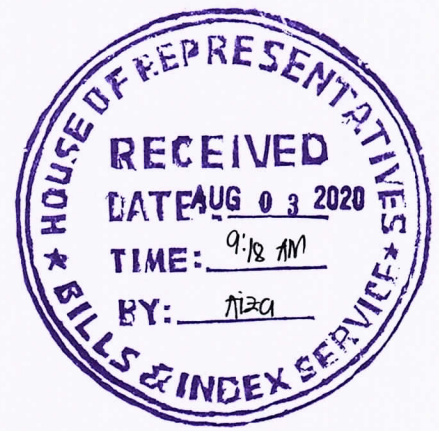


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7240



Introduced by Hon. Rosanna "Ria" V. Vergara

EXPLANATORY NOTE

The family has long been established as the "fundamental group of society and the natural environment for the growth, well-being and protection of children."¹ As such, it has been strongly advocated that "efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members."²

Notwithstanding this fundamental principle, there still remains the heartbreaking reality that a significant number of children in the Philippines—between four and six million children—have been reported to be either without parental care or at the risk of losing it.³ Sadly, certain dire circumstances and/or bad choices made by family members—parental death, imprisonment, economic poverty, sexual abuse, cruel punishment, and abandonment, just to name a few—have left many children highly vulnerable and worse off. For these children, the safe refuge that was supposedly the family has turned into the heavy burden that they never deserved to bear.

Hence, in such critical situations where the child's own family is incapable, even with appropriate support, to properly take care of the child, the complementary efforts of alternative child care providers have been front and center in making sure that no child is left alone and longing for nourishment, guidance, and love. Through both longstanding and emerging means of providing alternative child care, more and more children in our country have kept their hopes up despite the hardships early on in their lives.

¹ Guidelines for the Alternative Care of Children, Resolution No. 64/142, UN General Assembly, 24 February 2010

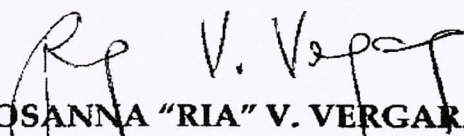
² Ibid.

³ Roche, S. (2020), 'Conceptualising children's life histories and reasons for entry into residential care in the Philippines: Social contexts, instabilities and safeguarding', *Children and Youth Services Review* 110.

Moreover, many advocates of alternative child care have succeeded in legislating trailblazing measures that facilitated inter-country adoption, domestic adoption, foster care and other related laws that have since, collectively, promoted the well-being of children in the Philippines. Thus, at present, we, in the 18th Congress, can keep the fire burning by ensuring that our laws on child welfare, particularly on alternative child care, keep up with the evolving issues that concern the current generation and even those to come. By revisiting the landmark laws on adoption and foster care, identifying the gaps and possible remedies, and thereafter carefully harmonizing these with potential measures on other developing forms of alternative child care, we will be able to strengthen our protection of the most vulnerable of our children.

Chiefly anchored on the pioneering legislative efforts of Senator Pia Cayetano and the Technical Working Group of the Committee on the Welfare of Children during the 17th Congress, headed by Representative Vilma Santos-Recto, this proposed legislation integrates existing laws on alternative child care and further infuses supplementary provisions that are geared towards achieving a clearer, consolidated, and more comprehensive legal framework that remains responsive to the multi-faceted challenges confronting children today. Moreover, the proposed creation of a one-stop-shop agency is aimed towards intensifying government efforts and facilitating more effective and coordinated involvement from all stakeholders in upholding the best interest of the children, especially those who have unfortunately been left to fend for themselves.

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


ROSANNA "RIA" V. VERGARA
Representative, 3rd District of Nueva Ecija

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
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Introduced by Hon. Rosanna "Ria" V. Vergara

**AN ACT CODIFYING THE ALTERNATIVE CHILD CARE LAWS,
REORGANIZING THE INTERCOUNTRY ADOPTION BOARD INTO THE
NATIONAL AUTHORITY FOR CHILD CARE, AND PROVIDING FUNDS
THEREFOR**

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

BOOK I

GENERAL PROVISIONS

ARTICLE I

Sec. 1. *Short Title.* – This Act shall be known as the “*Alternative Child Care Code of
the Philippines*”.

Sec. 2. *Declaration of Policies.* – The State shall defend the right of children to
survival and development including assistance to proper care, health, nutrition, early
learning, and special protection from all forms of neglect, abuse, cruelty, exploitation, or
other conditions prejudicial to their well-being. It shall provide every child who is
neglected, abused, surrendered, dependent, abandoned, under sociocultural difficulties,

1 with an alternative family that will provide love and care, as well as opportunities for
2 growth and development.

3 The best interest of the child shall be the paramount consideration in the
4 enactment of alternative care, custody, and adoption policies. It shall be in accordance
5 with the tenets set forth in all the rights of the child enumerated under Article 3 of
6 *Presidential Decree No. 603, otherwise known as the "Child And Youth Welfare Code", United*
7 *Nations Convention on the Rights of the Child (UNCRC); United Nations Guidelines on*
8 *Alternative Care of Children; United Nations Declaration on Social and Legal Principles Relating*
9 *to the Protection and Welfare of Children with Special Reference to Foster Placement and*
10 *Adoption, Nationally and Internationally; and the Hague Convention on the Protection of*
11 *Children and Cooperation in Respect of Inter-country Adoption.*

12 Toward this end, the State shall ensure that a child without parental care or at risk
13 of losing it are provided with alternative care options such as foster care, kinship care,
14 kafalah, guardianship, or residential care, including family-like care. As such, the State
15 shall establish alternative care standards to ensure the quality and conditions that are
16 conducive to the child's development.

17 The State shall establish a system of cooperation with the other States, through
18 their respective central or competent authorities and accredited bodies to prevent the
19 sale, trafficking, and abduction of children, and to protect Filipino children abandoned
20 overseas who are made vulnerable by their irregular status.

21
22 Sec. 3. *Definition of Terms.* – As used in this Act:

23 (a) *Abandoned Child* refers to one who has no proper parental care or
24 guardianship or whose parent(s) has deserted him/her for a period of
25 at least six (6) continuous months and has been judicially declared as
26 such;

27 (b) *Abandoned Filipino Child in a Foreign Country* refers to a child who
28 is found outside the Philippine territory, unregistered or
29 undocumented, with known or unknown facts of birth and separated

from or deserted by the biological Filipino parent committed to a foreign orphanage or charitable institution or in temporary informal care;

(c) *Adoption* refers to a process whereby a person assumes the parenting of another, usually a child, from that person's biological or legal parent or parents, and, in so doing, permanently transfers all rights and responsibilities, along with filiation, from the biological parent or parents. It shall cease to be part of alternative child care and becomes parental care as soon as the process is complete;

(d) *Alternative Child Care* refers to the provision of planned substitute parental care to a child who is orphaned, abandoned, neglected, or surrendered. Alternative child care may be provided in the following ways:

(1) *Foster Care* refers to the provision of planned temporary substitute parental care to a child by a foster parent;

(2) *Guardianship* refers to the relationship between the guardian and the ward;

(3) *Kafalah* refers to the Islamic provision of alternative care without altering the child's original kinship status so as not to sever the link between the adopted child and his biological parents. The new family takes care of the child as an act of personal charity, or for compensation, depending on the circumstances of the case;

(4) *Kinship Care* refers to family-based care within the child's extended family or with close friends of the family known to the child; or

(5) *Residential Care* refers to care provided in any non-family based group setting, such as places of safety for emergency care, transit centers in emergency situations, and all other short and long-term residential care facilities, including orphanages and group homes;

1 It includes family-like care which is alternative individualized care
2 provided under conditions that resemble a 'family-like'
3 environment where surrogate parents serve as caregivers for
4 children with long-term alternative care needs;

5 (e) *Application* refers to the duly accomplished application form by
6 prospective parents, home study report including its supporting
7 documents;

8 (f) *Authorized and Accredited Agency* refers to the State welfare agency or a
9 licensed adoption agency in the country of the adopting parents which
10 provide comprehensive social services and which is duly recognized by
11 the National Authority for Child Care (NACC);

12 (g) *Biological Parents* refer to the child's mother and father by nature or the
13 mother alone if the child is illegitimate;

14 (h) *Child* refers to a person below eighteen (18) years of age, or one who is
15 over eighteen (18) but is unable to fully take care of or protect oneself from
16 abuse, neglect, cruelty, exploitation or discrimination because of a physical
17 or mental disability or condition;

18 (i) *Child-caring Agency* is a duly licensed and accredited agency by the
19 NACC that provides twenty-four (24)-hour residential care services for
20 abandoned, orphaned, neglected, or voluntarily committed children;

21 (j) *Child Case Study Report* refers to a written report prepared by a social
22 worker containing all the necessary information about a child;

23 (k) *Child Legally Available For Adoption* refers to a child who has been
24 voluntarily or involuntarily committed to the NACC or to a duly licensed
25 and accredited child-placing or child-caring agency, freed of the parental
26 authority of his/her biological parent(s) or guardian or adopter(s) in case
27 of rescission of adoption;

28 (l) *Child-placing Agency* is a duly licensed and accredited agency by the
29 NACC 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 or to implement the foster care program;

(m) *Child with Special Needs* refers to a child with developmental or physical disability;

