

RECENT LEGISLATION

REPUBLIC ACT NO. 11642

AN ACT STRENGTHENING ALTERNATIVE CHILD CARE BY PROVIDING FOR AN ADMINISTRATIVE PROCESS OF DOMESTIC ADOPTION, REORGANIZING FOR THE PURPOSE THE INTER-COUNTRY ADOPTION BOARD (ICAB) INTO THE NATIONAL AUTHORITY FOR CHILD CARE (NACC), AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8043, REPUBLIC ACT NO. 11222, AND REPUBLIC ACT NO. 10165, REPEALING REPUBLIC ACT NO. 8552, AND REPUBLIC ACT NO. 9523, AND APPROPRIATING FUNDS THEREFOR

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the “Domestic Administrative Adoption and Alternative Child Care Act”.

SECTION 2. *Declaration of Policy.* — It is hereby declared the policy of the State to ensure that every child remains under the care and custody of the parents and be provided with love, care, understanding, and security towards the full and harmonious development of the child’s personality. Only when such efforts prove insufficient and no appropriate placement or adoption by an unrelated person be considered.

The best interest of the child shall be the paramount consideration in the enactment of alternative care, custody, and adoption policies. It shall be in accordance with the tenets set forth in all the rights of the child enumerated under Article 3 of Presidential Decree No. 603, otherwise known as the “Child and Youth Welfare Code”; the “United Nations Convention on the Rights of the Child (UNCRC)”; the “United Nations Guidelines on Alternative Care of Children”; the “United Nations Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Internationally”; and the “Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption”.

Toward this end, the State shall:

- (a) Ensure that a child without parental care, or at risk of losing it, is provided with alternative care options such as adoption and foster care;
- (b) Establish alternative care standards to ensure that the quality of life and living conditions set are conducive to the child’s development;
- (c) Safeguard the biological parents from making hasty decisions to relinquish parental authority over the child;
- (d) Prevent unnecessary separation of the child from the biological parents;

(e) Protect the adoptive parents from attempts to disturb their parental authority and custody over the adopted child;

(f) Conduct public information and educational campaign to promote a positive environment for adoption;

(g) Ensure that sufficient capacity exists within government and private sector agencies to handle adoption inquiries, process domestic adoption petitions, and offer adoption-related services, including pre-adoption and post-adoption services, for the biological parents, children, and adoptive parents;

(h) Encourage domestic adoption so as to preserve the child's identity and culture in the child's native land, and only when this is not feasible shall inter-country adoption be considered; and

(i) Establish a system of cooperation with the Inter-Agency Council Against Trafficking (IACAT), to prevent the sale, trafficking, and abduction of children and to protect Filipino children abandoned overseas who are made vulnerable by their irregular status.

No child shall be a subject of administrative adoption unless the status of the child has been declared legally available for adoption except in cases of relative or step-parent adoption where such declaration is not required. Independent placement cases, or the entrustment of a child by the birthparents to a relative or another person without seeking intervention from government, nongovernment, or any social worker, will be covered by the provisions of this Act if the child is already in the custody of their custodian before the effectivity of this Act.

It is hereby recognized that the administrative adoption processes for the cases of legally-available children, relative, stepchild, and adult adoptees are the most expeditious proceedings that will redound to their best interest.

SECTION 3. *Objectives.* – This Act shall provide for and allow simpler and inexpensive domestic administrative adoption proceedings and shall streamline services for alternative child care. Pursuant to this, it shall create the National Authority for Child Care (NACC), which shall exercise all powers and functions relating to alternative child care including, declaring a child legally available for both domestic, administrative adoption and inter-country adoption, foster care, kinship care, family-like care, or residential care.

SECTION 4. *Definition of Terms.* – As used in this Act:

(a) Abandoned child refers to a child who has no proper parental care or guardianship, a foundling, or on who has been deserted by one's parents for a period of at least three (3) continuous months, and has been declared as such by the NACC;

(b) Abandoned Filipino child in foreign country refers to an unregistered or undocumented child found outside the Philippine territory, with known or unknown facts of birth, separated from or deserted by the biological Filipino parent guardian, or custodian for a period of at least three (3) continuous months and committed to a foreign orphanage or charitable institution or in a temporary informal care, and has been declared as such by the NACC, upon recommendation of the Office of the Social Welfare Attaché (OSWA) of the Department of Social Welfare and Development (DSWD), or the Department of Foreign Affairs (DFA);

(c) Actual custodian refers to the guardian or spouses who raised a child or person and consistently treated the child as their own;

(d) Adoption refers to the socio-legal process of providing a permanent family to a child whose parents had voluntarily or involuntarily given up their parental rights, permanently transferring all rights and responsibilities, along with filiation, making the child a legitimate child of the adoptive parents: Provided, That adult adoption shall be covered by the benefits of this Act;

In the interest of clarity, adoption shall cease to be part of alternative child care and becomes parental care as soon as the process is completed.

