with the best interest of the child in mind. For this reason, Congress saw fit to provide an opportunity and procedure for couples so situated to rectify the simulation and to legalize the present parent-child relationship, without incurring any criminal liability. Thus, Sec. 22 of RA 8552 otherwise known as the Domestic Adoption Act of 1998, provided as follows:

“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 son / daughter ; Provided further : That the application for correction of birth registration and petition for adoption shall be filed within five (5) years from the effectivity of this Act and completed thereafter; Provided such person complies with the procedure as specified in Article IV of this Act and other requirements as determined by the Department.

Unfortunately, perhaps due to lack of proper legal advice or awareness of the remedy provided by law, there are still numerous concerned couples who have not been able to avail of Sec. 22 of RA 8552. Much as they would want to rectify and legitimize their parent-child relationship, they can no longer do so since the prescriptive period provided therein has already lapsed. Thus, they are left with no option but to maintain the status quo sub rosa, lest they incur criminal liability. This leaves them prey to blackmail, extortion and potential legal claims from unscrupulous persons resulting in a greater evil, i.e. the disturbance of family relations and trauma on the part of the child.

Given the above premises, it becomes necessary and even compelling to amend Sec. 22 of RA 8552, extending for another five (5) years the rectification of simulated births in order to provide an opportunity for couples who may have failed to avail of its salutary benefits, to do so.



GIORGIDI B. AGGABAO

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AN ACT
TO EXTEND THE PERIOD FOR RECTIFICATION OF SIMULATED BIRTHS,
AMENDING FOR THE PURPOSE SEC. 22 OF RA 8552, OTHERWISE KNOWN
AS THE DOMESTIC ADOPTION ACT OF 1998

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

Section One - Section 22 of RA 8552 is hereby amended as follows:

“Rectification of Simulated Births - A person who has simulated the birth of a child **FOR THE PURPOSE OF RECORDING THE CHILD AS HIS / HER LEGITIMATE BIOLOGICAL OFFSPRING** 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 PERSON HAS NO LEGITIMATE OR NATURAL CHILD AT THE TIME OF THE SIMULATED BIRTH, OR THAT THE CONSENT OF HIS/HER CHILD WHO IS OF AGE, HAS BEEN OBTAINED;** Provided, Furthermore, 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 **AMENDMENT**; and Provided, Finally, That such person complies with the procedure as specified in Article IV of this Act and other requirements as determined by the Department.”

Section Two - Repealing Clause. All laws, decrees, executive order, rules and regulations inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section Three - Effectivity Clause. This Act shall take effect upon the publication in at least two national newspapers of general circulation.

Approved.