(n) *Certificate Declaring a Child Legally Available for Adoption* refers to the final written administrative order declaring a child to be dependent, abandoned, and neglected and committing such child to the care of NACC through a person or duly licensed child caring/placing agency or institution. The rights of the biological parents, guardian, or other custodian to exercise authority over the child shall cease upon issuance of the certificate declaring a child legally available for adoption;

(o) *Deed of Voluntary Commitment* refers to the notarized instrument relinquishing parental authority and committing the child to the care and custody of the NACC executed by the child's biological parents 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 NACC, after counselling and other services have been made available to encourage the child's biological parents to keep the child;

(p) *Domestic Adoption* refers to the placing of a child within the same country as the child's birth;

(q) *Extended Family* refers to a relative of a child, both on the paternal and maternal side, within the fourth degree of consanguinity;

(r) *Family* refers to the parents or brothers and sisters, whether of the full or half-blood, of the child;

(s) *Foreign Adoption Agency* refers to the state welfare agency or the licensed and accredited agency in the country of the foreign adoptive parents that provides comprehensive social services and is duly recognized by the

NACC after validation with the concerned Department of Foreign Affairs (DFA) foreign service post;

(t) *Foreign National* refers to any person, not a Filipino citizen, who enters and remains in the Philippines and in possession of a valid passport or travel documents and visa;

(u) *Foster Child* refers to a child placed under foster care;

(v) *Foster Family* refers to a family or person/s, alternative child caring homes and residences and qualified alternative child custodian or foster parent, duly licensed by the NACC, who provide foster care to a child placed for planned, goal-directed services which will help realize the permanent life plan of the child. A foster family may either be one of the following:

(1) *Regular Family* refers to a foster family, which receives material provisions from the agency in order to help meet the basic needs of the child; or

(2) *Volunteer Family* refers to a foster family which does not receive any material provision or incentive from the agency.

(w) *Foster Parent* refers to a person, duly licensed by the Department of Social Welfare and Development (DSWD), to provide foster care;

(x) *Foster Placement Authority (FPA)* refers to the document issued by the NACC authorizing the placement of a particular child with the foster parent;

(y) *Foundling* refers to a deserted or abandoned infant or a child found, with unknown parents, guardian, or relatives, or a child committed in a child caring agency or similar institution with unknown facts of birth and parentage and registered in the Civil Registrar as a "foundling";

(z) *Guardian* refers to a person with whom the law has entrusted the custody and control of the person or estate or both of an infant, insane or other person incapable of managing his own affairs;

(aa) *Home Study Report* refers to a study conducted by a licensed social worker relative to the motivation and capacity of the prospective adoptive parents to provide a home that meets the needs of a child or of the prospective foster parents to provide foster care that meets the needs of a child available for foster care;

(bb) *Illegal Adoption* refers to an adoption that is effected in any manner contrary to the provisions of this Code, these rules, established state policies, executive agreements and other laws pertaining to adoption;

(cc) *Inter-country Adoption* refers to the socio-legal process of adopting a child by a foreign national or a Filipino citizen habitually a resident outside Philippine territory which complies with the principles stated in the Hague Convention of 1993;

(dd) *Matching* refers to the judicious pairing of a child with a foster parent and family members based on the capacity and commitment of the foster parent to meet the individual needs of the particular child and the capacity of the child to benefit from the placement;

(ee) *Parent* refers to the biological or adoptive parent or legal guardian of a child;

(ff) *Placement* refers to the physical entrustment of the child with the foster parent;

(gg) *Post-Adoption Services* refers to psycho-social services and support services provided by professionally trained social workers after the issuance of the Certificate of Adoption;

(hh) *Relatives* refer to the relatives of a child, other than family members, within the fourth degree of consanguinity or affinity;

(ii) *Residence* refers to a person's actual and legal stay in the Philippines immediately prior to the filing of application for adoption decree is entered; *Provided, That* temporary absences for professional, business or emergency reasons not exceeding sixty (60) days at a time and not

1 exceeding a total period of temporary absence of one (1) year shall not be
2 considered as breaking the continuity requirement; *Provided further*, That
3 the NACC may extend this period in meritorious cases;

4 (jj) *Social Worker* refers to a practitioner who by accepted academic training
5 and social work professional experience possesses the skill to achieve the
6 objectives as defined and set by the social work profession, through the use
7 of the basic methods and techniques of social work (case work, group
8 work, and community organization) which are designed to enable
9 individuals, groups and communities to meet their needs and to solve the
10 problems of adjustment to a hanging pattern of society and, through
11 coordinated action, to improve economic and social conditions, and is
12 connected with an organized social work agency which is supported
13 partially or wholly from government or community solicited funds.

14 (kk) *Supervised Trial Custody* refers to a period of time within which a social
15 worker oversees the adjustment and emotional readiness of both
16 adopter/s and adoptee in stabilizing their filial relationship; and

17 (ll) *Voluntarily Committed Child* refers to the one whose parent/s or legal
18 guardian knowingly and willingly relinquished parental authority to the
19 NACC, or any duly accredited child-placing or child-caring agency.
20

21 Sec. 4. *Guiding Principles of Alternative Child Care.* – Alternative Child Care (ACC)
22 shall be guided by the following:

23 1. The family being the fundamental group of society and the natural
24 environment for the growth, well-being, and protection of children, efforts should
25 primarily be directed to enable the child to remain in or return to the care of his/her
26 parents, or when appropriate, extended family members;

27 2. The State should ensure that families have access to forms of support in the
28 caregiving role. Every child and young person should live in a supportive, protective,

and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment;

3. Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons, or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations;

4. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being, and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided;

5. All decisions, initiatives and approaches falling within the scope of this law should be made on a case-by-case basis, with a view, notably, to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective;

6. The Principle of Subsidiary requires that all efforts shall be exerted to ensure that local solutions should be first found before a child is placed for inter-country adoption;

7. Adoptive parents, as well as foster parents, must be protected from attempts to disturb their parental authority and custody over their adopted or fostered child;

8. All decisions concerning alternative care should take full account of the desirability of maintaining, as much as possible, closeness to the child's habitual place of residence, in order to facilitate contact and potential reintegration with the family and to minimize disruption of educational, cultural, and social life;

9. Decisions regarding children in alternative care, should have due regard for the importance of ensuring children a family-based care, group foster care, and of meeting their basic need for safe and long-term relationship to their caregivers, with permanency generally being a key goal;

1 10. Children must be treated with dignity and respect at all times and must
2 benefit from effective protection from abuse, neglect, and all forms of exploitation,
3 whether on the part of care providers, peers, or third parties, in whatever care setting
4 they may find themselves;

5 11. Siblings, with existing bonds, should in principle not be separated from
6 placements in alternative care unless there is a clear risk of abuse or other justification
7 in the best interest of the child. In any case, every effort should be made to enable siblings
8 to grow together, maintain contact with each other, unless this is against their wishes or
9 interests;

10 12. All entities and individuals engaged in the provision of alternative child care
11 which received due authorization to do so from competent authority are subject to
12 regular monitoring and review. Authorities should develop appropriate criteria for
13 assessing the professional and ethical fitness of care providers and for their
14 accreditation, monitoring, and supervision;

15 13. Provisions of alternative child care should never be undertaken with a prime
16 purpose of furthering the political, religious, or economic goals of the providers; and

17 14. Such other principles in accordance with the UN Convention on the Rights of
18 the Child.

19 20 **ARTICLE II**

21 **NATIONAL AUTHORITY FOR CHILD CARE**

22

23 Sec. 5. *National Authority for Child Care (NACC)* – To create a one stop shop on
24 alternative child care, the Inter Country Adoption Board (ICAB) is hereby reorganized to
25 become the National Authority for Child Care (NACC), attached to the Department of
26 Social Welfare and Development (DSWD). All functions of the ICAB, the DSWD, and
27 those of other government agencies relating to alternative child care are hereby
28 transferred to the NACC. The Department of Budget and Management, in coordination
29 with the ICAB and the DSWD, shall formulate a cohesive organizational structure with

1 corresponding plantilla positions responsive to fulfill the functions and divisions of the
2 NACC as stipulated under Sections 6 and 7 of this Act.

3
4 Sec. 6. *Functions of the NACC.* - The functions of the NACC shall include the
5 following:

- 6 (a) Formulate and develop policies on adoption, foster care, guardianship
7 leading to adoption, and other alternative child care policies such as but not
8 limited to programs and services that will protect the Filipino child from
9 abuse, exploitation, trafficking, and adoption practice that is harmful,
10 detrimental and prejudicial to the best interests of the child;
- 11 (b) Implement policies, programs and services on adoption, foster care,
12 guardianship, and other forms of alternative child care;
- 13 (c) Set standards and guidelines on adoption including pre and post legal
14 adoption services. Accredite and authorize foreign private adoption
15 agencies which have demonstrated professionalism and have consistently
16 pursued non-profit objectives to engage in the placement of Filipino
17 children in their own country;
- 18 (d) Monitor and assess compliance of all agencies/stakeholders both local and
19 foreign involved in adoption;
- 20 (e) Assess the progress and identify gaps in the implementation of the law and
21 come up with policy recommendations;
- 22 (f) Conduct national information dissemination and advocacy campaign on
23 alternative child care;
- 24 (g) Keep records of all adoption cases, foster care cases, and cases of
25 guardianship leading to adoption, and maintain a regularly updated
26 database of other alternative child care providers, and provide periodic
27 information and reports on the performance of the office;

- (h) Conduct researches on alternative child care policies or in related fields to further improve and strengthen the office programs and services and for policy formulation and development;
- (i) Provide technical assistance and conduct capability building activities to all concerned agencies and stakeholders; and
- (j) Accreditation of child- caring and child-placing agencies as well as liaison agencies involved in the process of adoption, foster care, and other forms of alternative child care.

