

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**TWENTIETH CONGRESS**  
First Regular Session

House Bill No. 2750



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**Introduced by Representative Julius Cesar "Jay" V. Vergara**

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### **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."<sup>1</sup> 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."<sup>2</sup>

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.<sup>3</sup> 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.

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

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

<sup>2</sup> Ibid.

<sup>3</sup> 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.

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.



**JULIUS CESAR "JAY" V. VERGARA**  
Third District of Nueva Ecija

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

5  
6                   *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
7                   *Congress assembled:*

8  
9   **BOOK I**  
10    **GENERAL PROVISIONS**  
11    **ARTICLE I**

12  
13                   **Sec. 1. Short Title.** – This Act shall be known as the "*Alternative Child Care Code*  
14                   *of the Philippines*".

15  
16                   **Sec. 2. Declaration of Policies.** – The State shall defend the right of children to  
17 survival and development including assistance to proper care, health, nutrition, early  
18 learning, and special protection from all forms of neglect, abuse, cruelty, exploitation,  
19 or other conditions prejudicial to their well-being. It shall provide every child who is  
20 neglected, abused, surrendered, dependent, abandoned, under sociocultural  
21 difficulties, with an alternative family that will provide love and care, as well as  
22 opportunities for growth and development.

23  
24                   The best interest of the child shall be the paramount consideration in the  
25 enactment of alternative care, custody, and adoption policies. It shall be in accordance  
26 with the tenets set forth in all the rights of the child enumerated under Article 3 of  
27 *Presidential Decree No. 603*, otherwise known as the "*Child And Youth Welfare Code*",  
28 *United Nations Convention on the Rights of the Child (UNCRC)*; *United Nations Guidelines*  
29 *on Alternative Care of Children*; *United Nations Declaration on Social and Legal Principles*

1 *Relating to the Protection and Welfare of Children with Special Reference to Foster Placement*  
2 *and Adoption, Nationally and Internationally; and the Hague Convention on the Protection*  
3 *of Children and Cooperation in Respect of Inter-country Adoption.*

4  
5 Toward this end, the State shall ensure that a child without parental care or at  
6 risk of losing it are provided with alternative care options such as foster care, kinship  
7 care, kafalah, guardianship, or residential care, including family-like care. As such,  
8 the State shall establish alternative care standards to ensure the quality and conditions  
9 that are conducive to the child's development.

10  
11 The State shall establish a system of cooperation with the other States, through  
12 their respective central or competent authorities and accredited bodies to prevent the  
13 sale, trafficking, and abduction of children, and to protect Filipino children  
14 abandoned overseas who are made vulnerable by their irregular status.

15  
16 **Sec. 3. Definition of Terms.** – As used in this Act:

17  
18 (a) *Abandoned Child* refers to one who has no proper parental care or  
19 guardianship or whose parent(s) has deserted him/her for a period of  
20 at least six (6) continuous months and has been judicially declared as  
21 such;

22  
23 (b) *Abandoned Filipino Child in a Foreign Country* refers to a child who  
24 is found outside the Philippine territory, unregistered or  
25 undocumented, with known or unknown facts of birth and separated  
26 from or deserted by the biological Filipino parent committed to a  
27 foreign orphanage or charitable institution or in temporary informal  
28 care;

29  
30 (c) *Adoption* refers to a process whereby a person assumes the  
31 parenting of another, usually a child, from that person's biological or  
32 legal parent or parents, and, in so doing, permanently transfers all  
33 rights and responsibilities, along with filiation, from the biological  
34 parent or parents. It shall cease to be part of alternative child care and  
35 becomes parental care as soon as the process is complete;

36  
37 (d) *Alternative Child Care* refers to the provision of planned substitute  
38 parental care to a child who is orphaned, abandoned, neglected, or  
39 surrendered. Alternative child care may be provided in the following  
40 ways:

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

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

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

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

14 (5) *Residential Care* refers to care provided in any non-family based  
15 group setting, such as places of safety for emergency care, transit  
16 centers in emergency situations, and all other short and long-  
17 term residential care facilities, including orphanages and group  
18 homes; It includes family-like care which is alternative  
19 individualized care provided under conditions that resemble a  
20 'family-like' environment where surrogate parents serve as  
21 caregivers for children with long-term alternative care needs;

22  
23 (e) *Application* refers to the duly accomplished application form by  
24 prospective parents, home study report including its supporting  
25 documents;

26  
27 (f) *Authorized and Accredited Agency* refers to the State welfare agency or  
28 a licensed adoption agency in the country of the adopting parents  
29 which provide comprehensive social services and which is duly  
30 recognized by the National Authority for Child Care (NACC);

31  
32 (g) *Biological Parents* refer to the child's mother and father by nature or  
33 the mother alone if the child is illegitimate;

34  
35 (h) *Child* refers to a person below eighteen (18) years of age, or one who  
36 is over eighteen (18) but is unable to fully take care of or protect oneself  
37 from abuse, neglect, cruelty, exploitation or discrimination because of a  
38 physical or mental disability or condition;

1 (i) *Child-caring Agency* is a duly licensed and accredited agency by the  
2 NACC that provides twenty-four (24)-hour residential care services for  
3 abandoned, orphaned, neglected, or voluntarily committed children;  
4

5 (j) *Child Case Study Report* refers to a written report prepared by a social  
6 worker containing all the necessary information about a child;  
7

8 (k) *Child Legally Available For Adoption* refers to a child who has been  
9 voluntarily or involuntarily committed to the NACC or to a duly  
10 licensed and accredited child-placing or child-caring agency, freed of  
11 the parental authority of his/her biological parent(s) or guardian or  
12 adopter(s) in case of rescission of adoption;  
13

14 (l) *Child-placing Agency* is a duly licensed and accredited agency by the  
15 NACC to provide comprehensive child welfare services including, but  
16 not limited to, receiving applications for adoption, evaluating the  
17 prospective adoptive parents, and preparing the adoption home study  
18 or to implement the foster care program;  
19

20 (m) *Child with Special Needs* refers to a child with developmental or  
21 physical disability;  
22

23 (n) *Certificate Declaring a Child Legally Available for Adoption* refers to the  
24 final written administrative order declaring a child to be dependent,  
25 abandoned, and neglected and committing such child to the care of  
26 NACC through a person or duly licensed child caring/placing agency  
27 or institution. The rights of the biological parents, guardian, or other  
28 custodian to exercise authority over the child shall cease upon issuance  
29 of the certificate declaring a child legally available for adoption;  
30

31 (o) *Deed of Voluntary Commitment* refers to the notarized instrument  
32 relinquishing parental authority and committing the child to the care  
33 and custody of the NACC executed by the child's biological parents or  
34 by the child's legal guardian in their absence, mental incapacity or  
35 death, to be signed in the presence of an authorized representative of  
36 the NACC, after counselling and other services have been made  
37 available to encourage the child's biological parents to keep the child;  
38

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

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

3  
4 (r) *Family* refers to the parents or brothers and sisters, whether of the  
5 full or half-blood, of the child;

6  
7 (s) *Foreign Adoption Agency* refers to the state welfare agency or the  
8 licensed and accredited agency in the country of the foreign adoptive  
9 parents that provides comprehensive social services and is duly  
10 recognized by the NACC after validation with the concerned  
11 Department of Foreign Affairs (DFA) foreign service post;

12  
13 (t) *Foreign National* refers to any person, not a Filipino citizen, who  
14 enters and remains in the Philippines and in possession of a valid  
15 passport or travel documents and visa;

16  
17 (u) *Foster Child* refers to a child placed under foster care;

