



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8467**



Introduced by Representatives **NATHANIEL "Atty. Nat" M. ODUCAO** and **BELLA VANESSA B. SUANSING**

EXPLANATORY NOTE

The Filipino family serves as the foundational institution of the nation, and the home remains the forge where the national future is tempered. *Tahanan* is more than just a physical structure; it is the sanctuary of human connection, given purpose and continuity by the children who carry ancestral names into the next generation. For many Filipino couples, however, the path to parenthood is obstructed by medical challenges that preclude natural conception.

Currently, the Philippines lacks a comprehensive legal framework for Assisted Reproductive Technology (ART) and surrogacy. This legislative vacuum leaves citizens vulnerable to an unregulated "grey market" where human dignity is sacrificed for profit. Surrogate mothers, often recruited from marginalized sectors, face medical abandonment and legal invisibility. Simultaneously, children are born into a state of legal limbo, disconnected from intended parents by a lack of clear pathways to citizenship, filiation, or custody.

Under Article XV, Section 3 (2) of the Constitution, the State is mandated to defend the right of children to assistance, proper care, and protection. This duty, alongside commitments under the Convention on the Rights of the Child, compels the fortification of the sanctity of the family. Every child, regardless of the circumstances of birth, must be anchored within a secure, legally recognized household.

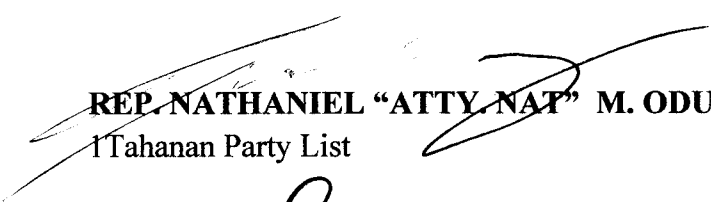
This bill is introduced to bring order and ethics to this complex field. It establishes a framework that prioritizes the "best interest of the child," defined as the totality of circumstances most beneficial for survival, protection, and development. By declaring that children born through gestational surrogacy are the legitimate children of the intended parents from the moment of birth, the law provides the full shield of legal protection and a stable environment.

The proposed measure recognizes that a true *tahanan* is built on the inherent dignity of all parties. It institutes stringent safeguards for surrogate mothers, including mandatory fully-funded trust accounts and comprehensive insurance, while affirming the fundamental right to manage personal health. To prevent the commodification of the human person, the bill classifies coercive or fraudulent recruitment as trafficking in persons. By limiting financial considerations to essential medical expenses, the measure protects women from exploitation and ensures surrogacy remains a disciplined path to family-building.

By streamlining the rights and obligations of intended parents, surrogates, and donors, this legislation replaces legal uncertainty with clarity and resolve. It transitions the landscape away from risk and toward a future of accountability.

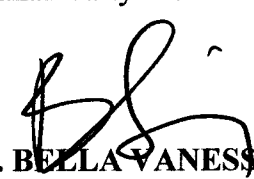
Ultimately, this bill stands as an act of national stewardship. It demands that laws evolve with the precision of science while remaining connected to the bedrock of traditional values. Passing this measure fulfills the duty to provide a clear and honorable path for Filipino families to grow, ensuring that every child is born into a home secured by the strength of the law and the enduring bond of kinship.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



REP. NATHANIEL "ATTY. NAT" M. ODUCADO

Tahanan Party List



REP. BELLA VANESSA B. SUANSING

Sultan Kudarat, 2nd District



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HOUSE BILL NO. **8467**

Introduced by Representatives **NATHANIEL “Atty. Nat” M. ODUCAO** and
BELLA VANESSA B. SUANSING

AN ACT
REGULATING SURROGACY, ESTABLISHING THE SURROGACY
REGULATION BOARD, DEFINING ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “*Surrogacy Regulation Act.*”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and promote the rights and welfare of all parties involved in surrogacy arrangements, including intended parents, surrogate mothers, gamete donors, and children born through surrogacy.

The State recognizes the sensitive and complex nature of surrogacy and shall regulate its practice to ensure ethical standards, protect human dignity, uphold the best interests of the child, and prevent exploitation and abuse.

SEC. 3. *Definition of Terms.* – For purposes of this Act:

(a) *Assisted Reproductive Technology (ART)* - refers to all medical treatments, clinical procedures, or laboratory practices involving the handling of human oocytes (eggs), sperm, or embryos for the purpose of achieving a pregnancy. These procedures include, but are not limited to, in vitro fertilization (IVF), gamete or zygote intrafallopian transfer,

not limited to, in vitro fertilization (IVF), gamete or zygote intrafallopian transfer, cryopreservation, and gamete donation, consistent with definitions and regulations issued by the Department of Health (DOH).

(b) *Artificial Insemination* – refers to the procedure of artificially transferring the husband or donor’s semen into the reproductive tract of a woman for the purpose of achieving pregnancy;

(c) *Best Interest of the Child* - refers to the totality of circumstances most beneficial to the child’s survival, protection, development, and emotional security, and the least detrimental available alternative for safeguarding the child’s growth.

(d) *Child Care Plan* - refers to the written contingency plan incorporated in the surrogacy agreement providing for the child’s custody, care, and support in cases of abandonment or default, including utilization of the mandatory trust fund and possible intervention of the DSWD;

(e) *Commercial Surrogacy* - refers to any surrogacy arrangement in which the surrogate receives financial remuneration beyond reasonable expenses as defined under this Act.