Sec. 7. *Composition of the NACC.* – The NACC shall be composed of a Council and a Secretariat.

There shall be an NACC Council to address child welfare policies which shall constantly adjust to ongoing studies on alternative child care. It shall be composed of permanent and alternative members from the concerned national government agencies, different child-caring and child-placing agencies, adoptive agencies, as well as non-governmental organizations engaged in child-caring and child-placing activities.

The Secretariat shall be headed by an Executive Director, assisted by a Deputy Director, which shall have divisions and units. There shall also be Regional Alternative Child Care Officer/s for each region of the country.

The Department of Budget and Management (DBM) in coordination with the Inter-country Adoption Board (ICAB) and DSWD shall create the plantilla positions necessary for the performance of NACC's functions.

BOOK II

ADOPTION

ARTICLE I

PROCEDURES FOR ADOPTION

1 **A. PROCEDURE FOR DOMESTIC ADOPTION**

2

3 Sec. 8. *Pre-Adoption Program.* – The NACC shall develop a pre-adoption program

4 which shall include, among others, the services of licensed social workers to the

5 following:

6 (a) Biological Parent/s – Counselling shall be provided to the parent/s before and

7 after the birth of the child. No binding commitment to an adoption plan shall

8 be permitted before the birth of the child. A period of three (3) months from the

9 signing of the Deed of Voluntary Commitment shall be allowed for the

10 biological parent/s to reconsider any decision to relinquish a child for adoption

11 before the decision becomes irrevocable. Counselling and other appropriate

12 social service interventions and services shall also be offered to the biological

13 parent/s after the child has been relinquished for adoption.

14

15 Steps shall be taken by the NACC to ensure that no hurried decisions are made

16 and all alternatives for the child’s future and the implications of each alternative

17 have been presented for the consideration of the biological parent/s.

18 (b) Prospective Adoptive Parent/s – Counselling sessions, adoption fora and

19 seminars, among others, shall be provided to prospective adoptive parent/s to

20 resolve possible adoption issues and to prepare the adoptive parent/s for

21 effective parenting; and

22 (c) Prospective Adoptee – Counselling sessions shall be provided to ensure that the

23 child understands the nature and effects of adoption and is able to express

24 views on adoption in accordance with the child’s age level of maturity.

25

26 Sec. 9. *Location of Unknown Parent(s).* – It shall be the duty of the NACC or the child-

27 placing or child-caring agency which has custody of the child to exert all efforts to locate

28 the unknown biological parent(s). If such efforts fail, the child shall be registered as a

29 foundling and subsequently be declared abandoned.

1
2 Sec. 10. *Who May Be Adopted.* – The following may be adopted:

- 3 (a) Any child who has been administratively declared available for adoption;
4 (b) The legitimate child of one spouse by the other spouse;
5 (c) An illegitimate child by a qualified adopter to improve status to that of
6 legitimacy;
7 (d) A person of legal age if, prior to the adoption, said person has been consistently
8 considered and treated by the adopters as their own child since minority;
9 (e) A child whose adoption has been previously rescinded;
10 (f) A child whose biological or adoptive parent/s has/have died: *Provided*, That
11 no proceedings shall be initiated within six (6) months from the time of death
12 of said parent/s; or
13 (g) A child not otherwise disqualified by law.

14
15 Sec. 11. *Who May Adopt.* – The following may adopt:

- 16 (a) Any Filipino citizen of legal age, in possession of full civil capacity and legal
17 rights, of good moral character, has not been convicted of any crime involving moral
18 turpitude which may affect the adopted child's healthy social interactions, appropriate
19 character development and modelling, is emotionally and psychologically capable of
20 caring for children, is at least sixteen (16) years older than the adoptee, and is in a position
21 to support and care for adopted children in keeping with the means of the family. The
22 requirement of sixteen (16) year difference between the age of the adopter and the
23 adoptee maybe waived when the adopter is the biological parent of the adoptee, or is the
24 spouse of the adoptee's parent;
25 (b) Any alien possessing the same qualifications as above stated for Filipino
26 nationals: *Provided*, That the alien's country has diplomatic relations with the Republic of
27 the Philippines, that the alien has been living in the Philippines for at least three (3)
28 continuous years prior to the filing of the application for adoption and maintains such
29 residence until the adoption decree is entered, that the alien has been certified by his/her

1 diplomatic or consular office or any appropriate government agency that the alien has
2 the legal capacity to adopt in his/her own country, and that the alien's government
3 allows the adoptee to enter his/her country as the alien's adopted son/daughter:
4 *Provided, Further,* That the requirements on residency and certification of the alien's
5 qualification to adopt in his/her country may be waived for the following:

- 6 i) A former Filipino citizen who seeks to adopt a relative within the fourth (4th)
7 degree of consanguinity or affinity; or
- 8 ii) One who seeks to adopt the legitimate son/daughter of his/her Filipino
9 spouse; or
- 10 iii) One who is married to a Filipino citizen and seeks to adopt jointly with
11 his/her spouse a relative within the fourth (4th) degree of consanguinity or
12 affinity of the Filipino spouse;

13 (c) The guardian with respect to the ward after the termination of the
14 guardianship and clearance of financial accountabilities.

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

- 16 (1) If one spouse seeks to adopt the legitimate child of the other;
- 17 (2) If one spouse seeks to adopt own illegitimate child: *Provided,* That the other
18 spouse has signified consent thereto;
- 19 (3) If the spouses are legally separated from each other.

20 In case husband and wife jointly adopt or one spouse adopts the legitimate child
21 of the other, joint parental authority shall be exercised by the spouses.

22
23 Sec. 12. *Whose Consent is Necessary to the Adoption.* - After being properly
24 counselled and informed of the right to give or withhold approval of the adoption, the
25 written consents of the following to the adoption are hereby required:

- 26 (a) The adoptee, if ten (10) years of age or over;
- 27 (b) The biological parent/s of the child, if known, or the legal guardian, or the
28 proper government instrumentality which has legal custody of the child;

1 (c) The legitimate and adopted children, ten (10) years of age or over, of the
2 adopter/s and adoptee/s, if any;

3 (d) The illegitimate children, ten (10) years of age or over, of the adopter if living
4 with said adopter or over whom the adopter exercises parental authority and the
5 adopter's spouse, if any; and

6 (e) The spouse, if any, of the person adopting or to be adopted.
7

8 Sec. 13. *Where to File Application.* – A person eligible to adopt under Book II, Article
9 I, Section 11 of this Act who desires to adopt a child in the Philippines and has attended
10 adoption fora and seminars, shall file their application for adoption with the NACC or
11 with any licensed accredited child placing agency.
12

13 Sec. 14. *Case Study.* – No petition for adoption shall be forwarded to the NACC
14 unless a licensed social worker of the NACC, the social service office of the local
15 government unit, or any child-placing or child-caring agency has made a case study of
16 the adoptee, the biological parent/s, as well as the adopter/s, and has submitted the
17 report and recommendations on the matter to the NACC for the issuance of the adoption
18 certificate.

19 At the time of preparation of the adoptee's case study, the concerned social
20 worker shall confirm with the Philippine Statistics Authority (PSA) the real identity and
21 registered name of the adoptee. If the birth of the adoptee was not registered with the
22 PSA, it shall be the responsibility of the concerned social worker to ensure that the
23 adoptee is registered.

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

28 The case studies and other relevant documents and records pertaining to the
29 adoptee and the adoption shall be preserved by the NACC.

1 Sec. 15. *Fees, Charges and Assessments.* – Fees, charges, and costs may be imposed,
2 subject to reasonable rates as determined by the NACC, to cover expenses in providing
3 adoption services; *Provided*, That paramount consideration shall be given to the financial
4 capability of the adopters to encourage adoption even for lower- and middle-income
5 families.

6
7 Sec. 16. *Family Selection/Matching.* – The matching of the child to approved
8 adoptive parent/s shall be carried out during the regular matching conference by a
9 Matching Committee in the regional level where the social workers of the child and
10 family are present; *Provided*, That records of children and approved adoptive parents not
11 matched within ninety (90) days from the regular matching conference in the regional
12 level shall be forwarded to the NACC Central office for inter-country matching; *Provided*,
13 *further*, That the children with special needs shall be immediately forwarded to the
14 NACC Central Office within twenty (20) days if not matched in the first meeting, except
15 under special circumstances. All matching proposals shall be approved by the NACC to
16 be final.

17
18 Sec. 17. *Supervised Trial Custody.* – No petition for adoption shall be granted unless
19 the adopter/s has/have undergone a supervised trial custody period for at least six (6)
20 months within which the parties are expected to adjust psychologically and emotionally
21 to each other and establish a bonding relationship. During said period, temporary
22 parental authority shall be vested in the adopter/s.

23 The NACC may *motu proprio* or upon motion of any party reduce the trial period
24 to at least four (4) months if it finds the same to be in the best interest of the adoptee,
25 stating the reasons for the reduction of the period. However, for alien adopter/s, the alien
26 must complete the six-(6) month trial custody except for those enumerated in Section 11
27 (b) (i), (ii), and (iii).