18  
19 (v) *Foster Family* refers to a family or person/s, alternative child caring  
20 homes and residences and qualified alternative child custodian or foster  
21 parent, duly licensed by the NACC, who provide foster care to a child  
22 placed for planned, goal-directed services which will help realize the  
23 permanent life plan of the child. A foster family may either be one of  
24 the following:

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

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

30  
31 (w) *Foster Parent* refers to a person, duly licensed by the Department of  
32 Social Welfare and Development (DSWD), to provide foster care;

33  
34 (x) *Foster Placement Authority (FPA)* refers to the document issued by the  
35 NACC authorizing the placement of a particular child with the foster  
36 parent;

37  
38 (y) *Foundling* refers to a deserted or abandoned infant or a child found,  
39 with unknown parents, guardian, or relatives, or a child committed in

1 a child caring agency or similar institution with unknown facts of birth  
2 and parentage and registered in the Civil Registrar as a “foundling”;

3  
4 (z) *Guardian* refers to a person with whom the law has entrusted the  
5 custody and control of the person or estate or both of an infant, insane  
6 or other person incapable of managing his own affairs;

7  
8 (aa) *Home Study Report* refers to a study conducted by a licensed social  
9 worker relative to the motivation and capacity of the prospective  
10 adoptive parents to provide a home that meets the needs of a child or  
11 of the prospective foster parents to provide foster care that meets the  
12 needs of a child available for foster care;

13  
14 (bb) *Illegal Adoption* refers to an adoption that is effected in any manner  
15 contrary to the provisions of this Code, these rules, established state  
16 policies, executive agreements and other laws pertaining to adoption;

17  
18 (cc) *Inter-country Adoption* refers to the socio-legal process of adopting a  
19 child by a foreign national or a Filipino citizen habitually a resident  
20 outside Philippine territory which complies with the principles stated  
21 in the Hague Convention of 1993;

22  
23 (dd) *Matching* refers to the judicious pairing of a child with a foster  
24 parent and family members based on the capacity and commitment of  
25 the foster parent to meet the individual needs of the particular child and  
26 the capacity of the child to benefit from the placement;

27  
28 (ee) *Parent* refers to the biological or adoptive parent or legal guardian  
29 of a child;

30  
31 (ff) *Placement* refers to the physical entrustment of the child with the  
32 foster parent;

33  
34 (gg) *Post-Adoption Services* refers to psycho-social services and support  
35 services provided by professionally trained social workers after the  
36 issuance of the Certificate of Adoption;

37  
38 (hh) *Relatives* refer to the relatives of a child, other than family  
39 members, within the fourth degree of consanguinity or affinity;

1 (ii) *Residence* refers to a person's actual and legal stay in the Philippines  
2 immediately prior to the filing of application for adoption decree is  
3 entered; *Provided, That* temporary absences for professional, business or  
4 emergency reasons not exceeding sixty (60) days at a time and not  
5 exceeding a total period of temporary absence of one (1) year shall not  
6 be considered as breaking the continuity requirement; *Provided further,*  
7 *That* the NACC may extend this period in meritorious cases;

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

20  
21 (kk) *Supervised Trial Custody* refers to a period of time within which a  
22 social worker oversees the adjustment and emotional readiness of both  
23 adopter/s and adoptee in stabilizing their filial relationship; and

24  
25 (ll) *Voluntarily Committed Child* refers to the one whose parent/s or legal  
26 guardian knowingly and willingly relinquished parental authority to  
27 the NACC, or any duly accredited child-placing or child-caring agency.

28  
29 **Sec. 4. Guiding Principles of Alternative Child Care.** – Alternative Child Care  
30 (ACC) shall be guided by the following:

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

35 2. The State should ensure that families have access to forms of support in the  
36 caregiving role. Every child and young person should live in a supportive, protective,  
37 and caring environment that promotes his/her full potential. Children with  
38 inadequate or no parental care are at special risk of being denied such a nurturing  
39 environment;

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

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

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

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

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

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

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

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

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

37          12. All entities and individuals engaged in the provision of alternative child  
38 care which received due authorization to do so from competent authority are subject  
39 to regular monitoring and review. Authorities should develop appropriate criteria

1 for assessing the professional and ethical fitness of care providers and for their  
2 accreditation, monitoring, and supervision;

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

6 14. Such other principles in accordance with the UN Convention on the Rights  
7 of the Child.

8  
9 **ARTICLE II**  
10 **NATIONAL AUTHORITY FOR CHILD CARE**

11  
12 **Sec. 5. *National Authority for Child Care (NACC)*** - To create a one stop shop on  
13 alternative child care, the Inter Country Adoption Board (ICAB) is hereby reorganized  
14 to become the National Authority for Child Care (NACC), attached to the Department  
15 of Social Welfare and Development (DSWD). All functions of the ICAB, the DSWD,  
16 and those of other government agencies relating to alternative child care are hereby  
17 transferred to the NACC. The Department of Budget and Management, in  
18 coordination with the ICAB and the DSWD, shall formulate a cohesive organizational  
19 structure with corresponding plantilla positions responsive to fulfill the functions and  
20 divisions of the NACC as stipulated under Sections 6 and 7 of this Act.

21  
22 **Sec. 6. *Functions of the NACC.*** - The functions of the NACC shall include the  
23 following:

- 24  
25 (a) Formulate and develop policies on adoption, foster care, guardianship  
26 leading to adoption, and other alternative child care policies such as but  
27 not limited to programs and services that will protect the Filipino child  
28 from abuse, exploitation, trafficking, and adoption practice that is  
29 harmful, detrimental and prejudicial to the best interests of the child;
- 30 (b) Implement policies, programs and services on adoption, foster care,  
31 guardianship, and other forms of alternative child care;
- 32 (c) Set standards and guidelines on adoption including pre and post legal  
33 adoption services. Accredite and authorize foreign private adoption  
34 agencies which have demonstrated professionalism and have  
35 consistently pursued non-profit objectives to engage in the placement of  
36 Filipino children in their own country;
- 37 (d) Monitor and assess compliance of all agencies/stakeholders both local  
38 and foreign involved in adoption;
- 39 (e) Assess the progress and identify gaps in the implementation of the law  
40 and come up with policy recommendations;

- 1 (f) Conduct national information dissemination and advocacy campaign  
2 on alternative child care;
- 3 (g) Keep records of all adoption cases, foster care cases, and cases of  
4 guardianship leading to adoption, and maintain a regularly updated  
5 database of other alternative child care providers, and provide periodic  
6 information and reports on the performance of the office;
- 7 (h) Conduct researches on alternative child care policies or in related fields  
8 to further improve and strengthen the office programs and services and  
9 for policy formulation and development;
- 10 (i) Provide technical assistance and conduct capability building activities  
11 to all concerned agencies and stakeholders; and
- 12 (j) Accreditation of child- caring and child-placing agencies as well as  
13 liaison agencies involved in the process of adoption, foster care, and  
14 other forms of alternative child care.

15  
16 **Sec. 7. Composition of the NACC.** – The NACC shall be composed of a Council  
17 and a Secretariat.

18  
19 There shall be an NACC Council to address child welfare policies which shall  
20 constantly adjust to ongoing studies on alternative child care. It shall be composed of  
21 permanent and alternative members from the concerned national government  
22 agencies, different child-caring and child-placing agencies, adoptive agencies, as well  
23 as non-governmental organizations engaged in child-caring and child-placing  
24 activities.

25  
26 The Secretariat shall be headed by an Executive Director, assisted by a Deputy  
27 Director, which shall have divisions and units. There shall also be Regional  
28 Alternative Child Care Officer/s for each region of the country.