(f) *Cryo-preserve* - refers to the freezing and storing of gametes or embryos;

(g) *Gamete* - refers to a reproductive cell, either a sperm for males, or an egg, also known as oocyte or ovum for females;

(h) *Gamete Donor* – refers to a person who donates sperm or oocytes for the purpose of assisted reproductive procedures under this Act.

(i) *Gestational Surrogacy* - refers to a surrogacy arrangement in which a woman carries a child conceived through ART using an embryo to which she has no genetic link;

(j) *Insurance* - refers to health and life insurance coverage obtained for the surrogate or donor to protect against medical complications, disability, or death arising from ART or surrogacy procedures;

(k) *Implantation* - refers to the attachment and embedding of a fertilized embryo into the uterine lining;

(l) *Intended Parents* - refers to a married couple who enter into a surrogacy agreement with the intention of being the legal parents of the child born through surrogacy;

(m) *Surrogacy* - refers exclusively to gestational surrogacy under this Act and shall be deemed completed upon the birth of the child;

(n) *Surrogacy Agreement* - refers to a written contract executed in the Philippines between intended parents and a surrogate;

(o) *Surrogate* - refers to a woman who agrees to carry and give birth to a child for intended parents under a valid surrogacy agreement;

(p) *Trafficking in Persons* - shall have the meaning provided under Republic Act No. 9208, as amended.

(q) *Trust Fund* – refers to the mandatory financial account established by the intended parents and administered by a trustee-attorney to cover the medical, legal, financial, and welfare needs of the surrogate and the child pursuant to this Act.

ARTICLE II

SURROGACY REGULATION BOARD

SEC. 4. *Creation of the Surrogacy Regulation Board.* – There is hereby created the Surrogacy Regulation Board, herein referred to as the “Board,” which shall serve as the central policy, coordination, and oversight body of this Act. The Board shall be attached to the Department of Social Welfare and Development (DSWD) for administrative and budgetary purposes. The Board shall serve as the primary regulatory authority for all matters pertaining to surrogacy and ART under this Act. The DSWD shall have supervisory authority over the Board consistent with its mandate as ex officio Chairperson under Section 5, and shall provide institutional support, field office coordination, and child welfare oversight. The Department of Health (DOH) shall have primary responsibility over all clinical, medical, and public health standards governing ART procedures and the accreditation of medical facilities and practitioners. Other government agencies assigned functions under this Act, including the Philippine Statistics Authority, the Council for the Welfare of Children, the National Authority for Child Care, and the Philippine Commission on Women, shall coordinate with the Board in the performance of their functions under this Act. In the event of any conflict between the Board and any agency regarding the implementation of this Act, the Board’s determination shall be given administrative effect, without prejudice to the right of the aggrieved party to seek judicial review.

SEC. 5. *Composition.* – The Board shall be composed of the Secretary of the Department of Social Welfare and Development (DSWD) as ex officio Chairperson, and six (6) members appointed by the President for a nonrenewable term of six (6) years, consisting of:

1. One (1) psychologist;
2. Two (2) lawyers who shall have at least the qualifications of a Regional Trial Court (RTC) judge;
3. One (1) registered social worker;

- 81 4. Two (2) representatives from non-governmental organizations engaged in child-
82 caring and placement activities.

83 There is hereby created under the Board a Surrogacy Council, similar in structure and
84 function to existing child welfare councils governing adoption processes. The Surrogacy
85 Council shall provide technical guidance, policy oversight, and ethical review of surrogacy
86 arrangements under this Act. The Council shall operate under the supervision of the Board and
87 shall perform advisory and technical functions as the Board may determine.

88 The Council shall be composed of the following experts with specializations in the
89 following fields:

- 90 1. One (1) in reproductive medicine;
91 2. One (1) in law;
92 3. One (1) in child welfare;
93 4. One (1) in psychology;
94 5. One (1) in ethics;
95 6. One (1) in public administration;
96 7. One (1) in social work.

97 At least fifty percent (50%) of the members of the Council shall be women, particularly
98 in positions related to reproductive medicine, social work, ethics, and child welfare,
99 recognizing the gendered dimensions of surrogacy and reproductive health.

100 Members of the Council shall serve for a term of three (3) years and may be reappointed
101 for one additional term. Members of the Council shall disclose any conflict of interest and shall
102 not participate in deliberations involving entities or individuals with whom they have
103 professional or financial relationships

104 **SEC. 6. *Compensation and Other Benefits.*** – The members of the Board, excluding
105 the Chairperson, shall receive compensation and allowances in accordance with the rates
106 Department of Budget and Management (DBM) rates applicable to members of governing
107 boards of collegial bodies.

108 **SEC. 7. *Powers and Functions of the Board.*** – The Board shall have the following
109 functions, powers and duties:

110 (a) To formulate, administer, implement, and enforce regulatory policies with
111 respect to the conduct and monitoring of ART, gamete donation, and surrogacy procedures,
112 including the enhancement and maintenance of professional and ethical standards and the
113 enforcement of rules and regulations relative thereto;

(b) To facilitate registration, assessment, approval and matching of prospective intended parents, prospective surrogates and prospective gamete donors in coordination with the DOH and DSWD Field Offices;

(c) To establish and maintain an updated National Registry of Intended Parents, Surrogates and Gamete Donors, in accordance with the provisions of the National Privacy Commission and other relevant law, rules and regulations;

(d) To perform such acts, enter into contracts, and issue rules, regulations, orders, and other administrative issuances as may be necessary for the execution and implementation of its functions under this Act and the improvement of its services;

(e) To regularly coordinate with the Inter-Agency Council Against Trafficking and establish a reporting and referral mechanism involving law enforcement agencies and service providers;

(f) To promulgate supplementary rules and regulations as may be necessary to implement the provisions of this Act;

(g) To require registration and accreditation of all surrogacy intermediaries, which includes individuals, agencies, clinics, or organizations facilitating surrogacy agreements with the DSWD, including authority to screen, evaluate, and monitor such intermediaries for compliance with this Act to safeguard the rights and welfare of surrogates, intended parents, and children.