1 The prospective adopters shall assume all the responsibilities, rights, and duties
2 to which biological parents are entitled from the date the adoptee is placed with the
3 prospective adopters.

4
5 Sec. 18. *Certificate of Adoption.* – In all proceedings for adoption, the NACC shall
6 decide on the basis of all the documents presented to it, including, but not limited to,
7 proof that the biological parent/s has/have been properly counselled to prevent them
8 from making hurried decisions caused by stress or anxiety to give up the child and to
9 sustain that all measures to strengthen the family have been exhausted and that any
10 prolonged stay of the child at home will be inimical to the welfare and interest of the
11 child. There shall be no adversarial proceedings in adoption and all cases shall be decided
12 within thirty (30) days from submission of all the complete documents required by the
13 NACC.

14 If, after the submission of the required documents for adoption and no opposition
15 has been interposed to the petition, the NACC is convinced that the petitioners are
16 qualified to adopt, and that the adoption would redound to the best interest of the
17 adoptee, a Certificate of Adoption shall be entered which shall be effective as of the date
18 the original petition was filed. This provision shall also apply in case the adopter/s die/s
19 before the issuance of the certificate of adoption to protect the interest of the adoptee. The
20 certificate shall state the name by which the child is to be known. The certificate of
21 adoption shall be issued within thirty (30) days upon the fulfillment of all the
22 requirements set by the NACC.

23
24 Sec. 19. *The Birth Certificate.* – An amended certificate of birth shall be issued by
25 the Philippine Statistics Authority (PSA), as required by the Rules of Court, attesting to
26 the fact that the adoptee is the child of the adopters by being registered with adopters'
27 surname. The original certificate of birth shall be stamped "cancelled" with the
28 annotation of the issuance of the amended birth certificate in its place and shall be sealed
29 in the civil registry records. The new birth certificate to be issued to the adoptee shall not

1 bear any notation that it is an amended issue or that the child is an orphan, abandoned
2 or foundling.

3 4 **B. PROCEDURE FOR INTER-COUNTRY ADOPTION**

5
6 Sec. 20. *Who May Be Adopted.* – All children legally free for domestic adoption may
7 be the subject of inter-country adoption.

8
9 Sec. 21. *Documents of Prospective Adoptive Child.* – In order that such child may be
10 considered for placement, the following documents must be submitted to the NACC:

- 11 (a) Child study report;
- 12 (b) Birth certificate/foundling certificate issued by the PSA;
- 13 (c) Certified true copy of the certification that the child is administratively
14 available for adoption;
- 15 (d) Medical evaluation/history including that of the child's biological parent/s, if
16 known, and updated medical abstract;
- 17 (e) Deed of voluntary commitment or decree of abandonment or certified true
18 copy of the death certificate of the child's birth parent/s, if applicable;
- 19 (f) Psychological evaluation, as may be necessary; and
- 20 (g) Most recent whole-body size picture of the child, if applicable; *Provided, That*
21 *any physical impairment of the child should be visible in the picture.*

22
23 Sec. 22. *Who May Adopt.* – Foreign nationals or Filipino citizens permanently
24 residing abroad may file application for inter-country adoption of a Filipino child if they:

- 25 (a) Come from a country:
 - 26 (i) With whom the Philippine has diplomatic relations;
 - 27 (ii) Whose government have clear guidelines on inter-country adoption and
28 maintains a foreign adoption agency;
 - 29 (iii) Whose laws allow such adoption; and

(iv) Whose laws allow adopted children to acquire the citizenship of their adoptive parents.

(b) At least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted at the time of application, unless the adopter is the parent by nature of the child to be adopted or the spouse of such parent; *Provided*, That if the adopter is married, his/her spouse must jointly file for the adoption;

(c) Have the capacity to act and assume all rights and responsibilities of parental authority under national laws, and has undergone the appropriate counselling from an accredited counsellor in their countries;

(d) Have not been convicted of a crime involving moral turpitude;

(e) Are eligible to adopt under their national laws;

(f) Are in a position to provide the proper care and support and to give the necessary moral values and example to all his/her children, including the child to be adopted;

(g) Agree to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act; and

(h) Possess all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws.

Sec. 23. *Where to File Application.* – The application for inter-country adoption shall be filed with the NACC, Philippine embassy, governmental agency or authorized and accredited agency of the receiving country where the applicants are habitual residents. Said application shall be in accordance with the requirements as set forth in the implementing rules and regulations (IRR) to be promulgated by the NACC.

The application shall be supported by the following documents written and officially translated in English:

(a) Birth certificate of the applicant/s;

(b) Marriage contract, if married, and divorce decree, if applicable;

- (c) Written consent of their biological or adoptive children above ten (10) years of age, in the form of a sworn statement;
- (d) Physical, medical, and psychological evaluation by a duly licensed physician or psychologist;
- (e) Income tax returns or any document showing the financial capability of the applicant/s;
- (f) Police clearance of the applicant/s;
- (g) Character from the local church/minister, the applicant's employer and member of the immediate community who have known the applicant/s for at least five (5) years;
- (h) Recent post-card size pictures of the applicant/s and his/her immediate family; and
- (i) Other documents that the NACC may further require.

Sec. 24. *Pre-Adoptive Placement Costs.* – The applicants shall bear the following costs incidental to the placement of the child:

- (a) The cost bringing the child from the Philippines to the residence of the applicants abroad, including all travel expenses within the Philippines and abroad; and
- (b) The cost of the child's passport, visa, medical examination, and psychological evaluation if required, and other related expenses.

Sec. 25. *Fees, Charges and Assessment.* – The NACC may charge reasonable fees to cover expenses in providing adoption services. The applicant/s shall be apprised of the fees from the beginning of their application.

Fees, charges, and assessments collected by the NACC in the exercise of its functions shall be used solely to process applications for inter-country adoption and to support the activities of the NACC.

1 Sec. 26. *Family Selection/Matching.* – No child shall be matched to a foreign
2 adoptive family unless it is satisfactorily shown that the child cannot be adopted locally.
3 The clearance, as issued by the NACC, with a copy of the minutes of the meetings, shall
4 form part of the records of the child to be adopted.

5 When the Placement Authority has been transmitted and duly received by the
6 authorized and accredited agency of the prospective adopter and all the travel
7 documents of the child are ready, the adoptive parents or anyone of them, shall
8 personally fetch the child in the Philippines.

9
10 Sec. 27. *Supervision of Trial Custody Assessments.* – The government agency or the
11 authorized and accredited agency shall submit to the NACC for the trial custody and the
12 care of the child, be responsible for the trial custody, and also provide family counselling
13 and other related cases. The trial custody shall be for a period of six (6) to eight (8) months
14 from the time of placement. Only after the lapse of the period of trial custody shall a
15 Certificate of Adoption be issued in the said country, a copy of which shall be sent to the
16 NACC to form part of the records of the child.

17 During the trial custody, the adopting parent/s shall submit to the government
18 agency or the authorized and accredited agency, which shall in turn transmit a copy to
19 the NACC, a progress report of the child's adjustment. The progress report shall be taken
20 into consideration in deciding whether or not to issue the Certificate of Adoption.

21 The NACC, the government agency, or its authorized and accredited agency and
22 the Philippine Embassy or Consular Office in the country of the adoptive parents where
23 the application for inter-country adoption was filed, shall monitor Filipino children sent
24 abroad for trial custody. The DFA shall set up a system for the repatriation of a Filipino
25 child whose adoption has not yet been approved.

26
27 Sec. 28. *Certificate of Adoption.* – If there is no opposition interposed to the petition
28 after the submission of the required documents for adoption by the NACC and after the
29 period of trial custody, the NACC is convinced that the petitioners are qualified to adopt

1 and that the adoption would redound to the best interest of the adoptee, a Certificate of
2 Adoption shall be entered which shall be effective as of the date the original petition was
3 filed. This provision shall also apply in case the petitioner dies before the issuance of the
4 Certificate of Adoption to protect the interest of the adoptee. After due coordination with
5 the PSA, the NACC shall state in the certificate the name by which the child is to be
6 known. The Certificate of Adoption shall be issued within thirty (30) days upon the
7 fulfillment of all the requirements set by the NACC.

8
9 Sec. 29. *Post-Adoption Services.* – There shall be Post Adoption Services in the form
10 of psycho-social and support services to the child, by the social worker of the NACC after
11 the adoption has been legally completed.

12
13 Sec. 30. *Agreements on Inter-Country Adoption.* – The Philippines may enter into
14 bilateral treaties or executive agreements on the matter of Inter-Country Adoption
15 Procedure. The NACC, in coordination with the Department of Justice (DOJ) and the
16 DFA, upon representation of the NACC, shall cause the preparation of executive
17 agreements with countries of the foreign adoption agencies to ensure the legitimate
18 concurrence of said countries in upholding the safeguards provided by this Act.
19 Thereafter, the NACC shall ensure that international bodies involved in inter-country
20 adoption, such as the permanent *Bureau of the Hague Convention on Inter-Country Adoption*,
21 are informed of the contact details of the authorities in the Philippines, including the DFA
22 and Philippine Missions abroad, which have roles in the process of inter-country
23 adoption.