29  
30 The Department of Budget and Management (DBM) in coordination with the  
31 Inter-country Adoption Board (ICAB) and DSWD shall create the plantilla positions  
32 necessary for the performance of NACC's functions.

33  
34 **BOOK II**  
35 **ADOPTION**

36  
37 **ARTICLE I**  
38 **PROCEDURES FOR ADOPTION**



- 1 (d) A person of legal age if, prior to the adoption, said person has been  
2 consistently considered and treated by the adopters as their own child  
3 since minority;
- 4 (e) A child whose adoption has been previously rescinded;
- 5 (f) A child whose biological or adoptive parent/s has/have died: *Provided*, That  
6 no proceedings shall be initiated within six (6) months from the time of  
7 death of said parent/s; or
- 8 (g) A child not otherwise disqualified by law.

9

10 **Sec. 11. Who May Adopt.** - The following may adopt:

11

12 (a) Any Filipino citizen of legal age, in possession of full civil capacity and legal  
13 rights, of good moral character, has not been convicted of any crime involving moral  
14 turpitude which may affect the adopted child's healthy social interactions,  
15 appropriate character development and modelling, is emotionally and  
16 psychologically capable of caring for children, is at least sixteen (16) years older than  
17 the adoptee, and is in a position to support and care for adopted children in keeping  
18 with the means of the family. The requirement of sixteen (16) year difference between  
19 the age of the adopter and the adoptee maybe waived when the adopter is the  
20 biological parent of the adoptee, or is the spouse of the adoptee's parent;

21 (b) Any alien possessing the same qualifications as above stated for Filipino  
22 nationals: *Provided*, That the alien's country has diplomatic relations with the Republic  
23 of the Philippines, that the alien has been living in the Philippines for at least three (3)  
24 continuous years prior to the filing of the application for adoption and maintains such  
25 residence until the adoption decree is entered, that the alien has been certified by  
26 his/her diplomatic or consular office or any appropriate government agency that the  
27 alien has the legal capacity to adopt in his/her own country, and that the alien's  
28 government allows the adoptee to enter his/her country as the alien's adopted  
29 son/daughter: *Provided, Further*, That the requirements on residency and certification  
30 of the alien's qualification to adopt in his/her country may be waived for the  
31 following:

- 32 i) A former Filipino citizen who seeks to adopt a relative within the fourth  
33 (4<sup>th</sup>) degree of consanguinity or affinity; or
- 34 ii) One who seeks to adopt the legitimate son/daughter of his/her Filipino  
35 spouse; or
- 36 iii) One who is married to a Filipino citizen and seeks to adopt jointly with  
37 his/her spouse a relative within the fourth (4<sup>th</sup>) degree of consanguinity or  
38 affinity of the Filipino spouse;

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

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

2 (1) If one spouse seeks to adopt the legitimate child of the other;

3 (2) If one spouse seeks to adopt own illegitimate child: *Provided*, That the  
4 other spouse has signified consent thereto;

5 (3) If the spouses are legally separated from each other.

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

8  
9 **Sec. 12.** *Whose Consent is Necessary to the Adoption.* - After being properly  
10 counselled and informed of the right to give or withhold approval of the adoption,  
11 the written consents of the following to the adoption are hereby required:

12 (a) The adoptee, if ten (10) years of age or over;

13 (b) The biological parent/s of the child, if known, or the legal guardian, or the  
14 proper government instrumentality which has legal custody of the child;

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

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

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

21  
22 **Sec. 13.** *Where to File Application.* - A person eligible to adopt under Book II,  
23 Article I, Section 11 of this Act who desires to adopt a child in the Philippines and has  
24 attended adoption fora and seminars, shall file their application for adoption with the  
25 NACC or with any licensed accredited child placing agency.

26  
27 **Sec. 14.** *Case Study.* - No petition for adoption shall be forwarded to the NACC  
28 unless a licensed social worker of the NACC, the social service office of the local  
29 government unit, or any child-placing or child-caring agency has made a case study  
30 of the adoptee, the biological parent/s, as well as the adopter/s, and has submitted  
31 the report and recommendations on the matter to the NACC for the issuance of the  
32 adoption certificate.

33  
34 At the time of preparation of the adoptee's case study, the concerned social  
35 worker shall confirm with the Philippine Statistics Authority (PSA) the real identity  
36 and registered name of the adoptee. If the birth of the adoptee was not registered with  
37 the PSA, it shall be the responsibility of the concerned social worker to ensure that the  
38 adoptee is registered.

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

5  
6 The case studies and other relevant documents and records pertaining to the  
7 adoptee and the adoption shall be preserved by the NACC.

8  
9 **Sec. 15. Fees, Charges and Assessments.** - Fees, charges, and costs may be  
10 imposed, subject to reasonable rates as determined by the NACC, to cover expenses  
11 in providing adoption services; *Provided*, That paramount consideration shall be given  
12 to the financial capability of the adopters to encourage adoption even for lower- and  
13 middle-income families.

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

25  
26 **Sec. 17. Supervised Trial Custody.** - No petition for adoption shall be granted  
27 unless the adopter/s has/have undergone a supervised trial custody period for at  
28 least six (6) months within which the parties are expected to adjust psychologically  
29 and emotionally to each other and establish a bonding relationship. During said  
30 period, temporary parental authority shall be vested in the adopter/s.

31  
32 The NACC may *motu proprio* or upon motion of any party reduce the trial  
33 period to at least four (4) months if it finds the same to be in the best interest of the  
34 adoptee, stating the reasons for the reduction of the period. However, for alien  
35 adopter/s, the alien must complete the six-(6) month trial custody except for those  
36 enumerated in Section 11 (b) (i), (ii), and (iii).

37  
38 The prospective adopters shall assume all the responsibilities, rights, and  
39 duties to which biological parents are entitled from the date the adoptee is placed with  
40 the prospective adopters.

1  
2       **Sec. 18. *Certificate of Adoption.*** -- In all proceedings for adoption, the NACC shall  
3 decide on the basis of all the documents presented to it, including, but not limited to,  
4 proof that the biological parent/s has/have been properly counselled to prevent them  
5 from making hurried decisions caused by stress or anxiety to give up the child and to  
6 sustain that all measures to strengthen the family have been exhausted and that any  
7 prolonged stay of the child at home will be inimical to the welfare and interest of the  
8 child. There shall be no adversarial proceedings in adoption and all cases shall be  
9 decided within thirty (30) days from submission of all the complete documents  
10 required by the NACC.

11  
12       If, after the submission of the required documents for adoption and no  
13 opposition has been interposed to the petition, the NACC is convinced that the  
14 petitioners are qualified to adopt, and that the adoption would redound to the best  
15 interest of the adoptee, a Certificate of Adoption shall be entered which shall be  
16 effective as of the date the original petition was filed. This provision shall also apply  
17 in case the adopter/s die/s before the issuance of the certificate of adoption to protect  
18 the interest of the adoptee. The certificate shall state the name by which the child is to  
19 be known. The certificate of adoption shall be issued within thirty (30) days upon the  
20 fulfillment of all the requirements set by the NACC.

21  
22       **Sec. 19. *The Birth Certificate.*** -- An amended certificate of birth shall be issued  
23 by the Philippine Statistics Authority (PSA), as required by the Rules of Court,  
24 attesting to the fact that the adoptee is the child of the adopters by being registered  
25 with adopters' surname. The original certificate of birth shall be stamped "cancelled"  
26 with the annotation of the issuance of the amended birth certificate in its place and  
27 shall be sealed in the civil registry records. The new birth certificate to be issued to the  
28 adoptee shall not bear any notation that it is an amended issue or that the child is an  
29 orphan, abandoned or foundling.