(h) To issue licenses and permits to ART and surrogacy clinics and banks in accordance with the rules and regulations promulgated by the Board and to coordinate with the Department of Health in the regulation and accreditation of assisted reproductive technology clinics involved in surrogacy arrangements, including the development of standards for medical safety, reporting, and oversight;

(i) To have custody of all records of ART and surrogacy clinics and banks, including minutes of deliberation and records of administrative cases and investigations, for purposes of control and disposition;

ARTICLE III

SURROGACY AGREEMENTS AND FINANCIAL REQUIREMENTS

SEC. 8. *Requirements for a Surrogacy Agreement.* – Prior to the initiation of any ART and treatments, the intended parents and the surrogate, including gamete donor, if any, must enter into a surrogacy agreement. It shall include provisions outlining the rights and

responsibilities of all parties involved, including but not limited to financial obligations, medical and psychological care, and parental rights.

The Child Care Plan shall be finalized and incorporated in the surrogacy agreement to govern cases in which a child born through surrogacy is abandoned by the intended parents. A model surrogacy agreement form shall be developed by the Board.

The surrogacy agreement shall include provisions governing medical decision-making during pregnancy, including procedures for complications or risks, consistent with the surrogate's rights under Section 14. In all instances, the surrogate shall retain full and absolute medical autonomy over her body. No provision of the agreement shall be construed to compel the surrogate to continue a pregnancy that poses a direct threat to her life or permanent health. The agreement shall further require the surrogate to remain within the territory of the Philippines during the pregnancy, except in cases of medical emergency or other circumstances expressly approved by the Board, to ensure proper medical supervision and regulatory oversight.

Provided, however, that nothing in this section shall limit the surrogate's right to seek emergency medical treatment abroad where medically necessary and adequate care is unavailable within the Philippines, consistent with Section 14 of this Act.

SEC. 9. Mandatory Trust Fund. – For surrogacy agreements to be enforceable, the intended parents must first establish a fully-funded trust account maintained by an attorney appointed by both the surrogate and the intended parents who will serve as trustee. The trust fund management agreement will be made part and parcel of the surrogacy agreement. Trust funds may only be disbursed by the trustee-attorney as set forth in the surrogacy agreement and fund management agreement.

Trust fund disbursements shall be made solely by the trustee-attorney in accordance with the surrogacy agreement and the fund management agreement. The amount to be deposited into the trust fund shall be determined by the Board and shall be sufficient to cover the needs of the child and the surrogate before, during, and for at least one (1) year following the birth of the child. In cases of abandonment of the child by the intended parents or other contingencies, the trustee-attorney shall administer the fund in accordance with the fund management agreement and in a manner consistent with the best interests of the surrogate and the child.

The Board shall establish a Trust Fund Oversight Committee composed of financial experts, legal professionals, and representatives from relevant regulatory bodies. The

Committee shall operate under the guidance of the Department of Finance and shall supervise the administration, monitoring, and proper use of all trust funds established under this Act. The Committee shall ensure that trust funds are used exclusively for the welfare of the child and the surrogate and shall establish safeguards to prevent the misuse or diversion of funds.

All information relating to trust funds, including amounts deposited, designated beneficiaries, disbursement records, and financial arrangements, shall be treated as confidential personal and sensitive information under Republic Act No. 10173 and shall be accessible only to the trustee-attorney, the Trust Fund Oversight Committee, the Board, and the DSWD, unless disclosure is required by law or court order.

The trust fund shall cover all reasonable expenses related to the surrogacy arrangement, including medical, legal, psychological, and pregnancy-related expenses of the surrogate, as well as expenses necessary for the welfare of the child. Compensation of the surrogate as provided under Section 21 of this Act shall likewise be disbursed through the trust fund and administered by the trustee-attorney in accordance with the surrogacy agreement and the fund management agreement.

SEC. 10. *Mandatory Insurance Coverage.* – The intended parents shall obtain comprehensive health and life insurance coverage for the surrogate for the duration of the pregnancy and at least two (2) years following the birth of the child. Such coverage shall include, at a minimum, a life insurance policy providing adequate protection against critical illness, loss of organ function, death, and other contingencies, for the benefit of the surrogate's designated beneficiaries.

The obligations of the intended parents under the surrogacy agreement shall be irrevocable from the moment of confirmed implantation. The intended parents shall not be permitted to rescind the agreement or waive their parental responsibilities for any reason.

In the event of the death, permanent total disability, or legal incapacity of the intended parents prior to or upon the birth of the child, the following rules of succession and support shall apply:

- A. **Supplementary Effect of Existing Laws:** The child born through surrogacy shall be treated as the natural and legitimate child of the intended parents for all intents and purposes. Laws governing the rights of natural children, including the provisions of the Civil Code and the Family Code on compulsory succession, legitime, and support, shall have primary and supplementary effect;

- 212 B. Estate Liability: The support, education, and maintenance of the child shall
213 constitute a preferred claim against the estate of the deceased or incapacitated
214 intended parents, as if the child were born naturally to them;
- 215 C. Appointment of Guardians: In such contingencies, the courts shall appoint a
216 guardian for the child, prioritizing the child's next of kin or the designated
217 guardians identified by the intended parents in their application, to ensure the
218 child remains within the family unit of the intended parents;
- 219 D. Last Resort: Placement under the care of the DSWD for adoption shall only be
220 pursued if no qualified relatives or designated guardians are available to assume
221 custody, and only after the child's legal rights to the intended parents' estate
222 have been secured.