24 25 **C. PROCEDURE FOR RECTIFICATION OF SIMULATED BIRTHS**

26

27 Sec. 31. *Rectification of Simulated Births.* – A person who has, prior to the effectivity
28 of Republic Act No. 11222 or the Simulated Birth Rectification Act (“R.A. No. 11222”),
29 simulated the birth of a child, and those who cooperated in the execution of such

simulation, shall not be criminally, civilly, or administratively liable for such act,
Provided, That the simulation of the birth was made for the best interest of the child and
that child has been consistently considered and treated as the person's own child.
Provided, further, That the application for correction of the birth registration and petition
for adoption shall be filed within ten (10) years from the effectivity of R.A. No. 11222 and
completed thereafter. *Provided, finally*, That such person complies with the procedure as
specified in Article I, Book II of this Act and other requirements as determined by the
NACC. All benefits provided for under this Act and R.A. No. 11222 shall also apply to
adult adoptees.

Sec. 32. *Inadmissible Evidence.* – All petitions, documents, records, and papers
relating to adoption and rectification of simulated births under R.A. No. 11222 and this
Act cannot be used as evidence against those who simulated the birth of a child or who
cooperated in the execution of such simulation in any criminal, civil, or administrative
proceeding.

Sec. 33. *Administrative Adoption and Rectification.* – A person who has simulated
the birth of a child under the conditions provided for under Section 31 and who has the
qualifications as provided for under Section 11 of this Act may avail of the administrative
proceedings for the adoption of the child by filing a petition for adoption with the NACC.

The petition for adoption with an application for rectification of simulated birth
record shall be in the form of an affidavit and shall be subscribed and sworn to by the
petitioner/s before any person authorized by law to administer affirmation and oaths. It
shall state the facts necessary to establish the merits of the petition, and circumstances
surrounding the simulation of the birth of the child. The petition shall be supported by:

- (a) A copy of the simulated birth or foundling certificate of the child;
- (b) Affidavit of admission if the simulation of birth was done by a third person;
- (c) Certification issued and signed by the punong barangay attesting that the
petitioner/s is a resident of the barangay, and that the child has been living

1 with the petitioner/s for at least three (3) years before the effectivity of R.A.
2 No. 11222;

3 (d) Affidavits of at least two (2) disinterested persons, who reside in the same
4 barangay where the child resides, attesting that the child has been living with
5 the petitioner or at least three (3) years prior to the effectivity of R.A. No.
6 11222;

7 (e) Certificate Declaring the Child Legally Available for Adoption (CDCLAA)
8 issued by the DSWD; Provided, That a CDCLAA shall no longer be required
9 if the adoptee is already an adult or a relative of the adopter within the fourth
10 degree of consanguinity or affinity.; and

11 (f) Photographs of the child and the petitioner(s) taken within the last three (3)
12 months prior to the filing of the petition.
13

14 Sec. 34. *Certificate of Adoption.* -If the NACC determines that the adoption shall
15 redound to the best interest of the child, a Certificate of Adoption shall be issued which
16 shall take effect on the date the petition was filed with the NACC, even if the petitioner
17 dies before the issuance.

18 The Certificate of Adoption shall state the name by which the adoptee shall be
19 known and shall likewise direct the:

- 20 (a) Cancellation of the simulated birth record of the child;
21 (b) Issuance of the rectified birth record bearing the names of the biological
22 parents of the child or the issuance of the foundling certificate; and
23 (c) Issuance of the new birth certificate in accordance with Section 19 of this Act.
24

25 Sec. 35. *Information Dissemination.* - The local social welfare office and the
26 barangays within its coverage shall conduct a massive campaign against simulation of
27 birth, sale, and trafficking of children. A survey and list of simulated births in every
28 barangay shall be submitted to the local NACC for assessment and filing of legal;
29 adoption under the provisions of this Act.

1
2
3
4

ARTICLE II
EFFECTS OF ADOPTION

5 Sec. 36. *Parental Authority.* – Upon issuance of the Certificate of Adoption,
6 adoption shall cease as alternative care and becomes parental care. Adoptive parents
7 shall now have full parental authority over the child. Except in cases where the biological
8 parent is the spouse of the adopter, all legal ties between the biological parent/s and the
9 adoptee shall be severed and the same shall then be vested on the adopter/s.

10
11 Sec. 37. *Legitimacy.* – The adoptee shall be considered the legitimate child of the
12 adopter/s for all intents and purposes and as such is entitled to all the rights and
13 obligations provided by the law to legitimate children born to them without
14 discrimination of any kind. To this end, the adoptee is entitled to love, guidance, and
15 support in keeping with what the family can afford.

16
17 Sec. 38. *Succession.* – In legal and intestate succession, the adopter/s and the
18 adoptee shall have reciprocal rights of succession without distinction from legitimate
19 filiations. However, if the adoptee and his/her biological parent/s had left a will, the law
20 on testamentary succession shall govern. In cases of inter-country adoption, the national
21 law of the adoptive parents shall apply, as far as it is beneficial to the adopted child.

22
23 Sec. 39. *Benefits.* – The adoptive parent/s shall, with respect to the adopted child,
24 enjoy all the benefits to which the biological parent/s is/are entitled. Maternity and
25 paternity benefits and other benefits given to the biological parent/s upon the birth of a
26 child shall be enjoyed if the adoptee is below seven (7) years of age upon the issuance of
27 the Pre-Adoptive Placement Authority issued by the NACC.

28 In cases of inter-country adoption, the pertinent laws as to benefits given to
29 adoptive parents by their respective States shall govern.

1
2 **ARTICLE III**
3 **RESCISSION OF ADOPTION**
4

5 Sec. 40. *Grounds for Rescission of Adoption.* – Upon petition of the adoptee, and with
6 the assistance of the NACC if an adoptee is a child, the adoption may be rescinded on
7 any of the following grounds committed by the adopter/s:

- 8 (a) Repeated physical and verbal maltreatment by the adopter/s;
9 (b) Attempt on the life of the adoptee;
10 (c) Sexual assault or violence;
11 (d) Drug addiction and/or alcoholism;
12 (e) Abandonment and failure to comply with parental obligations; or
13 (f) Other acts that are detrimental to the psychological and emotional
14 development of the adoptee.

15 Adoption being in the best interest of the child shall not be subject to rescission
16 by adopters. However, the adopters may disinherit the adoptee for causes as provided
17 for in Article 919 of the Civil Code, in cases of domestic adoption. In cases of inter-country
18 adoption, the national law of the adopter shall govern. The petition shall be filed with
19 the NACC.
20

21 Sec. 41. *Effects of Rescission.* – If the petition for rescission of adoption is granted,
22 the parental authority of the adoptee's biological parent/s, if known, or the legal custody
23 of the NACC shall be restored if the adoptee is still a child. The reciprocal right and
24 obligations of the adopter/s and the adoptee to each other shall be extinguished.

25 The NACC shall order the Civil Registrar General to cancel the amended birth
26 certificate and restore the original birth certificate of the adoptee.

27 Succession rights shall revert to its status prior to adoption, but only as of the date
28 of the approval of the petition for rescission of adoption. Vested rights acquired prior to
29 rescission shall be respected.

1 All the foregoing effects of rescissions of adoption shall be without prejudice to
2 the penalties imposable under the Revised Penal Code if the criminal acts are properly
3 proven.

4
5 **ARTICLE IV**
6 **NATURE OF ADOPTION PROCEEDINGS**
7

8 Sec. 42. *Confidential Proceedings & Records.* – All proceedings in adoption cases shall
9 be confidential and shall not be open to the public. All records, books, and papers relating
10 to the adoption cases in the files of the court, the NACC, or any other agency or institution
11 participating in the adoption proceedings shall be kept strictly confidential.
12

13 Sec. 43. *Disclosure; Exceptions.* – If the NACC finds the disclosure of the information
14 to a third person necessary for purposes connected with or arising out of the adoption
15 and will be for the best interest of the adoptee, the NACC may merit the necessary
16 information to be released, restricting the purposes for which it may be used and subject
17 to compliance with the requirements of Republic Act No. 10173, otherwise known as the
18 “Data Privacy Act of 2012”..
19

20 Sec. 44. *Consent.* – No copy thereof as well as any information relating hereto shall
21 be released without written authority from the NACC or the written request of any of
22 the following:

- 23 (a) The adopted child, with appropriate guidance and counselling, or a duly
24 authorized representative, spouse, parent or parents, direct descendants, or
25 guardian or legal institution legally in charge of the adopted person, if minor;
26 (b) The court or proper public official whenever necessary in an administrative,
27 judicial, or other official proceeding to determine the identity of the parent or
28 parents or of the circumstances surrounding the birth of the adopted child; or
29 (c) The nearest kin, in case of death of the adopted child.

1 The NACC shall ensure that information held by them concerning the origin of
2 the adopted child, in particular the identity of his/her biological parents, is preserved.

3
4 **BOOK III**
5 **FOSTER CARE**
6

7 **ARTICLE I**
8 **FOSTER CARE AS PROGRAM OF NACC**
9

10 Sec. 45. *Foster Care as Mandatory and Permanent Program of NACC.* – The NACC
11 shall systematize and enhance foster caring in the country. It shall ensure that foster
12 families promote and motivate the foster children to relate with their biological or
13 adoptive family, as the case may be, and shall provide the wholesome atmosphere to
14 encourage bonding. The rights of biological children of foster families shall be protected
15 and in no case shall they be disadvantaged as a result of the placement of a foster child.
16 NACC shall endeavor to maintain and improve foster care services as its mandatory and
17 permanent program.

18
19 Sec. 46. *Foster Care Committees.* – The Regional Foster Care Committees maybe
20 convened by the NACC whenever there are difficulties in the foster placements. The
21 Committee shall be composed of multi-disciplinary team of professionals responsible for
22 resolving the difficulties in a foster placement.