## 30                                   **B. PROCEDURE FOR INTER-COUNTRY ADOPTION**

31  
32  
33       **Sec. 20. *Who May Be Adopted.*** -- All children legally free for domestic adoption  
34 may be the subject of inter-country adoption.

35  
36       **Sec. 21. *Documents of Prospective Adoptive Child.*** -- In order that such child may  
37 be considered for placement, the following documents must be submitted to the  
38 NACC:

- 39       (a) Child study report;  
40       (b) Birth certificate/foundling certificate issued by the PSA;

- 1 (c) Certified true copy of the certification that the child is administratively  
2 available for adoption;
- 3 (d) Medical evaluation/history including that of the child's biological  
4 parent/s, if known, and updated medical abstract;
- 5 (e) Deed of voluntary commitment or decree of abandonment or certified true  
6 copy of the death certificate of the child's birth parent/s, if applicable;
- 7 (f) Psychological evaluation, as may be necessary; and
- 8 (g) Most recent whole-body size picture of the child, if applicable; *Provided,*  
9 That any physical impairment of the child should be visible in the picture.
- 10

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

- 14 (a) Come from a country:
- 15 (i) With whom the Philippine has diplomatic relations;
- 16 (ii) Whose government have clear guidelines on inter-country adoption  
17 and maintains a foreign adoption agency;
- 18 (iii) Whose laws allow such adoption; and
- 19 (iv) Whose laws allow adopted children to acquire the citizenship of their  
20 adoptive parents.
- 21 (b) At least twenty-seven (27) years of age and at least sixteen (16) years older  
22 than the child to be adopted at the time of application, unless the adopter is the parent  
23 by nature of the child to be adopted or the spouse of such parent; *Provided,* That if the  
24 adopter is married, his/her spouse must jointly file for the adoption;
- 25 (c) Have the capacity to act and assume all rights and responsibilities of  
26 parental authority under national laws, and has undergone the appropriate  
27 counselling from an accredited counsellor in their countries;
- 28 (d) Have not been convicted of a crime involving moral turpitude;
- 29 (e) Are eligible to adopt under their national laws;
- 30 (f) Are in a position to provide the proper care and support and to give the  
31 necessary moral values and example to all his/her children, including the child to be  
32 adopted;
- 33 (g) Agree to uphold the basic rights of the child as embodied under Philippine  
34 laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and  
35 regulations issued to implement the provisions of this Act; and
- 36 (h) Possess all the qualifications and none of the disqualifications provided  
37 herein and in other applicable Philippine laws.
- 38

39 **Sec. 23. Where to File Application.** - The application for inter-country adoption  
40 shall be filed with the NACC, Philippine embassy, governmental agency or

1 authorized and accredited agency of the receiving country where the applicants are  
2 habitual residents. Said application shall be in accordance with the requirements as  
3 set forth in the implementing rules and regulations (IRR) to be promulgated by the  
4 NACC.

5  
6 The application shall be supported by the following documents written and  
7 officially translated in English:

- 8 (a) Birth certificate of the applicant/s;
- 9 (b) Marriage contract, if married, and divorce decree, if applicable;
- 10 (c) Written consent of their biological or adoptive children above ten (10)  
11 years of age, in the form of a sworn statement;
- 12 (d) Physical, medical, and psychological evaluation by a duly licensed  
13 physician or psychologist;
- 14 (e) Income tax returns or any document showing the financial capability of  
15 the applicant/s;
- 16 (f) Police clearance of the applicant/s;
- 17 (g) Character from the local church/minister, the applicant's employer and  
18 member of the immediate community who have known the applicant/s  
19 for at least five (5) years;
- 20 (h) Recent post-card size pictures of the applicant/s and his/her immediate  
21 family; and
- 22 (i) Other documents that the NACC may further require.

23  
24 **Sec. 24. Pre-Adoptive Placement Costs.** – The applicants shall bear the following  
25 costs incidental to the placement of the child:

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

31  
32 **Sec. 25. Fees, Charges and Assessment.** – The NACC may charge reasonable fees  
33 to cover expenses in providing adoption services. The applicant/s shall be apprised  
34 of the fees from the beginning of their application.

35  
36 Fees, charges, and assessments collected by the NACC in the exercise of its  
37 functions shall be used solely to process applications for inter-country adoption and  
38 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  
3 locally. The clearance, as issued by the NACC, with a copy of the minutes of the  
4 meetings, shall form part of the records of the child to be adopted.  
5

6           When the Placement Authority has been transmitted and duly received by the  
7 authorized and accredited agency of the prospective adopter and all the travel  
8 documents of the child are ready, the adoptive parents or anyone of them, shall  
9 personally fetch the child in the Philippines.  
10

11           **Sec. 27. *Supervision of Trial Custody Assessments.*** – The government agency or  
12 the authorized and accredited agency shall submit to the NACC for the trial custody  
13 and the care of the child, be responsible for the trial custody, and also provide family  
14 counselling and other related cases. The trial custody shall be for a period of six (6) to  
15 eight (8) months from the time of placement. Only after the lapse of the period of trial  
16 custody shall a Certificate of Adoption be issued in the said country, a copy of which  
17 shall be sent to the NACC to form part of the records of the child.  
18

19           During the trial custody, the adopting parent/s shall submit to the government  
20 agency or the authorized and accredited agency, which shall in turn transmit a copy  
21 to the NACC, a progress report of the child’s adjustment. The progress report shall be  
22 taken into consideration in deciding whether or not to issue the Certificate of  
23 Adoption.  
24

25           The NACC, the government agency, or its authorized and accredited agency  
26 and the Philippine Embassy or Consular Office in the country of the adoptive parents  
27 where the application for inter-country adoption was filed, shall monitor Filipino  
28 children sent abroad for trial custody. The DFA shall set up a system for the  
29 repatriation of a Filipino child whose adoption has not yet been approved.  
30

31           **Sec. 28. *Certificate of Adoption.*** – If there is no opposition interposed to the  
32 petition after the submission of the required documents for adoption by the NACC  
33 and after the period of trial custody, the NACC is convinced that the petitioners are  
34 qualified to adopt and that the adoption would redound to the best interest of the  
35 adoptee, a Certificate of Adoption shall be entered which shall be effective as of the  
36 date the original petition was filed. This provision shall also apply in case the  
37 petitioner dies before the issuance of the Certificate of Adoption to protect the interest  
38 of the adoptee. After due coordination with the PSA, the NACC shall state in the  
39 certificate the name by which the child is to be known. The Certificate of Adoption

1 shall be issued within thirty (30) days upon the fulfillment of all the requirements set  
2 by the NACC.

3  
4 **Sec. 29. *Post-Adoption Services.*** – There shall be Post Adoption Services in the  
5 form of psycho-social and support services to the child, by the social worker of the  
6 NACC after the adoption has been legally completed.

7  
8 **Sec. 30. *Agreements on Inter-Country Adoption.*** – The Philippines may enter into  
9 bilateral treaties or executive agreements on the matter of Inter-Country Adoption  
10 Procedure. The NACC, in coordination with the Department of Justice (DOJ) and the  
11 DFA, upon representation of the NACC, shall cause the preparation of executive  
12 agreements with countries of the foreign adoption agencies to ensure the legitimate  
13 concurrence of said countries in upholding the safeguards provided by this Act.  
14 Thereafter, the NACC shall ensure that international bodies involved in inter-country  
15 adoption, such as the permanent *Bureau of the Hague Convention on Inter-Country*  
16 *Adoption*, are informed of the contact details of the authorities in the Philippines,  
17 including the DFA and Philippine Missions abroad, which have roles in the process  
18 of inter-country adoption.