223 In the event of miscarriage or other natural pregnancy loss, the intended parents shall
224 remain responsible for ensuring that the surrogate receives full medical care and support
225 through both primary and secondary coverage, including emergency care, hospitalization, and
226 post-miscarriage medical and psychological services. The surrogate shall likewise be entitled
227 to continued financial compensation and reimbursement of reasonable expenses as provided
228 under the surrogacy agreement, notwithstanding the termination of pregnancy due to
229 miscarriage, in recognition of the physical, emotional, and economic burdens associated
230 therewith.

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232 **SEC. 11. *Mandatory Psychological Counseling, Independent Legal Advice, and Post-***
233 ***Monitoring.*** – All parties must undergo psychological and legal counseling to ensure full
234 understanding of all the implications of the surrogacy agreement. *Provided, That* psychological
235 counseling for the surrogate shall continue post-partum to ensure her well-being.

236 The intended parents agree to undergo monthly monitoring visits for the first three (3)
237 months after birth and transfer of the child from the surrogate. The social worker employed by
238 the DSWD or Surrogacy Regulation Board shall conduct the post-monitoring of the child and
239 the intended parents. *Provided, further,* That the legal counsel for the surrogate must act for
240 her benefit and protect her interests regardless of the source of the attorney's fees, which should
241 be covered by the Trust Fund provided in this Act.

242 **ARTICLE IV**
243 **QUALIFICATIONS AND CONDITIONS**

SEC. 12. *Qualifications of Intended Parents.* – A surrogacy agreement shall only be entered into jointly by two (2) intended parents, at least one of whom must be a Filipino citizen. At the time of executing the agreement, the intended parents must be validly married to each other, possess full civil capacity and legal rights, and be of good moral character. The requirement of valid marriage is grounded in the State’s constitutional mandate under Article XV, Section 1 to protect the family as a basic autonomous social institution, and the necessity of establishing clear and unambiguous legal parentage for children born through surrogacy, Nothing in this section shall be construed to derogate from any right or protection otherwise guaranteed under the Constitution. *Provided, That* the Surrogacy Regulation Board shall, within one (1) year from the effectivity of this Act, submit to Congress a study on the impact of this requirement on the right to equal protection under Article III, Section 1 of the Constitution, with recommendations for any legislative adjustment the Board deems appropriate.

The intended parents must not have been convicted of any crime involving moral turpitude, child abuse, child exploitation, human trafficking, or child neglect. For this purpose, the intended parents shall submit a valid National Bureau of Investigation (NBI) clearance or equivalent criminal background certification as may be required by the Board.

The intended parents must demonstrate financial capacity to raise and support a child, including:

(a) proof of stable and sufficient income or financial resources;

(b) the capacity to provide for the child's basic needs, including housing, education, and daily care; and

(c) the ability to cover medical expenses and other child-rearing costs.

The intended parents must have no record or history of child neglect, abandonment, or abuse, whether established through judicial proceedings or official child welfare investigations, and must be emotionally, financially, and psychologically capable of caring for the child. At least one (1) intended parent must have a reasonable expectation of living to parent the child until the child reaches the age of eighteen (18) years.

Foreign Intended Parents. - Foreign intended parents shall comply with the qualifications and obligations under this Act and shall additionally be subject to the following requirements:

(a) Submission of valid identification documents, proof of nationality, and documentation verifying legal status in their country of residence;

(b) Execution of a legally binding waiver acknowledging full legal responsibility for the child born through surrogacy and compliance with all obligations imposed under Philippine law;

(c) Proof of financial capacity and verified payment into the trust fund required under this Act prior to the initiation of any ART procedure;

(d) Provision of a financial guarantee, which may include the establishment of a lien or equivalent security mechanism, ensuring the availability of funds for the welfare of the child and the surrogate;

(e) Coordination by the Board with the relevant embassy or consular office of the foreign intended parents to ensure recognition of parental obligations and legal responsibilities under this Act; and

(f) Submission to the jurisdiction and laws of the Republic of the Philippines for all matters arising from the surrogacy arrangement.

SEC. 13. *Conditions for Surrogacy.* – No woman shall act as a surrogate except pursuant to a written surrogacy agreement and in strict compliance with the following conditions:

(a) She has previously given birth at least once and not more than four (4) times before entering into the agreement;

(b) She has attained the age of twenty-five (25) years before entering into the agreement;

(c) She has undergone mandatory physical-medical evaluation, psychological counseling and legal consultation, and has been deemed suitable to act as a surrogate; and

(d) She has been assessed and approved as suitable to act as a surrogate by a DOH-accredited physician.

Provided, That a woman may only act as a surrogate for a maximum of two (2) times, and if she gives birth on both occasions the woman gave birth to a child pursuant to a surrogacy agreement: *Provided, further,* That a married woman must first secure a verified written consent from her husband. *Provided, furthermore,* that all her children who are over ten (10) years of age shall be consulted in the presence of a licensed social worker. A verified document attesting to this consultation, together with the verified written consent of her husband, shall be submitted to the Board upon the review of the surrogacy agreement.