(e) Adoption para-social worker refers to an unregistered and unlicensed social work practitioner who ideally has three (3) years of experience in handling alternative child care or adoption cases, or both;

(f) Adoption social worker refers to an individual who is registered and licensed by the Professional Regulation Commission (PRC), in accordance with Republic Act No. 9433, otherwise known as the “Magna Carta for Public Social Workers” and who ideally has three (3) years of experience in handling alternative child care or adoption cases, or both. For purposes of this Act, in the event that an adoption social worker is not available, adoption para-social worker shall be allowed to render the services required: Provided, That only duly registered and licensed social workers shall sign and submit the pertinent documents;

(g) Alternative child care refers to the provision of planned substitute parental care to a child who is orphaned, abandoned, neglected, or surrendered, by a child-caring or child-placing agency. This may include foster care, kinship care, family-like care, and residential care;

(h) Child refers to a person below eighteen (18) years of age or a person eighteen (18) years of age or over but who is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychosocial disability or condition: Provided, That for the purpose of this Act, where relevant, a child shall also refer to an adult son, daughter, or offspring;

(i) Child Legally Available for Adoption (CLAA) refers to a child in whose favor a certification was issued by the NACC that such child is legally available for adoption after the fact of abandonment or neglect has been proven through the submission of pertinent documents, or one who was voluntarily committed by the child’s parents or legal guardians;

(j) Certificate Declaring a Child Legally Available for Adoption (CDCLAA) refers to the final written administrative order issued by the NACC declaring a child to be abandoned and neglected, and committing such child to the care of the NACC through a foster parent, guardian, or duly licensed child-caring or child-placing agency. The rights of the biological parents, guardian, or other custodian to exercise authority over the child shall cease upon issuance of the CDCLAA;

(k) Child-caring agency refers to a duly licensed and accredited agency by the DSWD that provides twenty-four (24)-hour residential care services for abandoned, orphaned, neglected, or voluntarily and involuntarily committed children;

(l) Child case study report refers to a written report prepared by an adoption social worker containing all the necessary information about a child, including the child's legal status, placement history, past and present biopsychosocial and spiritual aspects, case background, ethno-cultural background, and biological family background or history;

(m) Child-placing agency refers to a private nonprofit or charitable or government agency duly licensed and accredited agency by the DSWD to provide comprehensive child welfare services including receiving and processing of petitions, for adoption and foster care, evaluating the prospective adoptive parents (PAPs) or foster parents, preparing the child case study report and home study report;

(n) Child Placement Committee (CPC) refers to the committee under the supervision of the Deputy Director for Services composed of a child psychiatrist or psychologist, a medical doctor, a lawyer, an adoption social worker, a representative of nongovernmental organization (NGO) engaged in child welfare, and any other professional as may be needed, to provide the necessary assistance in reviewing petitions for adoption;

(o) Deed of Voluntary Commitment (DVC) refers to the notarized instrument relinquishing parental authority and committing the child to the care and custody of the NACC or child-placing or child-caring agency, executed by the child's biological parents or by the child's legal guardian in their absence, mental incapacity or death, to be signed in the presence of an authorized representative of the NACC, after counseling and other services have been made available to encourage the child's biological parents or legal guardian to keep the child;

(p) Domestic adoption refers to an administrative adoption proceeding where the Order of Adoption is issued within the Philippines and is undertaken between a Filipino child and eligible adoptive parents;

(q) Foreign national refers to any person who is not a Filipino citizen;

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

(s) Foster child refers to a child placed under foster care;

(t) Foster parent refers to a person, duly licensed by the NACC, to provide foster care;

(u) Foundling refers to a deserted or abandoned child of unknown parentage and whose date or circumstances of birth on Philippine territory are unknown and undocumented. This shall also include those with the above circumstance of birth during their infancy and/or childhood, and have reached the age of majority without benefiting from adoption procedures;

(v) Home study report refers to a written report prepared by an adoption social worker relative to the motivation and capacity of the prospective adoptive or foster parents to provide a home that meets the needs of a child;

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

(x) Involuntarily committed child refers to one who has been permanently deprived of parental authority due to: abandonment; substantial, continuous, or

repeated neglect; abuse or incompetence to discharge parental responsibilities, of known or unknown parents;

(y) Local Social Welfare Development Officer (LSWDO) refers to a person who is a duly licensed social worker and appointed by the local chief executive to head the provincial, city, or municipal social welfare development office which serves as the frontline of the local government unit (LGU) in the delivery of social welfare and development programs and services;

(z) Matching refers to the judicious selection from the regional or interregional levels of a family for a child based on the child's needs and best interest as well as the capability and commitment of the adoptive parents to provide such needs and promote a mutually satisfying parent-child relationship;

(aa) Neglected child refers to a child whose physical and emotional needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. A child is unattended when left without the proper provisions or proper supervision;

(bb) Petition refers to the duly accomplished application from for the foster case or adoption, including the social case study report and its supporting documents from an authorized or accredited agency or central authority;

(cc) Placement refers to the physical entrustment of the child with the foster parent or to the adoptive parents;

(dd) Post-adoption services refer to psychosocial services and support services provided by adoption social workers after the issuance of the Order of Adoption by the NACC or Final Decree of Adoption or its equivalent;

(ee) Pre-Adoption Placement Authority (PAPA) refers to the matching committee organized by the NACC, through the RACCO, that is tasked to deliberate the regional and interregional matching of children legally available for adoption and approved prospective adoptive parents;

(hh) Relative refers to someone other than family members, within fourth (4th) degree of consanguinity or affinity;

(ii) Simulation of birth record refers to the tampering of the civil registry to make it appear in the record of birth that a child was born to a person who is not such child's biological mother, causing the loss of the true identity and status of such child;

(jj) Social case study report refers to the report prepared by the adoption social worker on the PAP's capacity to raise the child; the social agency efforts to locate the child's biological parents or relatives; interventions given to the child and the family; and the adoption social worker's assessment of the case. It shall include both the child case study report and the home study report;

(kk) Social worker refers to a licensed practitioner by the PRC who, by academic training and social work professional experience, possesses the skill to achieve the objectives as defined and set by the social work profession, through the use of the basic methods and technique of social work (case work, group work, and community organization) which are designed to enable individuals, groups and communities to meet their needs and to solve the problems of adjustment to a hanging pattern of society and, through coordination with an organized social work agency which is supported partially or wholly from government or community solicited funds;

(ll) Step-parent refers to a parent who is married to the mother or father of a child, but who is not that child's biological mother or father;

(mm) Supervised trial custody (STC) refers to the period of time after the placement of a child in an adoptive home whereby an adoption social worker helps the adoptive family and the child in the adjustment process to facilitate the legal union through adoption;

(nn) Support refers to everything indispensable for the full and harmonious development of the child, including sustenance, dwelling, clothing, medical attention, and education, in keeping with the financial capacity of the family; and

(oo) Voluntarily committed child refers to the one whose parent or legal guardian knowingly and willingly relinquished parental authority to the NACC, the DSWD, or any duly accredited child-placing or child-caring agency or institution.