19  
20 **C. PROCEDURE FOR RECTIFICATION OF SIMULATED BIRTHS**

21  
22 **Sec. 31. *Rectification of Simulated Births.*** – A person who has, prior to the  
23 effectivity of Republic Act No. 11222 or the Simulated Birth Rectification Act (“R.A.  
24 No. 11222”), simulated the birth of a child, and those who cooperated in the execution  
25 of such simulation, shall not be criminally, civilly, or administratively liable for such  
26 act, *Provided*, That the simulation of the birth was made for the best interest of the  
27 child and that child has been consistently considered and treated as the person’s own  
28 child. *Provided, further*, That the application for correction of the birth registration and  
29 petition for adoption shall be filed within ten (10) years from the effectivity of R.A.  
30 No. 11222 and completed thereafter. *Provided, finally*, That such person complies with  
31 the procedure as specified in Article I, Book II of this Act and other requirements as  
32 determined by the NACC. All benefits provided for under this Act and R.A. No. 11222  
33 shall also apply to adult adoptees.

34  
35 **Sec. 32. *Inadmissible Evidence.*** – All petitions, documents, records, and papers  
36 relating to adoption and rectification of simulated births under R.A. No. 11222 and  
37 this Act cannot be used as evidence against those who simulated the birth of a child  
38 or who cooperated in the execution of such simulation in any criminal, civil, or  
39 administrative proceeding.

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

6  
7           The petition for adoption with an application for rectification of simulated birth  
8 record shall be in the form of an affidavit and shall be subscribed and sworn to by the  
9 petitioner/s before any person authorized by law to administer affirmation and oaths.  
10 It shall state the facts necessary to establish the merits of the petition, and  
11 circumstances surrounding the simulation of the birth of the child. The petition shall  
12 be supported by:

- 13           (a) A copy of the simulated birth or foundling certificate of the child;  
14           (b) Affidavit of admission if the simulation of birth was done by a third  
15           person;  
16           (c) Certification issued and signed by the punong barangay attesting that the  
17           petitioner/s is a resident of the barangay, and that the child has been  
18           living with the petitioner/s for at least three (3) years before the effectivity  
19           of R.A. No. 11222;  
20           (d) Affidavits of at least two (2) disinterested persons, who reside in the same  
21           barangay where the child resides, attesting that the child has been living  
22           with the petitioner or at least three (3) years prior to the effectivity of R.A.  
23           No. 11222;  
24           (e) Certificate Declaring the Child Legally Available for Adoption  
25           (CDCLAA) issued by the DSWD; Provided, That a CDCLAA shall no  
26           longer be required if the adoptee is already an adult or a relative of the  
27           adopter within the fourth degree of consanguinity or affinity.; and  
28           (f) Photographs of the child and the petitioner(s) taken within the last three  
29           (3) months prior to the filing of the petition.

30  
31           **Sec. 34. *Certificate of Adoption.*** –If the NACC determines that the adoption shall  
32 redound to the best interest of the child, a Certificate of Adoption shall be issued  
33 which shall take effect on the date the petition was filed with the NACC, even if the  
34 petitioner dies before the issuance.

35  
36           The Certificate of Adoption shall state the name by which the adoptee shall be  
37 known and shall likewise direct the:

- 38           (a) Cancellation of the simulated birth record of the child;  
39           (b) Issuance of the rectified birth record bearing the names of the biological  
40           parents of the child or the issuance of the foundling certificate; and

1 (c) Issuance of the new birth certificate in accordance with Section 19 of this  
2 Act.

3  
4 **Sec. 35. Information Dissemination.** - The local social welfare office and the  
5 barangays within its coverage shall conduct a massive campaign against simulation  
6 of birth, sale, and trafficking of children. A survey and list of simulated births in every  
7 barangay shall be submitted to the local NACC for assessment and filing of legal;  
8 adoption under the provisions of this Act.

9  
10 **ARTICLE II**  
11 **EFFECTS OF ADOPTION**  
12

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

19  
20 **Sec. 37. Legitimacy.** - The adoptee shall be considered the legitimate child of the  
21 adopter/s for all intents and purposes and as such is entitled to all the rights and  
22 obligations provided by the law to legitimate children born to them without  
23 discrimination of any kind. To this end, the adoptee is entitled to love, guidance, and  
24 support in keeping with what the family can afford.

25  
26 **Sec. 38. Succession.** - In legal and intestate succession, the adopter/s and the  
27 adoptee shall have reciprocal rights of succession without distinction from legitimate  
28 filiations. However, if the adoptee and his/her biological parent/s had left a will, the  
29 law on testamentary succession shall govern. In cases of inter-country adoption, the  
30 national law of the adoptive parents shall apply, as far as it is beneficial to the adopted  
31 child.

32  
33 **Sec. 39. Benefits.** - The adoptive parent/s shall, with respect to the adopted  
34 child, enjoy all the benefits to which the biological parent/s is/are entitled. Maternity  
35 and paternity benefits and other benefits given to the biological parent/s upon the  
36 birth of a child shall be enjoyed if the adoptee is below seven (7) years of age upon the  
37 issuance of the Pre-Adoptive Placement Authority issued by the NACC.

38  
39 In cases of inter-country adoption, the pertinent laws as to benefits given to  
40 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  
6 with the assistance of the NACC if an adoptee is a child, the adoption may be  
7 rescinded on 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

16 Adoption being in the best interest of the child shall not be subject to rescission  
17 by adopters. However, the adopters may disinherit the adoptee for causes as  
18 provided for in Article 919 of the Civil Code, in cases of domestic adoption. In cases  
19 of inter-country adoption, the national law of the adopter shall govern. The petition  
20 shall be filed with the NACC .  
21

22 **Sec. 41. *Effects of Rescission.*** – If the petition for rescission of adoption is granted,  
23 the parental authority of the adoptee’s biological parent/s, if known, or the legal  
24 custody of the NACC shall be restored if the adoptee is still a child. The reciprocal  
25 right and obligations of the adopter/s and the adoptee to each other shall be  
26 extinguished.  
27

28 The NACC shall order the Civil Registrar General to cancel the amended birth  
29 certificate and restore the original birth certificate of the adoptee.  
30

31 Succession rights shall revert to its status prior to adoption, but only as of the  
32 date of the approval of the petition for rescission of adoption. Vested rights acquired  
33 prior to rescission shall be respected.  
34

35 All the foregoing effects of rescissions of adoption shall be without prejudice  
36 to the penalties imposable under the Revised Penal Code if the criminal acts are  
37 properly proven.  
38

39 **ARTICLE IV**  
40 **NATURE OF ADOPTION PROCEEDINGS**

1  
2       **Sec. 42. Confidential Proceedings & Records.** – All proceedings in adoption cases  
3 shall be confidential and shall not be open to the public. All records, books, and papers  
4 relating to the adoption cases in the files of the court, the NACC, or any other agency  
5 or institution participating in the adoption proceedings shall be kept strictly  
6 confidential.

7  
8       **Sec. 43. Disclosure; Exceptions.** – If the NACC finds the disclosure of the  
9 information to a third person necessary for purposes connected with or arising out of  
10 the adoption and will be for the best interest of the adoptee, the NACC may merit the  
11 necessary information to be released, restricting the purposes for which it may be  
12 used and subject to compliance with the requirements of Republic Act No. 10173,  
13 otherwise known as the “Data Privacy Act of 2012”.

14  
15       **Sec. 44. Consent.** – No copy thereof as well as any information relating hereto  
16 shall be released without written authority from the NACC or the written request of  
17 any of the following:

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

27  
28       The NACC shall ensure that information held by them concerning the origin  
29 of the adopted child, in particular the identity of his/her biological parents, is  
30 preserved.