23
24 Sec. 47. *Advocacy Campaign.* – National government agencies (NGAs), non-
25 government organizations (NGOs), people's organizations (POs), faith-based
26 organizations, and civil society shall reach out to communities to recruit applicants for
27 foster care.

1 Sec. 48. *Recruitment and Development of Foster Parents.* –NGAs, NGOs, local
2 government units (LGUs), and POs shall develop foster parents who shall provide foster
3 care to children.

4
5 Sec. 49. *Issuance of License.* – The NACC shall issue a foster license to parents who
6 were approved as foster parents based on the home study report submitted by the agency
7 to determine the motivations, capacities, and potentials for development of applicants.
8 The license is valid for three (3) years unless otherwise revoked by the NACC.

9
10
11 **ARTICLE II**
12 **PROCEDURES FOR FOSTER CARE**
13

14 Sec. 50. *Who May Be Placed Under Foster Care.* – A child in any of the following
15 conditions may be placed in a foster family:

- 16 (a) Abandoned, surrendered, neglected, dependent, or orphaned;
17 (b) Victim of sexual, physical, or any other form of abuse or exploitation;
18 (c) With special needs;
19 (d) Whose family members are temporarily or permanently unable or unwilling
20 to provide the child with adequate care;
21 (e) Awaiting adoptive placement and who would have to be prepared for family
22 life;
23 (f) Needs long-term care and close family ties but who cannot be placed for
24 domestic adoption;
25 (g) Whose adoption has been disrupted;
26 (h) Under socially difficult circumstances such as, but not limited to, a street
27 child, a child in armed conflict, or a victim of child labor or trafficking;
28 (i) Committed a minor offense but is released on recognizance, or who is in
29 custody, supervision, or whose case is dismissed;

1 (j) In need of special protection as assessed by a social worker, an agency, or the
2 NACC; or

3 (k) Matched for adoption.

4 Provided, That in the case of (b), (c), (f), (h), (i), and (j), the child must have no
5 family willing and capable of caring and providing for him/her.

6
7 Sec. 51. *Who May Be a Foster Parent* – The kin or relatives of the foster child, if
8 willing and available, as well as persons who have already filed a petition for adoption
9 of the child to be fostered become the priority prospective foster family. All applicants,
10 including the kin or relatives of the foster child, must meet all the following
11 qualifications:

12 (a) Of legal age;

13 (b) At least sixteen (16) years older than the child unless the foster parent is a
14 relative;

15 (c) Have a genuine interest, capacity, and commitment in parenting and is able
16 to provide a familial atmosphere for the child;

17 (d) Able to provide a family atmosphere for the child;

18 (e) Have a healthy and harmonious relationship with each family member living
19 with him or her;

20 (f) Be of good moral character;

21 (g) Be physically and mentally capable and emotionally mature;

22 (h) Have sufficient resources to be able to provide for the family's needs;

23 (i) Be willing to further hone or be trained on knowledge, attitudes, and skills in
24 caring for a child; and

25 (j) Not already have the maximum number of children under his foster care at
26 the time of application or award, as may be provided in the implementing
27 rules and regulations (IRR) of this Act.

28 *Provided*, That in determining who is the best suited foster parent, the relatives of
29 the child shall be given priority, so long as they meet the above qualifications: *Provided*,

1 further, That an alien possessing the above qualifications and who has resided in the
2 Philippines for at least twelve (12) continuous months and maintains such residence until
3 the termination of placement by the NACC or expiration of the foster family license, may
4 qualify as a foster parent.

5
6 **ARTICLE III**
7 **PARENTAL AUTHORITY OF FOSTER PARENTS**
8

9 Sec. 52. *Parental Authority of a Foster Parent.* – Foster parents shall have the rights,
10 duties and liabilities of persons exercising substitute parental authority, as may be
11 provided under the Family Code over the children under their foster care.
12

13 Sec. 53. *Limitations on Parental Authority of Foster Parents.* – Foster parents shall only
14 have the rights of a person with special parental authority to discipline the foster children
15 as defined under Section 233 of the Family Code, insofar as it prohibits the infliction of
16 corporal punishment upon the child.
17

18 **ARTICLE IV**
19 **PROCEDURE**
20

21 Sec. 54. *Recruitment and Development of Foster Parents.* – To recruit applications for
22 foster care, the NACC shall reach out to various communities and LGUs and work
23 preferably with the Local Council for the Protection of Children (LCPC).
24

25 Sec. 55. *Submission of Home Study Report.* – The social worker shall make a detailed
26 Home Study Report of an applicant's background and circumstances, carried out in a
27 series of planned visits and interviews, in order to determine if the applicant meets the
28 basic requirements for foster care and is suitable to become a foster parent.
29

1 Sec. 56. *Issuance of License.* – The NACC shall issue a Foster Family Care License
2 based on the Home Study Report submitted by the agency to determine the motivations,
3 capacities, and potentials for development of applicants. The license is renewable every
4 three (3) years unless earlier revoked by the NACC.

5
6 Sec. 57. *Matching.* – Matching shall be done by the NACC or child-placing agency
7 only after the child case study and the home study have been conducted, save for
8 exceptions to be determined by the NACC, taking into consideration the best interests of
9 the child.

10
11 The child case study report shall establish the needs of the child for consideration
12 in the selection of the foster parent. Likewise, the Home Study Report shall establish said
13 foster parent's capacity and resources to provide a safe, secure, and loving home to the
14 child.

15
16 Sec. 58. *Placement.* – The physical transfer of a child to a licensed foster parent shall
17 take effect only after the issuance of a Foster Placement Certificate except in emergency
18 situations to be determined by the NACC, taking into consideration the best interest of
19 the child.

20
21 Sec. 59. *Supervision of Foster Placement.* – Supervised foster placement begins as
22 soon as the foster family receives the child into their care. During the foster placement,
23 the social worker shall conduct regular home visits to monitor the child's adjustment in
24 the foster home and the current capability of the foster family and shall report to the
25 NACC.

26 The foster parents shall enjoy all the benefits to which biological parents are
27 entitled from the date the child is placed with them. As such, the parents may bring along
28 the child to travels out of the country; *Provided,* That the child has been with them for a
29 year; *Provided, further,* That the parents are residing in the Philippines; and *Provided,*

1 *finally, That* there is no reason to believe that the child will be at risk if they travel with
2 their parents nor is there reason to believe that the parents will not be returning to the
3 Philippines.

4
5 Sec. 60. *Foster Care Committee.* – The Foster Care Committee of the NACC shall
6 have the following functions:

- 7 (a) Review and deliberate issues affecting the placement of a particular child;
- 8 (b) Make recommendations to resolve any dispute between and among the child-
9 placing agency, the parents, the foster parents, and the child;
- 10 (c) Monitor the implementation, review, and recommend changes in policies
11 concerning foster care and other matters related to the child's welfare;
- 12 (d) Submit to the Chairperson of the NACC and to Congress an annual report of
13 the policies, programs, and activities relative to the implementation of this Act;
14 and
- 15 (e) Perform such other functions and duties as may be prescribed by the NACC.

16
17 Sec. 61. *Reporting.* – In case of injury or death of the child, or if the child runs away
18 or gets lost, such case shall be reported immediately to the nearest office of the NACC.

19
20 Sec. 62. *Termination of Placement.* – Termination of placement shall be done by the
21 NACC, upon recommendation of the child-placing agency, on the following grounds:

- 22 (a) Return of the child to biological parents;
- 23 (b) Placement for adoption of the child;
- 24 (c) Death of the child;
- 25 (d) Death of both foster parents;
- 26 (e) Expiration of the FPA; and
- 27 (f) In all cases where placement becomes prejudicial to the welfare of the child,
28 such as, but not limited to, abandonment, maltreatment, sexual assault,
29 violence, or other forms of abuse.

Provided, That in the case of (f), the foster child, with the assistance of a registered social worker, shall have the option to apply for termination of placement.

ARTICLE V

LONG-TERM FOSTER PLACEMENT

Sec. 63. *Long-Term Foster Placement Authority.* – If a child has been under the care of a foster parent for a period of at least seven (7) years, the said foster parent may apply for Long-Term Foster Placement Authority (LTTPA), subject to the following conditions:

- (a) The child's return to his biological parents or placement in an adoptive family is not imminent;
- (b) The foster parent continues to possess the qualifications required under this Act and a valid foster family care license for the entire duration of the foster care;
- (c) The child, if ten (10) years of age or over, duly assisted by a social worker, gives written consent for long-term stay with the foster parent; and
- (d) Aside from the regular monitoring visits, the NACC shall reassess and reevaluate the foster home situation every three (3) years, to determine whether it is in the best interest of the child to continue living in the foster home on a long-term basis.

LTFPA grants the foster parent custody over the foster child without the requirement of the eventuality of adoption of the latter by the former. During this period, the foster child shall enjoy the rights of a child under Article 3 of the Child and Youth Welfare Code, and under other laws: *Provided*, That there shall be no mandatory rights of succession in favor of the foster child.