ARTICLE II NATIONAL AUTHORITY FOR CHILD CARE

SECTION 5. *National Authority for Child Care (NACC)*. – The Inter-Country Adoption Board (ICAB) is hereby reorganized to a one-step quasi-judicial agency on alternative child care, known as the National Authority for Child Care (NACC), attached to the DSWD.

All duties, functions, and responsibilities of the ICAB, the DSWD, and those of other government agencies relating to alternative child care and adoption are hereby transferred to the NACC.

The Department of Budget and Management (DBM), in coordination with the ICAB and the DSWD, shall formulate a cohesive organizational structure with corresponding plantilla positions responsive to fulfill the functions and divisions of the NACC as stipulated under this Act.

SECTION 6. *Jurisdiction of the NACC*. – The NACC shall have the original and exclusive jurisdiction over all matters pertaining to alternative child care, including declaring a child legally available for adoption; domestic administrative adoption; adult adoption; foster care under Republic Act No. 10165, otherwise known as the “Foster Care Act of 2012”; adoptions under Republic Act No. 11222, otherwise known as the “Simulated Birth Rectification Act”; and inter-country adoption under Republic Act No. 8043, otherwise known as the “Inter-Country Adoption Act of 1995”. The NACC shall also have the authority to impose penalties in case of any violation of this Act.

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

The Council shall be composed of the Secretary of the DSWD as ex officio chairperson and six (6) other members, who are to be appointed by the President for a nonrenewable term of six (6) years: Provided, That there shall be appointed one (1) psychiatrist or psychologist, two (2) lawyers who shall have at least the qualifications of a Regional Trial Court (RTC) judge, one (1) registered social worker, and two (2) representatives from NGOs engaged in child-caring and child-placing activities.

The members of the Council shall receive a reasonable per diem allowance for each meeting attended.

The Council shall act as the policy-making body for purposes of carrying out the provisions of this Act and shall formulate child welfare policies which shall constantly adjust to ongoing studies on alternative child care. En banc, it shall serve as Appeals Committee for contested denials of petitions issued by the Executive Director or the Deputy Director for Services.

The Secretariat shall implement and execute policies on alternative child care pursuant to the provisions of this Act. It shall be headed by an Executive Director, with the rank of an Undersecretary who shall be assisted by two (2) deputy directors, one (1) for services and another one (1) for administration and finance with the rank of Assistant Secretary.

The Deputy Director for Services shall, pursuant to the provisions of this Act, assist the Executive Director in the supervision and monitoring of the overall process for alternative child care, including declaring a child legally available for adoption, domestic, and inter-country adoption, foster care, residential care, family-like care, and kinship care, as well as the provision of child and family welfare services.

The NACC may hire professionals and various experts, who shall form part of the CPC to be composed of a child psychiatrist or psychologist, a medical doctor, a lawyer, an adoption social worker, a representative of an NGO engaged in child welfare, and any other professionals, as may be needed, to provide the necessary assistance to the Deputy Director for Services and Executive Director in reviewing petitions for adoption.

The Deputy Director for Administration and Finance shall be in charge of human resource development and management, property and logistics management, assets and financial management, and other administrative support services.

SECTION 8. *Functions of the NACC.* – The NACC shall ensure that the petitions, and all other matters involving alternative child care, including the issuance of CDCLAA, and the process of domestic and inter-country adoption, foster care, kinship care, family-like care, or residential care are simple, expeditious, and inexpensive, and will redound to the best interest of the child involved.

Towards this end, the NACC Council shall act as the policy-making body and when convened as such, as an en banc appeals committee for contested denials of petitions issued by the Executive Director or the Deputy Director for Services, while the NACC Secretariat shall be responsible for the following key functions:

- (a) Act and resolve petitions for the issuance of CDCLAA as provided under this Act;
- (b) Facilitate, act, and resolve all matters relating domestic administrative adoption as provided in this Act;
- (c) Facilitate, act, and resolve all matter relating to inter-country adoption, pursuant to Republic Act No. 8043;
- (d) Facilitate, act, and resolve all matters relating to foster care pursuant to Republic Act No. 10165;
- (e) Facilitate, act and resolve all matters relating to the rectification of simulated birth pursuant to Republic Act No. 11222;
- (f) Supervise and control the following acts to be performed by the RACCO under the provisions of this Act;

(g) Determine action on petitions for adoption, foster care, and other forms of alternative child care that been filed through and processed by the RACCOs;

(h) Set standards and guidelines on adoption including pre- and post-legal adoption services;

(i) Convene an Independent Appeals Committee whenever necessary to be composed of professionals and experts from its CPC, to resolve appeals filed by interested parties involving denials of petitions at the RACCO level;

(j) Act as the central authority in matter relating to inter-country adoption and shall act as the policy-making body for purposed of carrying out the provisions of this Act, including Republic Act No. 8043, in consultation and coordination with the DSWD-OSWA, DFA, the different child care and placement agencies, adoptive agencies, as well as NGOs engaged in child care and placement activities, specifically the functions under SECTION 4 of the aforementioned law;