31  
32                                   **BOOK III**  
33                                   **FOSTER CARE**

34  
35                                   **ARTICLE I**  
36                                   **FOSTER CARE AS PROGRAM OF NACC**

37  
38       **Sec. 45. Foster Care as Mandatory and Permanent Program of NACC.** – The NACC  
39 shall systematize and enhance foster caring in the country. It shall ensure that foster  
40 families promote and motivate the foster children to relate with their biological or  
41 adoptive family, as the case may be, and shall provide the wholesome atmosphere to

1 encourage bonding. The rights of biological children of foster families shall be  
2 protected and in no case shall they be disadvantaged as a result of the placement of a  
3 foster child. NACC shall endeavor to maintain and improve foster care services as its  
4 mandatory and permanent program.

5  
6 **Sec. 46. Foster Care Committees.** – The Regional Foster Care Committees maybe  
7 convened by the NACC whenever there are difficulties in the foster placements. The  
8 Committee shall be composed of multi-disciplinary team of professionals responsible  
9 for resolving the difficulties in a foster placement.

10  
11 **Sec. 47. Advocacy Campaign.** – National government agencies (NGAs), non-  
12 government organizations (NGOs), people’s organizations (POs), faith-based  
13 organizations, and civil society shall reach out to communities to recruit applicants  
14 for foster care.

15  
16 **Sec. 48. Recruitment and Development of Foster Parents.** –NGAs, NGOs, local  
17 government units (LGUs), and POs shall develop foster parents who shall provide  
18 foster care to children.

19  
20 **Sec. 49. Issuance of License.** – The NACC shall issue a foster license to parents  
21 who were approved as foster parents based on the home study report submitted by  
22 the agency to determine the motivations, capacities, and potentials for development  
23 of applicants. The license is valid for three (3) years unless otherwise revoked by the  
24 NACC.

25  
26 **ARTICLE II**  
27 **PROCEDURES FOR FOSTER CARE**

28  
29 **Sec. 50. Who May Be Placed Under Foster Care.** – A child in any of the following  
30 conditions may be placed in a foster family:

- 31  
32 (a) Abandoned, surrendered, neglected, dependent, or orphaned;  
33 (b) Victim of sexual, physical, or any other form of abuse or exploitation;  
34 (c) With special needs;  
35 (d) Whose family members are temporarily or permanently unable or  
36 unwilling to provide the child with adequate care;  
37 (e) Awaiting adoptive placement and who would have to be prepared for  
38 family life;  
39 (f) Needs long-term care and close family ties but who cannot be placed for  
40 domestic adoption;

- 1 (g) Whose adoption has been disrupted;
- 2 (h) Under socially difficult circumstances such as, but not limited to, a street
- 3 child, a child in armed conflict, or a victim of child labor or trafficking;
- 4 (i) Committed a minor offense but is released on recognizance, or who is in
- 5 custody, supervision, or whose case is dismissed;
- 6 (j) In need of special protection as assessed by a social worker, an agency, or
- 7 the NACC; or
- 8 (k) Matched for adoption.

9  
10 Provided, That in the case of (b), (c), (f), (h), (i), and (j), the child must have no  
11 family willing and capable of caring and providing for him/her.

12  
13 **Sec. 51. Who May Be a Foster Parent** – The kin or relatives of the foster child, if  
14 willing and available, as well as persons who have already filed a petition for  
15 adoption of the child to be fostered become the priority prospective foster family. All  
16 applicants, including the kin or relatives of the foster child, must meet all the  
17 following qualifications:

- 18
- 19 (a) Of legal age;
- 20 (b) At least sixteen (16) years older than the child unless the foster parent is a
- 21 relative;
- 22 (c) Have a genuine interest, capacity, and commitment in parenting and is
- 23 able to provide a familial atmosphere for the child;
- 24 (d) Able to provide a family atmosphere for the child;
- 25 (e) Have a healthy and harmonious relationship with each family member
- 26 living with him or her;
- 27 (f) Be of good moral character;
- 28 (g) Be physically and mentally capable and emotionally mature;
- 29 (h) Have sufficient resources to be able to provide for the family's needs;
- 30 (i) Be willing to further hone or be trained on knowledge, attitudes, and skills
- 31 in caring for a child; and
- 32 (j) Not already have the maximum number of children under his foster care
- 33 at the time of application or award, as may be provided in the
- 34 implementing rules and regulations (IRR) of this Act.

35  
36 *Provided*, That in determining who is the best suited foster parent, the relatives  
37 of the child shall be given priority, so long as they meet the above qualifications:  
38 *Provided, further*, That an alien possessing the above qualifications and who has  
39 resided in the Philippines for at least twelve (12) continuous months and maintains

1 such residence until the termination of placement by the NACC or expiration of the  
2 foster family license, may qualify as a foster parent.

3  
4 **ARTICLE III**  
5 **PARENTAL AUTHORITY OF FOSTER PARENTS**  
6

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

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

16 **ARTICLE IV**  
17 **PROCEDURE**  
18

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

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

28 **Sec. 56. Issuance of License.** – The NACC shall issue a Foster Family Care License  
29 based on the Home Study Report submitted by the agency to determine the  
30 motivations, capacities, and potentials for development of applicants. The license is  
31 renewable every three (3) years unless earlier revoked by the NACC.  
32

33 **Sec. 57. Matching.** – Matching shall be done by the NACC or child-placing  
34 agency only after the child case study and the home study have been conducted, save  
35 for exceptions to be determined by the NACC, taking into consideration the best  
36 interests of the child.  
37

38 The child case study report shall establish the needs of the child for  
39 consideration in the selection of the foster parent. Likewise, the Home Study Report  
40 shall establish said foster parent’s capacity and resources to provide a safe, secure,  
41 and loving home to the child.

1  
2           **Sec. 58. Placement.** – The physical transfer of a child to a licensed foster parent  
3 shall take effect only after the issuance of a Foster Placement Certificate except in  
4 emergency situations to be determined by the NACC, taking into consideration the  
5 best interest of the child.

6  
7           **Sec. 59. Supervision of Foster Placement.** – Supervised foster placement begins as  
8 soon as the foster family receives the child into their care. During the foster placement,  
9 the social worker shall conduct regular home visits to monitor the child’s adjustment  
10 in the foster home and the current capability of the foster family and shall report to  
11 the NACC.

12  
13           The foster parents shall enjoy all the benefits to which biological parents are  
14 entitled from the date the child is placed with them. As such, the parents may bring  
15 along the child to travels out of the country; *Provided*, That the child has been with  
16 them for a year; *Provided, further*, That the parents are residing in the Philippines; and  
17 *Provided, finally*, That there is no reason to believe that the child will be at risk if they  
18 travel with their parents nor is there reason to believe that the parents will not be  
19 returning to the Philippines.

20  
21           **Sec. 60. Foster Care Committee.** – The Foster Care Committee of the NACC shall  
22 have the following functions:

- 23  
24           (a) Review and deliberate issues affecting the placement of a particular child;  
25           (b) Make recommendations to resolve any dispute between and among the  
26           child-placing agency, the parents, the foster parents, and the child;  
27           (c) Monitor the implementation, review, and recommend changes in policies  
28           concerning foster care and other matters related to the child’s welfare;  
29           (d) Submit to the Chairperson of the NACC and to Congress an annual report  
30           of the policies, programs, and activities relative to the implementation of  
31           this Act; and  
32           (e) Perform such other functions and duties as may be prescribed by the NACC.

33  
34           **Sec. 61. Reporting.** – In case of injury or death of the child, or if the child runs  
35 away or gets lost, such case shall be reported immediately to the nearest office of the  
36 NACC.