Sec. 64. *Long-Term Foster Care Commitment.* – Taking into consideration the stability and best interest of the foster child, a foster parent, who unilaterally terminates the LTFPA before the foster child reaches the age of majority or finishes tertiary education, shall make provisions for the education and basic needs of the foster child, in

1 accordance with the standards in which the child has been raised or has become
2 accustomed to, within the said period: Provided, That the foster parent has the means to
3 support the foster child in keeping with the financial capacity of the family.
4

5 **ARTICLE VI**
6 **ADOPTION OF A FOSTER CHILD**
7

8 Sec. 65. *Conditions.* – A foster parent may adopt his foster child subject to the
9 following conditions:

10 (a) The foster parent must have all the qualifications as provided for this Act;

11 (b) The trial custody, as required in adoption, may be waived: *Provided*, That a
12 harmonious relationship exists between the child and his foster parent and
13 family members; and

14 (c) The procedures for adoption, for purposes of this Act, shall be governed by this
15 Act.
16

17 **ARTICLE VII**
18 **LOCAL GOVERNMENT UNITS**

19 Sec. 66. *Role of Local Government Units (LGUs).* – LGUs shall promote the foster care
20 system in their respective territorial jurisdictions.
21

22 Sec. 67. *Seminars and Trainings.* – The NACC, in coordination with the DSWD, is
23 hereby mandated to develop and provide programs to ensure the awareness and
24 responsiveness of local government officials in the promotion and development of the
25 foster care system in every city, municipality or barangay.
26
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28
29

ARTICLE VIII
FOSTER CARE SUPPORT SERVICES,
ASSISTANCE, AND INCENTIVES

Sec. 68. *Health Insurance.* – A foster child shall automatically be a PhilHealth beneficiary of the foster parent and as such, entitled to health insurance benefits. If the foster parent is not a PhilHealth member, he must seek enrollment with PhilHealth. LGUs and agencies shall provide assistance to the foster parents to ensure enrollment.

Sec. 69. *Special Discounts.* – To the extent possible, the government may grant special discounts to foster parents on the purchase of basic commodities for the exclusive use of the foster child subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA).

Sec. 70. *Foster Child Subsidy.* – A foster child, through the child-placing agency, shall be entitled to a monthly subsidy from the government, NACC, or LGU, subject to existing government standards and auditing rules and regulations to include incidental expenses. The subsidy is primarily aimed at supporting the expenses of the child to lessen the financial burden on the foster parent: *Provided,* That support may be waived if the foster parent is capable of supporting the foster child.

Sec. 71. *Foster Family Incentives.* – A foster family, through the child-placing agency, shall be entitled to a monthly incentive from the government NACC and/or LGUs, subject to existing government standards and auditing rules and regulations.

Sec. 72. *Support Care Services.* – The NACC and the social service unit of the LGU or agency shall provide support care services to include, counselling, and other psycho-social services, visits, training on child care and development, respite care, skills training, and livelihood assistance.

1
2 Sec. 73. *Support to Biological Parents.* – Counselling shall be provided to parents to
3 help them understand foster care and prepare them for eventual reunification with the
4 child. Training on child-caring and child-protection skills shall be provided to biological
5 parents to improve their knowledge, attitude, and skills in parenting.
6

7 Sec. 74. *Incentives to Agencies.* – Agencies shall be entitled to the following tax
8 incentives:

- 9 (a) Exemption from Income Tax. – Agencies shall be exempt from income tax on the
10 income derived by it as such organization pursuant to Section 30 of the NIRC
11 of 1997, as implemented by Revenue Regulation (RR) No. 13-98; and
12 (b) Qualification as a Donee Institution. – Agencies can also apply for qualification
13 as a donee institution.
14

15 Sec. 75. *Incentives to Donors.* – Donors of an agency shall be entitled to the
16 following:

- 17 (a) Allowable Deductions. – Donors shall be granted allowable deductions from its
18 gross income to the extent of the amount donated to agencies in accordance
19 with Section 34(H) of the NIRC of 1997; and
20 (b) Exemption from Donor's Tax. – Donors shall be exempted from donor's tax
21 under Section 101 of the NIRC of 1997: *Provided, That* not more than thirty
22 percent (30%) of the amount of donations shall be spent for administrative
23 expenses.
24
25
26
27
28
29

1 **BOOK IV**

2 **OTHER FORMS OF ALTERNATIVE CHILD CARE**

3
4 **ARTICLE I**

5 **GUARDIANSHIP, KHAFALLAH, KINSHIP CARE, [FAMILY-LIKE CARE]**
6 **RESIDENTIAL CARE**
7

8 Sec. 76. *Conditions in Other Forms of Alternative Care Settings.* – The following are
9 the required conditions in other forms of alternative care which includes guardianship,
10 kafalah, kinship care, or residential care;
11

12 1. *Awareness of children's rights and obligations.* Both children and care givers should
13 know and understand their rights and obligations;

14 2. *Complaint mechanism support.* Children should be able to, without fear of
15 retribution, express concerns about their situation or treatment by confiding in a person
16 they can trust, and by having access to an effective complaints mechanism;

17 3. *Private provision of alternative care.* A set of criteria developed by the NACC, is
18 used to assess the ability of all individuals and facilities to care for children, and to use
19 these criteria to authorize and then monitor their activities;

20 4. *Child development and child protection.* Provisions for child development range
21 from access to education and vocational training, to insist that children can maintain
22 contact with family and other familiar persons, the optimal development of children
23 including children with special needs, and the importance that careers should place on
24 creating nurturing relationships with the children they are looking after;

25 5. *Stigmatization.* Stigmatization of children in alternative care settings should be
26 addressed and prevented at all times; and

27 6. *Discipline, punishment, and restraints.* Severe restrictions should be placed on the
28 use of force and restraints. All treatment that may compromise a child's physical or

1 mental health are prohibited. Adequate guidance on discipline and punishment shall be
2 followed.

3
4 *Sec. 77. Who May Be Placed Under Other Forms of Alternative Child Care.* – A child
5 with the conditions stipulated in Section 50 of this Act who are not placed for adoption
6 or with a foster family shall be eligible for placement in other forms of alternative care
7 such as guardianship, kafalah, kinship care or residential care. NACC shall exhaust all
8 means of placing such child in a family setting before allowing the child to be placed in
9 family-like or residential care.

10
11 *Sec. 78. Support Services for other forms of Alternative Child Care.* – All other forms
12 of alternative child care shall have the same support services accorded to foster care as
13 enumerated in Sections 68 to 75 of this Act.

14
15
16 **ARTICLE II**
17 **GUARDIANSHIP LEADING TO ADOPTION**
18

19 *Sec. 79. Guardianship as Alternative Child Care.* – While nothing in this Act amends
20 the judicial nature of guardianship proceedings, the provisions on this Act will only
21 apply after termination of guardianship as when the guardian/s endeavor/s and
22 expressed their intention to the adoption of the wards.

23 All relevant provisions on adoption, whether domestic or inter-country adoption,
24 as the case may be, shall govern in cases of guardian/s intending to adopt their ward/s.

25
26 *Sec. 80. Petition for the Adoption of the Ward.* – After the termination of guardianship,
27 guardian/s may opt to adopt their ward/s by filing a petition for adoption pursuant to
28 Book II of this Act. All the qualifications prescribed in Book II of this Act shall be met
29 with, as well as all the requirements for adoption must be complied with.

1 The NACC may *motu proprio* or upon motion of any party reduce the trial period
2 if it finds the same to be in the best interest of the adoptee, stating the reasons for the
3 reduction of the period.

4
5 **ARTICLE III**
6 **RESIDENTIAL CHILD CARE**
7 **PROCEDURES AND SUPPORT SERVICES FOR RESIDENTIAL CARE**
8

9 Sec. 81. *Parental Authority of Residential Caring Agency (RCA).* – RCAs shall be *in*
10 *loco parentis*, exercising the rights, duties and liabilities of persons exercising substitute
11 parental authority over the children under their care, as may be provided for by
12 Executive Order No. 209, *series* of 1987, otherwise known as the “*Family Code of the*
13 *Philippines*”, *Provided, That* RCAs shall only have the rights of a person with special
14 parental authority to discipline the children under their care and protection as defined
15 under Section 233 of the Family Code, insofar as it prohibits the infliction of corporal
16 punishment upon the child.

17
18 Sec. 82. *Components of Residential Care.* – The following are essential components
19 of residential care as defined in Section 3(d)(5):

- 20 (a) Caregivers who devote time to the children enabling a trusting and reliable
21 relationship for them to experience lifelong love and security as they serve as
22 stable figures who manage the family house and create a loving family
23 environment;
- 24 (b) A family home with bedrooms, kitchen, living room, toilet, and shower room
25 which will serve as home to children and allows biological siblings to stay
26 together;
- 27 (c) Support system for children and their families through development planning
28 in various aspects of their individual development, with a special focus
29 beginning with early childhood development and ending with quality aftercare

1 support, so they are guided on their journey to self-reliance and to becoming
2 contributing members of the society; and
3 (d) Professional and technical support for children and parents from a
4 multidisciplinary team composed of project managers or directors, social
5 workers, educators, psychologists, and medical professionals.