(k) Determine, in coordination with the DFA or the OSWA, procedures for suitable alternative care of Filipino children stranded abroad, including countries not party to the Hague Convention or have no diplomatic relations with the Philippines;

(l) Ensure that inter-country adoption will not be pursued until all possible domestic placement of the child has been exhausted;

(m) Conduct national information dissemination and advocacy campaign on alternative child care;

(n) Establish clear programs to keep children with their biological families wherever possible;

(o) Assess the progress and identify gaps in the implementation of this Act and come up with policy recommendations;

(p) Keep records of all adoption, foster care, and other alternative child care cases, and provide periodic information and reports on the performance of the agency;

(q) Conduct research on adoption, foster care, and other alternative child care policies or in related fields to further improve and strengthen the office programs and services and for policy formulation and development;

(r) Provide technical assistance and conduct capability-building activities to all concerned agencies and stakeholders;

(s) Determine and impose administrative fees;

(t) In partnership with the Department of the Interior and Local Government (DILG), provide the necessary support and technical assistance to LGUs, especially the Local Council for Protection of Children (LCPC), who are among the first responders to cases of child abandonment and voluntary commitment, on matters related to alternative child care processes and engage them during the pre-adoption process;

(u) Build linkages and partnerships with independent and private entities such as licensed and accredited child-caring institutions, foundations, and social worker groups to ease the burden on the government to monitor all petitions;

(v) Impose fines or penalties for any noncompliance with or breach of this Act, its implementing rules and regulations (IRR), and the rules and regulations which it promulgates or administers;

(w) Formulate and develop policies for programs and services relating to the process of adoption, foster care, kinship care, family-like care, or residential care; and

(x) Enforce this Act and its IRR, as well as perform all other functions necessary to carry out the objectives of this Act and other related laws, such as Republic Act No. 8043 and Republic Act No. 10165 toward the simple, expeditious, and inexpensive process relating to foster care, issuance of CDCLAA, domestic administrative adoption, and inter-country adoption, and all other forms of alternative care, that would redound to the best interest of the child.

SECTION 9. *Regional Alternative Child Care Office (RACCO)*. – There shall also be a Regional Alternative Child Care Office (RACCO) created for each region of the country, which shall be headed by a Regional Alternative Child Care (RACC) officer.

The RACCO is tasked to ensure a well-functioning system of receipt of local petitions for CDCLAA and adoption, and other requests regarding alternative placement and well-being of children.

The RACCO shall have dedicated personnel who shall exclusively handle each of the following:

(a) Issuance of the CDCLAA;

(b) Domestic administrative adoption;

(c) Inter-country adoption;

(d) Foster care;

(e) All other forms of alternative care including family-like care, kinship care, and residential care; and

(f) Rectification of simulated birth pursuant to Republic Act No. 11222.

There shall be an RCPC installed in each RACCO which shall be supervised by the RACC officer. It shall be composed of a multidisciplinary group including a child psychiatrist or psychologist, a medical doctor, a member of the Philippine Bard, an adoption social worker and a representative of an NGO involved in child welfare: Provided, That no member of the group shall have relations with the child or PAP being matched.

SECTION 10. *Appointments and Staffing Patterns*. – The DBM, in coordination with the ICAB and DSWD, shall create the organizational structure and staffing patterns necessary for the performance of functions of the NACC: Provided, That officers and employees holding permanent appointments shall be given preference for appointment to the new positions in the approved staffing pattern comparable to their former positions.

Provided, further, That existing plantilla items in the ICAB and DSWD which are dedicated to alternative child care and adoption shall be transferred to the NACC.

Provided, finally, That no new employees shall be hired until all permanent officers and employees have been appointed, including temporary and casual employees who possess the necessary qualification requirements, among which is the appropriate civil service eligibility, for permanent appointment to positions in the approved staffing pattern, in case there are still positions to be filled, unless such positions are policy-determining, primarily confidential or highly technical in nature.

Qualifications of all appointees shall be in accordance with civil service rules and regulations. The existing Adoption Resource and Referral Unit (ARRU) of the DSWD shall now function as the RACCOs for each region of the country under the NACC.

ARTICLE III DECLARATION OF A CHILD LEGALLY AVAILABLE FOR ADOPTION

SECTION 11. *Declaration of Availability for Adoption of Involuntarily Committed Child and Voluntarily Committed Child.* – The CDCLAA in case of an involuntarily committed child under Article 141, paragraph 4(a) and Article 142 of Presidential Decree No. 603 shall be issued by the NACC within three (3) months following such involuntary commitment.

In case of voluntary commitment as contemplated in Article 154 of Presidential Decree No. 603, the CDCLAA shall be issued by the Executive Director within three (3) months following the filing of the DVC, as signed by the parents with the NACC.

Upon petition filed with the NACC, the parents or legal guardian who voluntarily committed a child may recover legal custody and parental authority from the agency or institution to which such child was voluntarily committed when it shown to the satisfaction of the NACC that the parents or legal guardian is in a position to adequately provide for the needs of the child: Provided, That the petition for restoration is filed within three (3) months after the signing of the DVC.

In the case of foundlings, the CDCLAA shall be issued by the Executive Director within three (3) months following the issuance of the child's foundling certificate or birth certificate

SECTION 12. *Who May File a Petition for CDCLAA.* – The Head or Executive Director of a licensed or accredited child-caring or child-placing agency or institution managed by the government, PGU, NGO, or provincial, city, or municipal social welfare development officer (SWDO) who has actual custody of the minor may file a petition before the NACC, through the RACCO, for the issuance of a CDCLAA. If the child is under the custody of any other individual, the child-caring or child-placing agency or institution shall do so with the consent of the child's custodian.