37  
38           **Sec. 62. Termination of Placement.** – Termination of placement shall be done by  
39 the NACC, upon recommendation of the child-placing agency, on the following  
40 grounds:

- 1 (a) Return of the child to biological parents;
- 2 (b) Placement for adoption of the child;
- 3 (c) Death of the child;
- 4 (d) Death of both foster parents;
- 5 (e) Expiration of the FPA; and
- 6 (f) In all cases where placement becomes prejudicial to the welfare of the child,
- 7 such as, but not limited to, abandonment, maltreatment, sexual assault,
- 8 violence, or other forms of abuse.

9  
10 *Provided*, That in the case of (f), the foster child, with the assistance of a  
11 registered social worker, shall have the option to apply for termination of placement.

12  
13 **ARTICLE V**  
14 **LONG-TERM FOSTER PLACEMENT**

15  
16 **Sec. 63. Long-Term Foster Placement Authority.** - If a child has been under the  
17 care of a foster parent for a period of at least seven (7) years, the said foster parent  
18 may apply for Long-Term Foster Placement Authority (LTFFPA), subject to the  
19 following conditions:

- 20  
21 (a) The child's return to his biological parents or placement in an adoptive family  
22 is not imminent;
- 23 (b) The foster parent continues to possess the qualifications required under this  
24 Act and a valid foster family care license for the entire duration of the foster  
25 care;
- 26 (c) The child, if ten (10) years of age or over, duly assisted by a social worker,  
27 gives written consent for long-term stay with the foster parent; and
- 28 (d) Aside from the regular monitoring visits, the NACC shall reassess and  
29 reevaluate the foster home situation every three (3) years, to determine  
30 whether it is in the best interest of the child to continue living in the foster  
31 home on a long-term basis.

32  
33 LTFFPA grants the foster parent custody over the foster child without the  
34 requirement of the eventuality of adoption of the latter by the former. During this  
35 period, the foster child shall enjoy the rights of a child under Article 3 of the Child  
36 and Youth Welfare Code, and under other laws: *Provided*, That there shall be no  
37 mandatory rights of succession in favor of the foster child.

38  
39 **Sec. 64. Long-Term Foster Care Commitment.** - Taking into consideration the  
40 stability and best interest of the foster child, a foster parent, who unilaterally

1 terminates the LTFPA before the foster child reaches the age of majority or finishes  
2 tertiary education, shall make provisions for the education and basic needs of the  
3 foster child, in accordance with the standards in which the child has been raised or  
4 has become accustomed to, within the said period: Provided, That the foster parent  
5 has the means to support the foster child in keeping with the financial capacity of the  
6 family.

7  
8 **ARTICLE VI**  
9 **ADOPTION OF A FOSTER CHILD**

10  
11 **Sec. 65. Conditions.** – A foster parent may adopt his foster child subject to the  
12 following conditions:

- 13  
14 (a) The foster parent must have all the qualifications as provided for this Act;  
15 (b) The trial custody, as required in adoption, may be waived: *Provided*, That a  
16 harmonious relationship exists between the child and his foster parent and  
17 family members; and  
18 (c) The procedures for adoption, for purposes of this Act, shall be governed by  
19 this Act.

20  
21 **ARTICLE VII**  
22 **LOCAL GOVERNMENT UNITS**

23  
24 **Sec. 66. Role of Local Government Units (LGUs).** – LGUs shall promote the foster  
25 care system in their respective territorial jurisdictions.

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

31  
32  
33 **ARTICLE VIII**  
34 **FOSTER CARE SUPPORT SERVICES,**  
35 **ASSISTANCE, AND INCENTIVES**

36  
37 **Sec. 68. Health Insurance.** – A foster child shall automatically be a PhilHealth  
38 beneficiary of the foster parent and as such, entitled to health insurance benefits. If the  
39 foster parent is not a PhilHealth member, he must seek enrollment with PhilHealth.  
40 LGUs and agencies shall provide assistance to the foster parents to ensure enrollment.

1           **Sec. 69. *Special Discounts.*** – To the extent possible, the government may grant  
2 special discounts to foster parents on the purchase of basic commodities for the  
3 exclusive use of the foster child subject to the guidelines to be issued for the purpose  
4 by the Department of Trade and Industry (DTI) and the Department of Agriculture  
5 (DA).  
6

7           **Sec. 70. *Foster Child Subsidy.*** – A foster child, through the child-placing agency,  
8 shall be entitled to a monthly subsidy from the government, NACC, or LGU, subject  
9 to existing government standards and auditing rules and regulations to include  
10 incidental expenses. The subsidy is primarily aimed at supporting the expenses of the  
11 child to lessen the financial burden on the foster parent: *Provided,* That support may  
12 be waived if the foster parent is capable of supporting the foster child.  
13

14           **Sec. 71. *Foster Family Incentives.*** – A foster family, through the child-placing  
15 agency, shall be entitled to a monthly incentive from the government NACC and/or  
16 LGUs, subject to existing government standards and auditing rules and regulations.  
17

18           **Sec. 72. *Support Care Services.*** – The NACC and the social service unit of the  
19 LGU or agency shall provide support care services to include, counselling, and other  
20 psycho-social services, visits, training on child care and development, respite care,  
21 skills training, and livelihood assistance.  
22

23           **Sec. 73. *Support to Biological Parents.*** – Counselling shall be provided to parents  
24 to help them understand foster care and prepare them for eventual reunification with  
25 the child. Training on child-caring and child-protection skills shall be provided to  
26 biological parents to improve their knowledge, attitude, and skills in parenting.  
27

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

- 30           (a) **Exemption from Income Tax.** – Agencies shall be exempt from income tax on  
31 the income derived by it as such organization pursuant to Section 30 of the  
32 NIRC of 1997, as implemented by Revenue Regulation (RR) No. 13-98; and  
33           (b) **Qualification as a Donee Institution.** – Agencies can also apply for  
34 qualification as a donee institution.  
35

36           **Sec. 75. *Incentives to Donors.*** – Donors of an agency shall be entitled to the  
37 following:  
38

- 1 (a) Allowable Deductions. – Donors shall be granted allowable deductions from  
2 its gross income to the extent of the amount donated to agencies in  
3 accordance with Section 34(H) of the NIRC of 1997; and  
4 (b) Exemption from Donor’s Tax. – Donors shall be exempted from donor’s tax  
5 under Section 101 of the NIRC of 1997: *Provided*, That not more than thirty  
6 percent (30%) of the amount of donations shall be spent for administrative  
7 expenses.

8  
9  
10  
11  
12 **BOOK IV**  
13 **OTHER FORMS OF ALTERNATIVE CHILD CARE**

14  
15 **ARTICLE I**  
16 **GUARDIANSHIP, KHAFALLAH, KINSHIP CARE, [FAMILY-LIKE CARE]**  
17 **RESIDENTIAL CARE**

18  
19 **Sec. 76. *Conditions in Other Forms of Alternative Care Settings.*** – The following are  
20 the required conditions in other forms of alternative care which includes  
21 guardianship, kafalah, kinship care, or residential care;

22  
23 1. *Awareness of children’s rights and obligations.* Both children and care givers  
24 should know and understand their rights and obligations;

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

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

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

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

38 6. *Discipline, punishment, and restraints.* Severe restrictions should be placed on  
39 the use of force and restraints. All treatment that may compromise a child’s physical  
40 or mental health are prohibited. Adequate guidance on discipline and punishment  
41 shall be followed.



