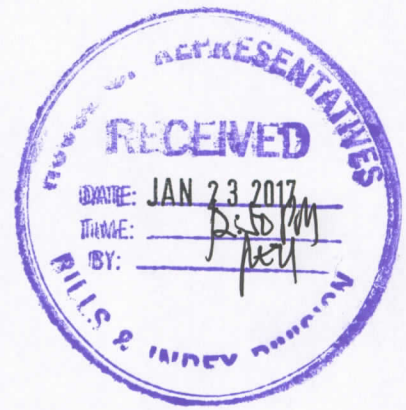


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
17th CONGRESS
First Regular Session
House Bill No. **4802**



Introduced by Representative Wes Gatchalian

EXPLANATORY NOTE

No phrase has ever captured this country's commitment to social justice better than the immortal words of Ramon Magsaysay in declaring that "those who have less in life should have more in law." We have an opportunity to make this commitment more vibrant as we once more take the lead in upholding the dignity of a sector in our society who definitely have less in life – the adopted children. This bill aims to grant all the successional rights of a legitimate *biological* child of the adoptee to his adopted child.

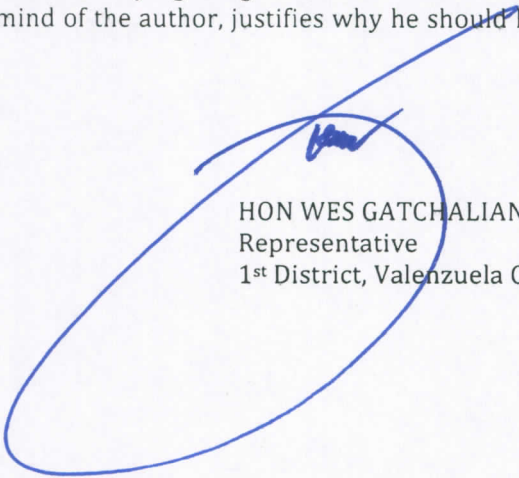
As it stands in our current statutes and in a catena of jurisprudence, though adoption creates a relationship of legitimacy between the adoptee and the adopted and as such the latter may inherit as a legitimate child from the former's estate, the adopted child's successional rights stop there on the theory that the relationship between the adoptee and the adopted does not extend to the other relatives of the adoptee¹. The result of this is that the adopted cannot inherit from the estate of the adoptee's ascendants, nor can he inherit from the estates of his *siblings* by reason of adoption. There may be some logic to this arrangement as there is, biologically speaking, no blood relation between the adopted child and the other relatives of the adoptive parent. This however, in the humble opinion of the author, misses the point of adoption for precisely what we intended in this social arrangement is to welcome a *stranger*, in extreme cases abandoned by his own, into our homes and treat him as our very own. To keep the system we are in is to keep a half-baked measure where an adopted child remains a second-class family member within the adoptive parent's family. It is therefore time to give to the adopted child what we truly intended to give him from the start.

It is also not overlooked that the adopted remains an intestate heir of his blood relatives.² Two things must be said on this point: First, this overlooks the fact that more often, an adopted child has already lost connection with his *biological* family and therefore the chances that he would still have the ability to assert his successional rights are slim to none. Second, on the off chance that his biological family is known to him and he is able to assert his rights, it is in the opinion of this author proper and just that he be allowed to inherit both from his adoptive family and his biological family. The reason is that the life that the adopted child has to go through is indeed more challenging than those of other

¹ Teatico v Del Val, G.R. No. L-18753, March 26, 1965

² IN THE MATTER OF THE ADOPTION OF STEPHANIE NATHY ASTORGA GARCIA HONORATO B. CATINDIG, G.R. No. 148311. March 31, 2005

children who are able to live and grow with their biological families. He goes through the emotional burden of reckoning with himself why he is not with his biological family while in the same breath trying to figure out where he stands in his adoptive family. This, in the mind of the author, justifies why he should have more in law.



HON WES GATCHALIAN
Representative
1st District, Valenzuela City

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HOUSE OF REPRESENTATIVES
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AN ACT
GRANTING SUCCESSIONAL RIGHTS OF A LEGITIMATE BIOLOGICAL
CHILD TO AN ADOPTED CHILD, AND AMENDING FOR THIS PURPOSE
THE PROVISIONS OF THE DOMESTIC ADOPTION ACT AND THE
FAMILY CODE

Section 1. *Statement of Policy.*

The State affirms Social Justice in all aspect of our society and as such promotes and upholds the welfare of adopted children as having the same rights, equal in every respect, as that of legitimate biological child.

Section 2. *Successional Rights of Adopted Children*

Section 18 of RA 8552 Domestic Adoption Act of 1998 is hereby repealed and replaced to read as follows:

Section 18. Succession

An adopted child shall have all the successional rights of a legitimate biological child of the adoptee. For this purpose, the adopted child shall have the right to represent the adoptee in appropriate cases.

In Intestate Succession, an adopted child shall be deemed a Half-Blood Sibling of the Legitimate Biological Child of the Adoptee.

Provided that the Adopted Child shall remain a compulsory and intestate heir of his natural parents and other blood relatives as defined by the New Civil Code.

Section 3. *Intestate Succession of the Adopted's Estate*

Article 190 of the Family Code is hereby amended to read as follows:

Art. 190. Legal or intestate succession to the estate of the adopted shall be governed by the following rules:

(1) Legitimate and illegitimate children and descendants and the surviving spouse of the adopted shall inherit from the adopted, in accordance with the ordinary rules of legal or intestate succession;

(2) When the parents, legitimate or illegitimate, or the legitimate ascendants of the adopted concur with the adopter OR HIS ASCENDANTS,

they shall divide the entire estate, one-half to be inherited by the parents or ascendants and the other half, by the adopters OR HIS ASCENDANTS;

(3) When the surviving spouse or the illegitimate children of the adopted concur with the adopters OR HIS ASCENDANTS, they shall divide the entire estate in equal shares, one-half to be inherited by the spouse or the illegitimate children of the adopted and the other half, by the adopters OR HIS ASCENDANTS.

(4) When the adopters OR HIS ASCENDANTS concur with the illegitimate children and the surviving spouse of the adopted, they shall divide the entire estate in equal shares, one-third to be inherited by the illegitimate children, one-third by the surviving spouse, and one-third by the adopters;

(5) When only the adopters OR HIS ASCENDANTS survive, they shall inherit the entire estate;

(6) WHEN COLLATERAL BLOOD RELATIVES CONCUR WITH COLLATERAL RELATIVES BY REASON OF ADOPTION, THE RULES ON INTESTATE SUCCESSION SHALL APPLY PROVIDED THAT SIBLINGS BY BLOOD SHALL BE DEEMED FULL-BLOOD SIBLINGS AND SIBLINGS BY ADOPTION SHALL BE DEEMED HALF-BLOOD SIBLINGS.

(7) When only collateral blood relatives of the adopted survive, then the ordinary rules of legal or intestate succession shall apply.

Section 4. Repealing Clause. – All laws, decrees, ordinances, rules and regulations, executive or administrative orders, and other presidential issuance inconsistent with this Act, are hereby repealed, amended or modified accordingly.

Section 5. Separability Clause. – The provisions of this Act are hereby deemed separable. If any provision hereof should be declared invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

Section 6. Effectivity. – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or at least two (2) newspapers of general circulation.