SECTION 13. *Petition for CDCLAA.* – The petition shall be in the form of an affidavit, subscribed and sworn to before any person authorized by law to administer oaths.

It shall contain facts necessary to establish the merits of the petition and shall state the circumstances surrounding the abandonment, neglect, voluntary commitment of the child, or discovery of the foundling.

The petition shall be supported by the following documents:

(a) Social case study report made by the RACCO, LGU, licensed or accredited child-caring or child-placing agency or institution charged with the custody of the child;

(b) Proof that efforts were made to locate the parents or any known relatives of the child. The following shall be considered sufficient;

(1) Written certification from a local or national radio or television station that the case was aired on three (3) different occasions;

(2) Publication in one (1) newspaper of general circulation to be shouldered by the petitioner: Provided, That publication can be dispensed with in the case of step-parent and relative adoption;

(3) Police report or barangay certification from the locality where the child was found, or a certified copy of tracing report issued by the Philippine Red Cross national headquarters (NHQ) or social service division, which states that despite due diligence, the child's parents could not be found;

(4) Returned registered mail to the last known address of the parents or known relatives, if any; or in the case of a voluntarily committed child, the DVC signed by the biological parent;

(5) Birth certificate, if available; and

(6) Recent photograph of the child and photograph of the child upon abandonment or admission to the agency or institution.

SECTION 14. *Procedure for the Filing of the Petition for CDCLAA.* – The petition shall be filed in the RACCO where the child was found, abandoned, voluntarily committed, or discovered.

The RACCO shall immediately examine the petition and its supporting documents, if sufficient in form and substance, and shall authorize the posting of the notice of the petition in a conspicuous place for five (5) consecutive days in the locality where the child was found, abandoned, voluntarily committed, or discovered, and in social media platforms or other online platforms of the NACC and the concerned LGU.

If the RACCO finds that the petition is insufficient, the case shall be put on hold and the petition shall be returned to the petitioner for compliance with the additional information or documents requested by the RACCO.

Within fifteen (15) working days after the completion of its posting, the RACCO shall render a recommendation and transmit a copy of such recommendation, together with the records, to the Executive Director.

SECTION 15. *Declaration of Availability for Adoption.* – Upon finding merit in the petition, the Executive Director shall issue a CDCLAA within seven (7) working days from receipt of the recommendation, unless further investigation or additional information or documents are needed to determine the merits of the petition. A copy of the CDCLAA shall be transmitted to the petitioner and all interested parties known to the Executive Director.

SECTION 16. *Opposition to the Petition for CDCLAA.* – In cases of abandoned, neglected children, and foundlings, if the biological parents, relatives or legal guardian of the child appear and oppose the issuance of the CDCLAA, prior to its issuance, the case shall be put on hold and the RACCO, Deputy Director for Services, or Executive Director, depending on where the case is pending for review at the time the petition is opposed, shall direct the handling adoption social worker to immediately investigate and request for a Parenting Capability Assessment Report (PCAR) from the LGU where the biological parents, relatives, or legal guardian reside.

Within fifteen (15) working days after the issuance of the PCAR, the handling adoption social worker shall render a recommendation on whether to grant or deny the opposition of the biological parents, relatives, or legal guardian of the child.

Within fifteen (15) working days after the receipt of the handling adoption social worker's recommendation, the RACCO, Deputy Director for Services, or Executive Director shall decide on the merits of the petition.

SECTION 17. *Appeal.* – The decision of the NACC shall be appealable to the Court of Appeals within ten (10) days from receipt of the Order by the interested party, otherwise the same shall be final and executory.

SECTION 18. *Certification.* – The CDCLAA issued by the NACC Executive Director shall be, for all intents and purposes, the best evidence that the child is legally available in a domestic adoption proceeding; and in an inter-country adoption proceeding, as provided in Republic Act No. 8043.

SECTION 19. *Counseling Services.* – It shall be the duty of the NACC, through the RACCO, child-caring or child-placing agencies, as well as the city, municipal, or barangay social workers, when appropriate, to provide necessary and appropriate counseling services by adoption social workers to the following:

(a) Biological Parents – Counseling shall be provided to the biological parents before and after the birth of the child. No binding commitment to an adoption plan shall be permitted before the birth of the child.

In all proceedings for adoption, the NACC shall require proof that the biological parents have been properly counseled to prevent them from making hurried decisions caused by strain or anxiety to give up the child, and to sustain that all measures to strengthen the family have been exhausted and that any prolonged stay of the child in own how will be inimical to child welfare and interest.

A period of three (3) months shall be allowed for the biological parents to reconsider any decision to relinquish a child for adoption before the decision becomes irrevocable.

Counseling and other appropriate social service interventions and services shall also be offered to the biological parents after the child has been relinquished for adoption.

Steps shall be taken by the NACC to ensure that no hurried decisions are made and all alternatives for the child's future and the implications of each alternative have been provided.

(b) Prospective Adoptive Parents (PAPs) – Counseling sessions, forums, and seminars on adoption, among others, shall be provided to resolve possible adoption issues and to prepare them for effective parenting.

Adoption telling shall be one of the central themes of the sessions, forums, or seminars to equip the PAPs with the ability to divulge the adoption to the adoptee in a manner that will strengthen the parent-child relationship.

As a proven helpful practice, adoption shall be disclosed to the child as early as possible by the adoptive parents: Provided, That disclosure of adoption shall be mandatory before the adoptee reaches the age of thirteen (13) years old. An adoption social worker must conduct adoption-themed activities to such children, which will inculcate the positive aspects of adoption in their young minds.