1 Executive Order No. 209, *series* of 1987, otherwise known as the “*Family Code of the*  
2 *Philippines*”, *Provided*, That RCAs shall only have the rights of a person with special  
3 parental authority to discipline the children under their care and protection as defined  
4 under Section 233 of the Family Code, insofar as it prohibits the infliction of corporal  
5 punishment upon the child.

6  
7 **Sec. 82. *Components of Residential Care.*** - The following are essential  
8 components of residential care as defined in Section 3(d)(5):

- 9 (a) Caregivers who devote time to the children enabling a trusting and reliable  
10 relationship for them to experience lifelong love and security as they serve  
11 as stable figures who manage the family house and create a loving family  
12 environment;
- 13 (b) A family home with bedrooms, kitchen, living room, toilet, and shower room  
14 which will serve as home to children and allows biological siblings to stay  
15 together;
- 16 (c) Support system for children and their families through development  
17 planning in various aspects of their individual development, with a special  
18 focus beginning with early childhood development and ending with quality  
19 aftercare support, so they are guided on their journey to self-reliance and to  
20 becoming contributing members of the society; and
- 21 (d) Professional and technical support for children and parents from a  
22 multidisciplinary team composed of project managers or directors, social  
23 workers, educators, psychologists, and medical professionals.

24  
25 **Sec. 83. *Privileges.*** - To allow it to fully realize its mandate, an accredited RCA  
26 shall:

- 27 (a) Enter into agreements with public authorities, and accept provisions for the  
28 cost of any service or activity which may be entrusted to it, within the scope  
29 of its object and functions, pursuant to such agreements;
- 30 (b) Own and hold real and personal properties and accept bequests, donations,  
31 and contributions; and
- 32 (c) Finally, the agency shall be exempt from the payment of real property taxes  
33 on all real properties owned by it.

34  
35 **BOOK V**

36 **CARE FOR ABANDONED FILIPINO CHILDREN OVERSEAS**

37  
38 **Sec. 84. *Programs and Services to Protect Abandoned Children in Foreign Countries.***

39 - The NACC, in coordination with the DFA, shall establish the procedures and

1 implement programs and services to protect and promote the rights of an abandoned  
2 Filipino child in a foreign country that will ensure or provide for the following:

- 3 (a) Prompt reporting, registration, and initial assessment of the abandoned  
4 child;
- 5 (b) Emergency care and accommodation;
- 6 (c) Appointment of a guardian or foster parents;
- 7 (d) Access to basic services on health and education;
- 8 (e) Prevention and protection from all forms of violence and exploitation;
- 9 (f) Prevention and protection from involvement in situations of armed conflict;
- 10 (g) Prevention of deprivation of liberty;
- 11 (h) Family reunification;
- 12 (i) Return to country;
- 13 (j) Local integration or inter-country adoption; and
- 14 (k) Durable family-based solutions.

15  
16 **BOOK VI**  
17 **VIOLATIONS AND PENALTIES**

18  
19 **ARTICLE I**  
20 **VIOLATIONS AND PENALTIES RELATING TO ADOPTION**

21  
22 **Sec. 85. *Violations and Penalties.* –**

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

- 29 (1) Obtaining consent for an adoption through coercion, undue influence,  
30 fraud, improper material inducement, or other similar acts;
- 31 (2) Non-compliance with the procedures and safeguards provided by law  
32 for the adoption; or
- 33 (3) Subjecting or exposing the child to be adopted to danger, abuse, or  
34 exploitation;

35 (b) Any person who shall cause the fictitious registration of the birth of the  
36 child under the names of persons who are not the child's biological parents shall be  
37 guilty of simulation of birth, and shall be punished by *prision mayor* in its medium  
38 period and a fine not exceeding Fifty Thousand Pesos (P50,000.00) unless covered by  
39 Section 31 of this Act;

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

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

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

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

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

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

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

28 **Sec. 86. Public Officers as Offender.** – In addition to criminal liabilities under the  
29 foregoing provisions, any government official or employee who shall be found guilty  
30 of violating any provisions of this Act, or who shall conspire with private individual  
31 shall, in addition to the above prescribed penalties, be penalized in accordance with  
32 existing civil service laws, rules and regulations.  
33

34 **ARTICLE II**  
35 **VIOLATIONS AND PENALTIES IN RELATION TO FOSTER CARE**  
36

37 **Sec. 87. Penalties.** –

38 (a) Any foster parent, found to be committing any act of neglect, abuse, cruelty,  
39 or exploitation and other similar acts prejudicial to the child's development, shall be  
40 penalized in accordance with Republic Act No. 7610, otherwise known as "An Act

1 Providing For Stronger Deterrence and Special Protection Against Child Abuse,  
2 Exploitation and Discrimination, Providing For Its Violation, and For Other  
3 Purposes", and other applicable laws.

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

6 (1) For the first violation, a fine of not less than Twenty-Five Thousand Pesos  
7 (PhP 25,000.00) but not exceeding Fifty Thousand Pesos (PhP  
8 50,000.00); and

9 (2) For any subsequent violation, a fine of not less than Fifty Thousand Pesos  
10 (PhP 50,000.00) but not exceeding One Hundred Thousand Pesos (PhP  
11 100,000.00), and revocation of license to operate.

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

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

20  
21 **ARTICLE III**  
22 **VIOLATIONS AND PENALTIES IN RELATION TO OTHER FORMS OF**  
23 **ALTERNATIVE CARE**  
24

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

31  
32 **BOOK VII**  
33 **FINAL PROVISIONS**  
34

35 **Sec. 89. Role of Local Government Units (LGUs).** - The host LGU, pursuant to  
36 Section 108 of Republic Act No. 7160 otherwise known as the "*Local Government Code*  
37 *of 1991*", shall accredit alternative care agencies that are duly recognized by the NACC  
38 in their locality.  
39

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

7  
8 A standard accreditation process for all LGUs shall be adopted by the NACC,  
9 in coordination with the DSWD and the Department of the Interior and Local  
10 Government (DILG).

11  
12 **Sec. 90. *Seminars and Trainings.*** – The NACC and the DSWD, in coordination  
13 with the DILG, is mandated to develop and provide programs to ensure the awareness  
14 and responsiveness of local government officials in the promotion and development  
15 of the alternative care system in every city, municipality and barangay.

16  
17 **Sec. 91. *Unlawful Solicitation.*** – It shall be unlawful for any person to solicit,  
18 collect, or receive money, materials, or property of any kind by falsely representing  
19 himself to be a member, agent or representative of any alternative care agency.

20  
21 **Sec. 92. *Appropriations.*** – Such sum as may be necessary for the implementation  
22 of the provisions of this Act shall be included in the General Appropriations Act of  
23 the year following its enactment into law and thereafter.

24  
25 **Sec. 93. *Implementing Rules and Regulations.*** – The NACC, as lead agency, the  
26 Department of Justice (DOJ), the Department of Health (DOH), the Bureau of Internal  
27 Revenue (BIR), the Council on Welfare of Children (CWC), the DILG and other  
28 concerned government agencies, in consultation with agencies are hereby mandated  
29 to prepare and draft the IRR to operationalize the provisions of this Act within six (6)  
30 months from its approval.

31  
32 **Sec. 94. *Separability Clause.*** – If any provision of this Act shall be declared  
33 unconstitutional or invalid, the other provisions not otherwise affected shall remain  
34 in full force and effect.

35  
36 **Sec. 95. *Suppletory Clause.*** – The provisions of Executive Order No. 209, series  
37 of 1987, otherwise known as the Family Code of the Philippines and other applicable  
38 laws, shall have suppletory application to this Act.

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

13  
14           **Sec. 97. Effectivity.** – This Act shall take effect fifteen (15) days after its  
15 publication in the official gazette or in a newspaper of general circulation.

16  
17           *Approved,*