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SEC. 14. *Rights of a Surrogate.* – A surrogate has, in relation to her pregnancy, the same rights as any woman, not being a surrogate, specifically, the right to manage the improvement of all aspects of her health during the pregnancy and, in that regard, to freely seek and obtain medical services that would benefit her health and her pregnancy. and the right to privacy and confidentiality in relation to her medical treatment during the course of the pregnancy.

In all matters concerning the health, safety, and medical treatment of the surrogate during the course of the pregnancy, the surrogate shall retain the ultimate authority to make medical decisions affecting her body and health. In situations where the life or health of the surrogate or the unborn child is at risk, the surrogate, in consultation with qualified medical professionals, shall have the final decision regarding any medical intervention necessary to protect her health and well-being. No provision of a surrogacy agreement shall limit or override the surrogate's right to make medical decisions concerning her own body. The exercise of the surrogate's rights under this section shall be read consistently with the obligations established under Section 8 of this Act, subject to the following principles of harmonization:

- a. The surrogate's right to make autonomous medical decisions shall at all times prevail over any contrary provision in the surrogacy agreement, including any provision purporting to restrict her choice of physician, hospital, or course of treatment;
- b. The requirement under Section 8 that the surrogate remain within the territory of the Philippines during the pregnancy shall not prevent the surrogate from seeking emergency medical treatment abroad where a medical emergency occurs and adequate care is unavailable within the Philippines. In such cases, the surrogate shall notify the Board at the earliest practicable opportunity. The intended parents shall bear all costs of emergency treatment abroad; provided, that the mandatory trust fund established under Section 9 shall be held as a form of insurance and shall not be utilized for such emergencies unless the intended parents fail in their primary obligation to provide immediate medical support. Any such failure or refusal by the intended parents to provide the required support during a medical emergency shall be deemed a material breach, rendering the surrogacy agreement voidable at the option of the surrogate and resulting in the automatic forfeiture of the intended parents' parental rights and claims to the child;

- c. The requirement of medical supervision under Section 8 shall be understood as a minimum standard of care for the benefit of the surrogate and the child, and shall not be construed to authorize the intended parents, the Board, or any other party to override the surrogate's informed consent to or refusal of any particular medical procedure; and
- d. Where a qualified medical professional certifies that the continuation of the pregnancy presents a life-threatening risk to the surrogate, the surrogacy agreement shall be deemed void without penalty to the surrogate. In such cases, the surrogate's right to undergo a therapeutic termination of pregnancy or other life-saving medical interventions shall be absolute and shall supersede any parental claims or contractual interests of the intended parents. The intended parents shall remain responsible for reimbursing all reasonable medical, legal, and incidental expenses incurred by the surrogate up to the point of the termination of the pregnancy. Any such termination of the contract due to medical necessity shall not result in the forfeiture of the surrogate's accrued compensation or the reimbursement of expenses already disbursed from the trust fund.

The surrogate and her husband, if in a valid subsisting marriage, shall not be presumed to be the mother and father of any child born as a result of the ART procedures performed pursuant to the surrogacy agreement. The surrogate and her husband, if any, shall have no presumed or actual parental rights or claims over the child.

ARTICLE V

GAMETE DONATION

SEC. 15. *Gamete Donation.* – All surrogacy agreements shall involve an embryo that was created using the gametes of both or at least one of the intended parents. A donated oocyte or sperm cell may be used to create the embryo to be transferred pursuant to a surrogacy agreement only when one of the intended parents is unable to contribute a healthy or viable gamete due to a medical condition as certified by a DOH-accredited obstetrician-gynecologist or urologist. If neither intended parent is able to produce a viable gamete, the intended parents cannot proceed with the surrogacy agreement and may opt to apply for domestic administrative adoption.

For married couples unable to conceive naturally, artificial insemination using the husband's or donor sperm, as authorized under Article 164 of the Family Code, shall be exhausted prior to pursuing surrogacy or ART under this Act.

SEC. 16. Gamete Donor Restrictions. – To prevent a sperm or oocyte donor from genetically contributing to multiple children and to reduce the risk of consanguineous relationships among persons unaware of their genetic origins, no person shall be permitted to donate gametes if he or she has previously made two (2) or more gamete donations that resulted in live births, as recorded in the National Registry maintained by the Board: *Provided, That* the Board shall maintain a centralized donor registry to monitor compliance with this limitation and to facilitate genetic tracing for the benefit of donor conceived children. Furthermore, at least one of the gametes used in the surrogacy arrangement shall have a genetic link to a Filipino citizen.

SEC. 17. Mandatory Insurance Coverage for the Gamete Donor. – The intended parents shall be required to obtain a comprehensive health insurance and life insurance policy that will provide adequate protection covering any complication arising from retrieval, including coverage beginning one (1) year prior to retrieval.

SEC. 18. Rights of a Donor. – Where a donated gamete was used to create the embryo that was transferred pursuant to a surrogacy agreement or gamete donation agreement, the relevant donor shall not be considered a parent of the child born pursuant to a surrogacy agreement or gamete donation agreement. He or she shall have no parental rights or duties in respect of the child.