SECTION 20. *Biological Parent Search.* – It shall be the duty of the NACC, LGU, or the child-placing or the child-caring agency, which has custody of a child to exert all efforts using tri-media and any other possible means to locate the biological parents of the child and seek their consent. If such effort fail, the child shall, if applicable, be registered as a foundling and subsequently be the subject of administrative proceedings where said child shall be declared abandoned: Provided, That if the adoptee is an adult, the biological parent search is at the discretion of the adoptee.

SECTION 21. *Who May Adopt.* – The following may adopt:

(a) Any Filipino citizen at least twenty-five (25) years of age, who is in possession of full civil capacity and legal rights; has not been convicted of any crime involving moral turpitude; is of good moral character and can model the same; is emotionally and psychologically capable of caring for children; at least sixteen (16) years older than the adoptee; and who is in a position to support and care for adopted children in keeping with the means of the family: Provided, That the requirement of sixteen (16)-years difference between the age of the adopter and the adoptee may be waived when the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent;

(b) The legal guardian with respect to the ward after the termination of the guardianship and clearance of financial accountabilities;

(c) The legal guardians with respect to the foster child;

(d) Philippine government officials and employees deployed or stationed abroad: Provided, That they are able to bring the child with them; and

(e) Foreign nationals who are permanent or habitual residents of the Philippines for at least five (5) years possessing the same qualifications as above stated for Filipino nationals prior to filing of the petition: Provided, That they come from a country with diplomatic relations with the Republic of the Philippines and that the laws of the adopter's country will acknowledge the Certificate of Adoption as valid, acknowledge the child as a legal child of the adopters, and allow entry of the child into such country as an adoptee: Provided, further, That requirements of residency may be waived for the following:

(1) A former Filipino citizen, habitually residing in the Philippines, who seeks to adopt a relative within fourth (4th) civil degree of consanguinity or affinity; or

(2) One who seeks to adopt the legitimate child of the Filipino spouse; or

(3) One who is married to a Filipino citizen and seeks to adopt jointly with the spouse a relative within the fourth (4th) degree of consanguinity or affinity of the Filipino spouse.

Spouses shall jointly adopt, except in the following cases:

(a) If one spouse seeks to adopt the legitimate child of the other; or

(b) If one spouse seeks to adopt own illegitimate child: Provided, That the other spouse has signified consent thereto; or

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

SECTION 22. *Who May Be Adopted.* – The following may be adopted:

(a) Any child who has been issued a CDCLAA;

(b) The legitimate child of one spouse by the other spouse;

(c) An illegitimate child by a qualified adopter to improve status of legitimacy;

(d) A Filipino of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopters as their own child for a period of at least three (3) years;

(e) A foster child;

(f) A child whose adoption has been previously rescinded;

(g) A child whose biological or adoptive parents have died: Provided, That no proceedings shall be initiated within six (6) months from the time of death of said parents; or

(h) A relative of the adopter.

SECTION 23. *Whose Consent is Necessary to the Adoption.* – After being properly counseled and informed of the right to give or withhold approval of the adoption, the written consent of the following to the adoption are hereby required:

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

(b) The biological parents of the child, if known, or the legal guardian, or the proper government instrumentality which has legal custody of the child, except in the case of a Filipino of legal age if, prior to the adoption, said person has been consistently considered and treated as their own child by the adopters for at least three (3) years;

(c) The legitimate and adopted children, ten (10) years of age or over, of the adopters, if any;

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

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

Provided, That children under ten (10) years of age shall be counseled and consulted, but shall not be required to execute within consent.

SECTION 24. *Documentary Requirements.* – The PAPs shall attach the following to the Petition for Adoption and shall submit the same to the RACCO:

(a) Home study report and child case study report duly prepared pursuant to the provisions of this Act, which requires a uniform and standardized format of the report;

(b) Authenticated or security paper copies of birth record of the PAPs and the child;

(c) Authenticated or security paper copies of Marriage Certificate, if the PAPs are married; or Court Decision or Certificate of Finality, if annulled, divorced or legally separated;

(d) National Bureau of Investigation (NBI) or Police Clearance; If foreign national, clearance from police authorities where he or she lived for more than twelve (12) months any time in the past fifteen (15) years;

(e) Written consent to the adoption by the biological parent(s) or the person(s) exercising substitute parental authority over the child and the written consent of the child if at least ten (10) years old, signed in the presence of an adoption social worker of the NACC or child-caring agency, or of the child-placing agency for cases where the child is from a foster home, after proper counseling as prescribed in this Act;

- (f) Authenticated or security paper copies of the Death Certificate of biological parents, as applicable;
- (g) Original copy of CDCLAA, as applicable;
- (h) Result of the recent medical evaluation of the child and the PAPs;
- (i) Mandatory result of the psychological evaluation of the PAPs;
- (j) Mandatory result of the psychological evaluation of the child, for children five (5) years old and above;
- (k) Child care plan with a list of at least three (3) temporary custodian of the child in order of preference in case of death, absence or incapacity of the PAPs;
- (l) Letter attesting to the character and general reputation of the PAPs from at least three (3) non-related character references, of whom one must preferably come from an employer or supervisor or with who the PAPs have business dealings. The contact details of the person attesting must be so indicated in the letter;
- (m) Recent close-up and whole-body pictures of the child and the PAPs taken within the last six (6) months; and
- (n) Documents showing the financial capacity of the PAPs.

The NACC shall formulate and produce official, uniform, and standard forms of the foregoing documentary requirements that will be easily used and submitted by the PAPs for their Petition for Domestic Adoption.