6
7 Sec. 83. *Privileges.* – To allow it to fully realize its mandate, an accredited RCA
8 shall:

- 9 (a) Enter into agreements with public authorities, and accept provisions for the cost
10 of any service or activity which may be entrusted to it, within the scope of its
11 object and functions, pursuant to such agreements;
12 (b) Own and hold real and personal properties and accept bequests, donations, and
13 contributions; and
14 (c) Finally, the agency shall be exempt from the payment of real property taxes on
15 all real properties owned by it.
16

17 BOOK V

18 CARE FOR ABANDONED FILIPINO CHILDREN OVERSEAS

19

20 Sec. 84. *Programs and Services to Protect Abandoned Children in Foreign Countries.* –
21 The NACC, in coordination with the DFA, shall establish the procedures and implement
22 programs and services to protect and promote the rights of an abandoned Filipino child
23 in a foreign country that will ensure or provide for the following:

- 24 (a) Prompt reporting, registration, and initial assessment of the abandoned child;
25 (b) Emergency care and accommodation;
26 (c) Appointment of a guardian or foster parents;
27 (d) Access to basic services on health and education;
28 (e) Prevention and protection from all forms of violence and exploitation;
29 (f) Prevention and protection from involvement in situations of armed conflict;

- 1 (g) Prevention of deprivation of liberty;
2 (h) Family reunification;
3 (i) Return to country;
4 (j) Local integration or inter-country adoption; and
5 (k) Durable family-based solutions.
6

7 **BOOK VI**
8 **VIOLATIONS AND PENALTIES**
9

10 **ARTICLE I**
11 **VIOLATIONS AND PENALTIES RELATING TO ADOPTION**
12

13 Sec. 85. *Violations and Penalties.* –

14 (a) Any person who shall knowingly participate in the conduct or carrying out of
15 an illegal adoption, in violation of the provisions of this Act, shall be punished with a
16 penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years
17 and/or a fine not less than Fifty Thousand Pesos (P50, 000.00), but not more than Two
18 Hundred Thousand Pesos (P200, 000.00) at the discretion of the court. It shall be imposed
19 on any person who shall commit any of the following acts:

- 20 (1) Obtaining consent for an adoption through coercion, undue influence,
21 fraud, improper material inducement, or other similar acts;
22 (2) Non-compliance with the procedures and safeguards provided by law for
23 the adoption; or
24 (3) Subjecting or exposing the child to be adopted to danger, abuse, or
25 exploitation;

26 (b) Any person who shall cause the fictitious registration of the birth of the child
27 under the names of persons who are not the child's biological parents shall be guilty of
28 simulation of birth, and shall be punished by *prision mayor* in its medium period and a

1 fine not exceeding Fifty Thousand Pesos (P50,000.00) unless covered by Section 31 of this
2 Act;

3 (c) Any physician or nurse or hospital personnel who shall cooperate in the
4 execution of the above mentioned crime shall suffer the penalties herein prescribed and
5 also the penalty of permanent disqualification from the practice of their professions
6 unless covered by Section 31 of this Act;

7 (d) Any person who shall violate established regulations relating to
8 confidentiality and integrity of records, documents, and communications of adoption
9 applications, cases and processes shall suffer the penalty of imprisonment ranging from
10 one (1) year and one (1) day to two (2) years, and/or a fine of not less than Five Thousand
11 Pesos (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00) at the discretion of
12 the court;

13 (e) A penalty lower by two (2) degrees than that prescribed for the consummated
14 offense under this Article shall be imposed upon the principals of the attempt to commit
15 any of the acts herein enumerated:

16 (1) Act punishable under this Article, when committed by a syndicate or
17 where it involves two (2) or more children shall be considered as an
18 offense constituting child trafficking and shall merit the penalty of
19 *reclusion perpetua*;

20 (2) Act punishable under this Article are deemed committed by a syndicate if
21 carried out by a group of three (3) or more persons conspiring or
22 confederating with one another in carrying out any of the unlawful acts
23 defined under this Article;

24 (3) Penalties herein provided, shall be in addition to any other penalties which
25 may be imposed for the same acts punishable under other laws,
26 ordinances, executive orders, and proclamations; and

27 (4) An offender who is an alien, shall be deported immediately after service of
28 sentence and perpetually denied entry to the country.
29

Sec. 86. *Public Officers as Offender.* – In addition to criminal liabilities under the foregoing provisions, any government official or employee who shall be found guilty of violating any provisions of this Act, or who shall conspire with private individual shall, in addition to the above prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations.

ARTICLE II

VIOLATIONS AND PENALTIES IN RELATION TO FOSTER CARE

Sec. 87. *Penalties.* —

(a) Any foster parent, found to be committing any act of neglect, abuse, cruelty, or exploitation and other similar acts prejudicial to the child's development, shall be penalized in accordance with Republic Act No. 7610, otherwise known as "An Act Providing For Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing For Its Violation, and For Other Purposes", and other applicable laws.

(b) A child-placing agency which violates Sections 57, 58, 59 or any other provision of this Act and its IRR shall suffer the following penalties:

(1) For the first violation, a fine of not less than Twenty-Five Thousand Pesos (PhP 25,000.00) but not exceeding Fifty Thousand Pesos (PhP 50,000.00);
and

(2) For any subsequent violation, a fine of not less than Fifty Thousand Pesos (PhP 50,000.00) but not exceeding One Hundred Thousand Pesos (PhP 100,000.00), and revocation of license to operate.

(c) Any person, natural or juridical, other than the foster parent or any agency, violating any provision of this Act and its IRR shall be penalized with imprisonment of one (1) month to six (6) years, depending on the gravity of the offense or a fine of not less than Ten Thousand Pesos (Php 10,000.00) but not more than One Hundred Thousand Pesos (PhP 100,000.00), or both, at the discretion of the court.

1 (d) If the offender is a public official, the court may impose the additional penalty
2 of disqualification from office in addition to the penalties provided in the preceding
3 paragraph.
4

5 **ARTICLE III**
6 **VIOLATIONS AND PENALTIES IN RELATION TO OTHER FORMS OF**
7 **ALTERNATIVE CARE**
8

9 Sec. 88. *Penal Clause.* – Any person, whether natural or juridical, violating Book
10 IV of this Act shall, upon conviction, be liable to a fine of not less than Fifty Thousand
11 Pesos (P50, 000.00) or imprisonment for a term not exceeding one (1) year, or both, at the
12 discretion of the court for each and every violation. In case the violation is committed
13 by a corporation or an association, the penalty shall devolve upon the president,
14 director, or any other officer responsible for such violation.
15

16 **BOOK VII**
17 **FINAL PROVISIONS**
18

19 Sec. 89. *Role of Local Government Units (LGUs).* – The host LGU, pursuant to Section
20 108 of Republic Act No. 7160 otherwise known as the “*Local Government Code of 1991*”,
21 shall accredit alternative care agencies that are duly recognized by the NACC in their
22 locality.

23 The LGU, through its Local Social Welfare and Development Office, shall include
24 the provisions of this Act in its development plans and strategies, and upon approval
25 thereof by the governor or mayor, as the case may be, implement the same particularly
26 those which have to do with social welfare programs and projects which the governor
27 or mayor is empowered to implement and which the *Sanggunian* is empowered to
28 provide for under Republic Act 7160.

1 A standard accreditation process for all LGUs shall be adopted by the NACC, in
2 coordination with the DSWD and the Department of the Interior and Local Government
3 (DILG).

4
5 Sec. 90. *Seminars and Trainings.* – The NACC and the DSWD, in coordination with
6 the DILG, is mandated to develop and provide programs to ensure the awareness and
7 responsiveness of local government officials in the promotion and development of the
8 alternative care system in every city, municipality and barangay.

9
10 Sec. 91. *Unlawful Solicitation.* – It shall be unlawful for any person to solicit, collect,
11 or receive money, materials, or property of any kind by falsely representing himself to
12 be a member, agent or representative of any alternative care agency.

13
14 Sec. 92. *Appropriations.* – Such sum as may be necessary for the implementation of
15 the provisions of this Act shall be included in the General Appropriations Act of the year
16 following its enactment into law and thereafter.

17
18 Sec. 93. *Implementing Rules and Regulations.* – The NACC, as lead agency, the
19 Department of Justice (DOJ), the Department of Health (DOH), the Bureau of Internal
20 Revenue (BIR), the Council on Welfare of Children (CWC), the DILG and other
21 concerned government agencies, in consultation with agencies are hereby mandated to
22 prepare and draft the IRR to operationalize the provisions of this Act within six (6)
23 months from its approval.

24
25 Sec. 94. *Separability Clause.* – If any provision of this Act shall be declared
26 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
27 full force and effect.

1 Sec. 95. *Suppletory Clause.* – The provisions of Executive Order No. 209, series of
2 1987, otherwise known as the Family Code of the Philippines and other applicable laws,
3 shall have suppletory application to this Act.
4

5 Sec. 96. *Repealing Clause.* – Republic Act No. 9523, entitled “An Act Requiring the
6 Certification of the Department of Social Welfare and Development (DSWD) to declare a
7 “Child Legally Available for Adoption” as a Prerequisite for Adoption Proceedings,
8 Amending for this Purpose Certain Provisions of Republic Act No. 8552, otherwise
9 known as The Domestic Adoption Act of 1998, Republic Act No. 8043, otherwise known
10 as The Inter-Country Adoption Act of 1995, Presidential Decree No. 603, otherwise
11 known as The Child and Youth Welfare Code, and for other Purposes”, and Republic Act
12 No. 1122, otherwise known as the “Simulated Birth Rectification Act”, are hereby
13 repealed. Any law, presidential decree or issuance, executive order, letter of instruction,
14 administrative order, rule, or regulation contrary to, or inconsistent with the provisions
15 of this Act is hereby repealed, modified, or amended accordingly.
16

17 Sec. 97. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
18 in the official gazette or in a newspaper of general circulation.

Approved