SEC. 19. Reasonable Expenses of the Surrogate. – The surrogate's reasonable expenses as part of the surrogacy agreement are the financial responsibility of the intended parents. Expenses related to the following matters, inter alia, shall be considered reasonable expenses:

(a) Expenses incidental to the execution of the surrogacy agreement, including but not limited to fees for physical-medical evaluation, psychological counseling, independent legal consultation, and reasonable travel and accommodation expenses directly associated with the surrogate's participation in the agreement;

(b) Pregnancy and birth, such as but not limited to, pre-natal, natal, and post-natal medical expenses associated with the pregnancy or birth or any complication related thereto, any travel or accommodation expenses associated with the pregnancy or birth, or other expenses typically incurred during pregnancy and birth including maternity clothes, nutritious

food, vitamins and supplements, and pregnancy aids that assist in the comfort, safety, and well-being of the surrogate;

(c) Compensation for loss of income sustained by the surrogate during the surrogacy, for such duration as shall be determined by the DOH; and

(d) The cost of paid housework or childcare assistance for the surrogate during her pregnancy and as needed thereafter.

All clinics, medical practitioners, and facilities involved in assisted reproductive procedures under this Act shall be required to maintain appropriate professional liability insurance and shall be held legally responsible for any negligence, malpractice, or misconduct in the conduct of surrogacy-related medical procedures.

The Board together with the DOH and DSWD shall prescribe the rules and procedure for the effectivity of this section.

SEC. 20. *Reasonable Expenses of the Gamete Donor.* – Expenses related to the retrieval of the oocyte or the collection of the sperm shall be borne by the intended parents. The Board together with the DOH and DSWD shall prescribe the rules and procedure for the effectivity of this section.

SEC. 21. *Compensation.* – The surrogate and the gamete donor shall be entitled to receive fair compensation in accordance with the following minimum standards and procedures:

- a. The Board shall, within ninety (90) days from the effectivity of this Act and in consultation with the DOH, DSWD, and relevant medical and legal professionals, promulgate a Compensation Schedule setting the minimum compensation payable to surrogates and gamete donors, which shall be reviewed and updated every three (3) years;
- b. Compensation shall be disbursed through the mandatory trust fund established under Section 9 in installments as stipulated in the surrogacy agreement, commencing no later than the date of confirmed embryo implantation;
- c. In the event of non-payment or delayed payment, the surrogate or gamete donor may file a complaint with the Board, which shall have authority to order immediate disbursement from the trust fund and to impose applicable administrative penalties; and

- d. Intended parents who willfully withhold or underpay compensation shall be liable for the full amount owed, legal interest thereon, and such additional penalties as the Board may prescribe.

SEC. 22. *Non-Publication and Non-Commercialization.* – No person shall publish or cause to be published any advertisement, statement, notice, or material that states or implies that a person is willing, or may be willing, to enter into or facilitate a surrogacy agreement, to act as a party thereto, to seek a surrogate, or to offer oneself as a surrogate. Dissemination of such material to the public or a section of the public, by any means, shall constitute publication for purposes of this section. Posting on social media platforms, websites, online forums, and chat groups shall be deemed publication.

ARTICLE VI RIGHTS OF THE CHILD

SEC. 23. *Post-Birth Verification.* – It shall be mandatory to establish the genetic link between the child and the intended parents through post-birth paternity and maternity DNA testing: *Provided, That* if the child's DNA does not match the DNA of either intended parent, the Board shall conduct a mandatory case review within fifteen (15) days of receiving the DNA results. The following rules shall govern such cases:

- a. Where the absence of a genetic link results from a documented laboratory error, accidental embryo substitution, or other administrative failure attributable to the ART clinic or medical facility, the intended parents shall retain full parental rights and legal parentage over the child notwithstanding the absence of a genetic link, and the Board shall take appropriate action against the responsible facility under applicable law;
- b. Where the absence of a genetic link is due to the unauthorized use of gametes not contemplated in the surrogacy agreement, the intended parents may, within thirty (30) days of the DNA results, execute a verified written declaration before the Board affirming their unqualified intention to assume full legal parentage of the child. Upon acceptance of such declaration by the Board, the child shall be recognized as the legitimate child of the intended parents with the same legal effect as provided in Section 25;
- c. Where the intended parents decline to assume legal parentage under paragraph (b) or where no circumstances under paragraph (a) are established, custody of the child shall be transferred to the DSWD for assessment of the child's eligibility for adoption, to be processed in accordance with applicable law:

473 *Provided, That* the best interest of the child shall be the paramount consideration
474 in all determinations under this section.

475 **SEC. 24. *Legitimacy of the Child.*** – Children conceived or born before the finality of
476 a judgment of annulment or declaration of absolute nullity of marriage under Articles 36 and
477 53 of the Family Code shall be considered legitimate in accordance with the provisions of
478 Executive Order No. 209, series of 1987, as amended. In such cases, and likewise in cases of
479 legal separation, divorce, or other events affecting the child, the welfare and best interests of
480 the child shall prevail, and expenses for support shall be governed by the provisions of
481 Executive Order No. 209, as amended.

482 In case of separation of the intended parents while the surrogacy agreement remains
483 subsisting, the provisions of the Family Code on the status of children shall apply. Parental
484 authority shall be exercised by the parent designated by the Board pending the issuance of a
485 court order on custody. In making such designation, the Board shall take into account all
486 relevant considerations, with primary regard for the best interest of the child.

487 The Board shall require the intended parents to clearly identify, upon submission of
488 their application to the DSWD or the Board, the parent who shall have custody of the child in
489 contingencies such as legal separation, annulment, divorce, or death, in order to safeguard the
490 welfare and best interests of the child.