The documentary requirements previously submitted to the NACC for other child care services may be considered and admitted for domestic administrative adoption, if applicable: Provided, That the adoption social worker of the NACC, LGU, and child-caring or child-placing agencies are not precluded from asking for additional documents as may be necessary as proof of the facts alleged in the petition or to establish a factual claim.

ARTICLE IV PROCEDURE

SECTION 25. *Case Study.* – No Petition for Adoption shall be processed by the NACC or its RACCs unless an adoption social worker of the NACC, the social service office of the LGU, or any child-placing or child-caring agency, has made a case study of the adoptee, the biological parents as well as the adopters, and has submitted the report and recommendations on the matter to the respective RACCO as among the supporting documents of the petition, and the NACC for the issuance of the Certificate of Adoption.

At the time of preparation of the prospective adoptive child's case study, the concerned adoption social worker shall confirm with the Philippine Statistics Authority (PSA) the real identity and registered name of the prospective adoptee. If the birth of a prospective adoptee was not registered with the PSA, it shall be the responsibility of the said social worker to ensure that said prospective adoptee is registered.

The case study on the prospective adoptive child shall establish that said child is legally available for adoption and that the documents to support this fact are valid and authentic.

Further, the case study of the prospective adopters shall ascertain their genuine intentions and that the adoption is in the best interest of the child. If the adoption social worker determines that the adoption shall redound to the best interests of the child, a recommendation shall be made to the RACCO or the NACC for the petition to be granted; otherwise, a denial thereof shall be recommended. Upon discovery of new information that would warrant denial of the petition to protect the best interest of the child, the said social worker is duty bound to report the same to the RACCO or the NACC.

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

SECTION 26. *Matching Process.* – There shall be a matching process for case of legally available children thirty (30) calendar days after the issuance of the CDCLAA or the next matching conference, whichever is applicable. The matching of the child to approved PAPs shall be carried out during the regular matching conference by the Matching Committee in the regional level, the RCPC under the RACCOs: Provided, That interregional matching, which shall be monitored and supervised by the Deputy Director for Services, may be conducted upon recommendation of the Executive Director, at any time, depending on the number of children declared legally available for adoption and the number of approved PAPs. Subject to the approval of the NACC, the RCPC shall fix its own internal rules and procedures. However, the records of the children and the approved PAPs not matched after two (2) presentations in the regional level shall be forwarded to the NACC for inclusion in the interregional matching presentation: Provided, That children with special needs shall be immediately forwarded if not matched in the first meeting, except under special circumstance. The matching proposal made by the RCPC shall be approved by the NACC, through the Executive Director.

Cases of step-parent adoption, relative adoption, and adult adoption, shall not undergo the matching process: Provided, That the child and the PAPs have been living in one household for not less than two (2) years.

SECTION 27. *Personal Appearance of Prospective Adoptive Parents.* – To further ascertain fitness, qualifications, good intentions, and sincerity of PAPs, the handling RACCO shall require PAPs to personally appear before it at least twice during the application period and on specific dates to be determined by the same.

SECTION 28. *Issuance of Pre-Adoption Placement Authority (PAPA).* – Once a child is matched to an approved PAPs and was subsequently accepted, the NACC through the RACCO shall authorize the pre-adoption placement of the child to the PAPs if recommended by the appropriate social worker that there is a need for supervised trial custody prior to the filing of Petition for Adoption, and in cases when there is no decision on the Petition for Adoption within sixty (6) calendar days from the receipt of the Deputy Director for Services of the positive recommendation of the RACCO on the petition, through no fault or negligence on the part of the PAPs.

In cases of adult or relative adoption, the PAPs shall automatically be issued a PAPA without undergoing the matching process.

SECTION 29. *Supervised Trial Custody (STC).* – Upon the recommendation of the adoption social worker of the need for STC, and after the matching process and

issuance of the PAPA, the NACC through the RACCO shall give the adopters an STC over the adoptee for a period of not more than six (6) months within which the parties are expected to adjust psychologically and emotionally to each other and establish a bonding relationship. The STC shall be supervised and monitored monthly by the adoption social worker who prepared the child case study and home study report, and who shall submit a report regarding the placement.

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

The STC may be waived in all cases of stepchild, relative, infant, or adult adoptions, as assessed and recommended by the adoption social worker.

Further, for regular cases, the STC may be reduced or waived depending on the assessment and recommendation of the adoption social worker, and the express consent of the PAPs.

For independently placed cases, the adoption social worker shall prepare one post-placement report recommending the qualified adoptive parents to continue their parental obligations towards the child or adoptee.

SECTION 30. *Petition for Administrative Adoption.* – The thriving parent-child relationship during the said STC, if recommended, as substantiated by the monthly monitoring report of the adoption social worker, shall give rise to the filing of a Petition for Adoption.

In all cases, the Petition for Adoption shall be prepared and signed by the petitioner or PAPs. The said petition shall state the facts necessary to establish the merits of the petition. The petitioners must specifically allege that they are at least twenty-five (25) years of age, in possession of full civil capacity and legal rights; of good moral character; have not been convicted of any crime involving moral turpitude; are emotionally and psychologically capable of caring for children; are at least sixteen (16) years older than the adoptee, unless the adopter is the biological parent of the adoptee or is the spouse of the adoptee's parent; and are in a position to support and care for their children in keeping with the means of the family and have undergone pre-adoption services. The petition should also indicate the new name the petitioner wishes the child to have, if any.

The petition shall be in the form of an affidavit and shall be subscribed and sworn to by the petitioners before any person authorized by law to administer affirmation and oaths.

No subsequent petition involving the same PAPs shall be entertained unless the prior petition has attained finality.