491
492 **SEC. 25. *Filiation of the Child.*** – Children born through surrogacy shall be considered
493 natural and legitimate children of the intended parents: *Provided, That* post-birth DNA
494 verification pursuant to Section 23 establishes a genetic link between the child and at least one
495 of the intended parents: *Provided, further,* That where no such genetic link is established,
496 filiation shall nonetheless vest in the intended parents where the Board accepts a verified
497 declaration of intentional parentage pursuant to Section 23(b), or where the absence of a genetic
498 link is attributable to a laboratory or administrative error as determined under Section 23(a).
499 The legitimate filiation of the child shall extend to the relatives by consanguinity and affinity
500 of the intended parents.

501 A child born pursuant to a valid surrogacy agreement under this Act shall acquire
502 Philippine citizenship in accordance with existing nationality laws, including jus sanguinis, and
503 may hold dual citizenship in accordance with applicable Philippine and foreign laws.

504 **SEC. 26. *Rights of the Child.*** – Children conceived and born pursuant to a surrogacy
505 agreement shall have the same rights as other children.

For purposes of this Act, the child conceived through ART pursuant to a valid surrogacy agreement shall be afforded protection and safeguards from the moment of conception. All financial, medical, and welfare provisions established under this Act, including trust fund arrangements, shall be considered to exist for the benefit of the child from the time of conception.

SEC. 27. *Registration of the Child and Issuance of Birth Certificate.* – Upon the birth of the child, the intended parents shall register the birth of the child with the local civil registrar. The civil registrar shall issue a certificate of birth legally establishing the child as the legitimate child of the intended parents. The birth certificate shall bear no reference to the surrogate, the gamete donor, or the surrogacy and gamete donation processes or agreements. It shall reflect the details of the child as though the child were born naturally to the intended parents, including the name of the child, sex, date and place of birth, order of birth, names and citizenship of the intended parents as birth parents, and the date and place of their marriage, when applicable.

The birth certificate shall serve as conclusive evidence of parentage and shall be recognized by all government agencies and institutions. Notwithstanding the provisions of Republic Act No. 3753, otherwise known as the Civil Registry Law, and any other law, rule, or regulation governing the recording of births, the civil registrar who issues a birth certificate in strict compliance with this section and the implementing rules and regulations promulgated thereunder shall not be held civilly, criminally, or administratively liable for any act done in good faith pursuant to such duty. The Philippine Statistics Authority shall issue the necessary administrative guidelines to civil registrars nationwide to implement this section in a uniform manner within sixty (60) days from the effectivity of the implementing rules and regulations. The birth certificate issued under this Act shall bear a special registry classification code, to be determined by the Philippine Statistics Authority, for internal administrative purposes only, and such code shall not appear on the face of the certificate issued to the intended parents or the child.

SEC. 28. *Parental Authority.* – The intended parents are vested with full parental authority, rights, custody, and responsibilities towards the child conceived and born pursuant to a surrogacy agreement in accordance with the provisions of Republic Act (RA) No. 386 and EO No. 209, series of 1987, as amended, as regards children with natural and legitimate filiation.

ARTICLE VII

ABANDONMENT, ADOPTION, AND SUPPORT

SEC. 29. *Abandonment.* – The intended parents shall not abandon the child conceived and born pursuant to a surrogacy agreement for any reason, including but not limited to the sex of the child, the birth of multiples, or the presence of any genetic disorder, birth defect, congenital anomalies or any other medical condition that may be present during pregnancy, birth or subsequently thereafter.

For the purposes of this Act, abandonment shall mean the neglect or refusal to perform the natural and legal obligations of care and support which are incumbent upon the intended parents for at least three (3) continuous months.

Any intended parent who abandons a child born pursuant to a surrogacy agreement shall be penalized with prision mayor and a fine not exceeding Five Million Pesos (₱5,000,000.00). The DSWD shall facilitate the filing of the criminal case against the intended parents who abandoned their child born through ART for violation of this Act, and without prejudice to other criminal liability under existing laws.

SEC. 30. *Adoption of Children Born Through Surrogacy.* – All matters concerning the custody, guardianship, and adoption of children born through surrogacy who have been abandoned or surrendered shall be governed, when applicable, by the principles and procedures established under Republic Act No. 11642, otherwise known as the "Domestic Administrative Adoption and Alternative Child Care Act," and other relevant laws.

Provided, That prior to adoption proceedings, efforts shall be exerted to locate relatives of the child within the fourth degree of consanguinity or affinity, and such relatives shall undergo a Parenting Capability Assessment Report (PCAR). The surrogate or the gamete donor shall be given preference should he/she signify intention to adopt the child. *Provided, further,* That she qualifies and complies with the requirements for adoption.

SEC. 31. *Support for Surrogates.* – Upon thorough assessment, surrogates who experience physical or mental difficulties as a result of the surrogacy shall be provided appropriate assistance by the DSWD, DOH, and other relevant government agencies.

ARTICLE VIII

PROHIBITED ACTS AND PENALTIES

SEC. 32. *Penalties for Misrepresentation by Surrogates and Gamete Donors.* – Any surrogate and gamete donor who willfully misrepresents himself/herself in any surrogacy agreement shall be subject to a fine of not less than One Hundred Thousand Pesos (₱100,000.00) nor more than Five Hundred Thousand Pesos (₱500,000.00), or imprisonment of not less than six (6) months and one (1) day nor more than six (6) years, or both, at the discretion of the court, without prejudice to civil liability for damages sustained by the intended

573 parents, the child, or other affected parties. Misrepresentation includes, but is not limited to,
574 providing false information about his/her health status, lifestyle, or other pertinent factors that
575 may affect the surrogacy process and the child's growth and development. Where the
576 misrepresentation results in physical harm to the surrogate, the child, or any party to the
577 agreement, the penalty shall be imposed in its maximum period. The Board shall have authority
578 to revoke or cancel the registration of the offending party and to permanently disqualify him
579 or her from participating in any future surrogacy arrangement.

580 **SEC. 33. *Trafficking in Persons.*** – If a child conceived and born through surrogacy is
581 transported, transferred, harbored, adopted, or received for the purpose of exploitation, or if
582 such child is transferred to intended parents by reason of any inducement or consideration of
583 any form, or if such child is subjected to any act or means constituting trafficking in persons,
584 the provisions of Republic Act No. 9208, as amended, and other relevant laws shall apply.

585 The recruitment, hiring, transportation, transfer, harboring, offering or receipt of a
586 woman for the purpose of using her as a surrogate or gamete donor, by means of threat, or use
587 of force, coercion, abduction, fraud, deception, abuse of power or position, taking advantage
588 of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve
589 the consent of a person having control over another person for the purpose of using her as a
590 surrogate or egg donor shall also be considered as 'trafficking in persons' even if it does not
591 involve any of the means set forth herein.

592 Any person found guilty of serious violations of this Act involving trafficking,
593 exploitation of surrogates, fraudulent surrogacy arrangements, or the misuse of children born
594 through surrogacy for exploitative purposes shall suffer the penalty of life imprisonment and a
595 secondary penalty of perpetual disqualification from participating in any surrogacy or assisted
596 reproductive arrangement under Philippine law.

597 Foreign nationals convicted of violations under this Act shall be subject to the penalties
598 provided herein. Upon completion of the applicable sentence, such foreign nationals shall be
599 immediately deported and may be declared persona non grata in accordance with Philippine
600 immigration laws.

601 **ARTICLE IX**

602 **CONFIDENTIALITY OVERSIGHT, AND MISCELLANEOUS PROVISIONS**

603 **SEC. 34. *Confidentiality.*** – All surrogacy agreements, records and other documents
604 pertaining thereto shall be kept confidential, but subject to lawful processing of personal
605 information and sensitive personal information under RA No. 10173, otherwise known as "The
606 Data Privacy Act of 2012," and other relevant laws. Any violation of the confidential nature of

such documents shall be punishable pursuant to the penal provisions of this Act, RA No. 10173 and other relevant laws.

SEC. 35. *Assistance of Law Enforcement Agencies.* – Law enforcement agencies shall, upon call or request of the DSWD or the Board created under this Act, render assistance in enforcing the provisions of this Act.

SEC. 36. *Joint Congressional Oversight Committee.* – A Joint Congressional Oversight Committee is hereby created to monitor the implementation of this Act. The Oversight Committee shall be composed of members from both the Senate and the House of Representatives, appointed by the Senate President and the Speaker of the House, respectively.

Senate members shall be drawn from the following committees: Health and Demography; Women, Children, Family Relations, and Gender Equality; Science and Technology; Justice and Human Rights; and Social Justice, Welfare, and Rural Development.

House members shall be drawn from the following committees: Health; Justice; Population and Family Relations; Science and Technology; Social Services; Welfare of Children; and Women and Gender Equality.

The funding requirement of the Joint Oversight Committee shall be charged against the appropriations of Congress.

SEC. 37. *Reportorial Requirement.* – The Board shall submit an annual report to the DSWD and DOH covering the implementation of this Act, including the number of surrogacy and gamete donation procedures that are ongoing and completed, any issues or challenges encountered in implementation, and the new rules and regulations issued by the Board during the relevant year.

SEC. 38. *Administrative Support and Staffing.* – The DSWD shall provide the initial administrative, secretarial, and technical support necessary for the Board to perform its functions. The Secretary of the DSWD, in coordination with the Board, shall determine the internal administrative structure and staffing pattern required for the full implementation of this Act, subject to the evaluation and approval of the DBM. To ensure cost-efficiency, the Board shall utilize existing DSWD facilities and personnel where practicable.

SEC. 39. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the DSWD. Thereafter, the budget for the Board's operations shall be included as a specific line item under the annual budget of the DSWD in the General Appropriations Act. The Board is further authorized to retain a portion of the fees collected from accreditations and licenses, as determined in the

implementing rules and regulations and subject to existing accounting and auditing rules, to supplement its operational expenses and enhance its regulatory services.

SEC. 40. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DSWD, the DOH, the DOJ, the Philippine Statistics Authority (PSA), the Council for the Welfare of Children (CWC), the National Authority for Child Care (NACC), the Philippine Commission on Women (PCW), and other relevant government agencies and relevant stakeholders shall promulgate the necessary implementing rules and regulations for the effective implementation of this Act, including procedures for the screening and accreditation of surrogacy intermediaries, agencies, and medical facilities; the evaluation and approval of intended parents and surrogate mothers; the establishment, administration, monitoring, and auditing of trust funds; the supervision of assisted reproductive procedures; the protection of the rights and welfare of the surrogate, intended parents, and the child; and the regulation of surrogacy arrangements involving foreign intended parents, including verification of identity and nationality, coordination with foreign embassies or consular offices, and the implementation of financial guarantees, waivers, liens, and other safeguards necessary to ensure compliance with Philippine law.

SEC. 41. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder or any provisions that are not affected thereby shall remain in full force and effect.

SEC. 42. *Repealing Clause.* – All laws, presidential decrees, or executive issuances, executive orders, letters of instructions, administrative orders, rules, and regulations, or parts thereof, contrary to or inconsistent with the provisions of this Act are amended, repealed, or modified accordingly.

SEC. 43. *Effectivity.* - This Act shall take effect fifteen (15) days after publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,