SECTION 31. *Where to File the Petition.* – The petition together with complete and original supporting documents shall be filed by the petitioners with the RACCO of the city or municipality where the PAPs reside.

Upon receipt by the RACCO of the petition and its supporting documents, a copy of the petition shall be punished once a week for three (3) successive weeks in a newspaper of general circulation.

SECTION 32. *Administrative Adoption Process.* – In all proceedings for adoption, the NACC shall decide on the basis of all the documents presented to it, as well as

the evidence gathered during the personal interviews conducted by the RACCO with the handling adoption social worker, PAPs, and the adoptee. There shall be no adversarial proceedings and all domestic adoption cases shall be decided within sixty (60) calendar days from the receipt of the Deputy Director for Services of the recommendation of the RACCO on the petition.

The NACC, in the exercise of its quasi-judicial powers, shall observe and comply with the following administrative domestic adoption process:

(a) Within fifteen (15) working days from the filing of the Petition for Adoption by the PAPs, the RACCO shall determine whether the PAPs have complied with the substantive and procedural requirements for domestic adoption by extensively reviewing and examining the petition and its supporting documents, as well as conducting personal interviews with the handling adoption social worker, the PAPs, and the adoptee: Provided, That should the ROCCO require the PAPs to submit additional information or documents, the said fifteen (15)-day period shall be suspended;

(b) Should the RACCO find that the PAPs sufficiently complied with the requirements under this Act, it shall issue a certification attesting to the same, render a recommendation on whether to grant or deny the Petition for Adoption, and forward the same to the Deputy Director for Services within the said fifteen (15)-day period, excluding the periods of suspension;

(c) The Deputy Director for Services, who may consult the CPC consultants, as may be necessary, shall review the recommendation of the RACCO within fifteen (15) working days from receipt thereof and either;

(1) return it to the ROCCO for further examination with a written explanation of its insufficiency, or

(2) forward the Petition for Adoption to the Executive Director for final approval;

(d) In case the petition is returned by the Deputy Director for Services to the RACCO, the latter shall address the concerns raised by the Deputy Director for Services within fifteen (15) working days from receipt thereof;

(e) When the petition is forwarded by the Deputy Director for Services to the Executive Director, the latter shall act and decide on the recommendation within fifteen (15) working days from receipt thereof. However, if within the fifteen (15)-day period, the Executive Director finds that there is a need to return the petition to the RACCO for submission of additional information and documents or conduct of further investigation, as may be necessary, the action of the RACCO on the returned petition and finally deciding on whether to grant or deny the petition by the Executive Director should be settled within fifteen (15) workings days from the day the Executive Director returns the same to the RACCO, except when the information and documents needed are of such nature that cannot be easily obtained by the PAPs.

(f) In cases when there is no decision on the petition within sixty (60) calendar days from the receipt of the Deputy Director for Services of the recommendation of the RACCO on the petition, through no fault or negligence on the part of the PAPs, the latter may apply for PAPA, if none has been issued yet, with the Executive Director, through the RACCO, for the temporary placement of the child;

(g) If the Executive Director returns the petition or documents for further investigation to the RACCO, during the period that the child is under the custody of the PAPs, the child will remain the PAPs, taking into consideration the child's best interests: Provided, That if the Executive Director issues a denial on the petition, the child will be immediately removed by the RACCO from its temporary placement with the PAPs.

SECTION 33. *Objection to the Petition.* – Any person who has personal knowledge of any information, which by ordinary diligence could not be discovered, and which when introduced and admitted, would result in the denial of the petition and protect the child from possible harm or abuse may, at any time during the STC or before the issuance of the Order of Adoption, interpose an objection to the petition and file a complaint supported by evidence to that effect, with the NACC, through the RACCO where the petition was filed. The complaint will be subjected to verification and further investigation.

SECTION 34. *Order of Adoption.* – If the STC, as may be applicable, is satisfactory to the parties and the NACC is convinced that, from the trial custody report, the petition and its supporting documents including the STC report if applicable, that the adoption shall redound to the best interest of the child or prospective adoptee, the NACC through the Executive Director, shall issue an Order of Adoption which is a registrable civil registry document stating the name by which the child shall be known and shall likewise direct the following to perform the actions as stated:

(a) The adopter to submit a certified true copy of the Order of Adoption to the Civil Registrar where the child was originally registered within thirty (30) calendar days from receipt of the Order of Adoption; and

(b) The Civil Registrar of the place where the adoptee was registered;

(1) To seal the original birth record in the civil registry records which can be opened only upon order of the NACC; and

(2) To submit to the NACC proof of compliance with all the foregoing within thirty (30) calendar days from receipt of the Order of Adoption.

An Order of Adoption obtained under this Act shall have the same effect as a Decree of Adoption issued pursuant to the Domestic Adoption Act of 1998. A motion for reconsideration may be filed before the NACC, through the Executive Director, within fifteen (15) calendar days from an Order denying the adoption.

SECTION 35. *Judicial Recourse.* – Orders of Adoption may be appealed before the Court of Appeals within ten (10) days from receipt of the Order by the interested party, or from the denial of the motion for reconsideration; otherwise, the same shall be final and executory. Rule 43 of the 1997 Rules of Civil Procedure, as amended, shall have supplementary application.

SECTION 36. *Benefits of Adoptive Parents.* – The adoptive parents shall enjoy all the benefits entitled to biological parents, including benefits that can be availed through the Social Security System (SSS), Government Service Insurance System (GSIS), Department of Labor and Employment (DOLE), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Health Maintenance Organization (HMO) providers, among others, or through other existing laws from the date of the Order of Adoption was issued to the adoptive parent. Adoptive parents

may avail of paid maternity and paternity leaves as provided under existing laws for biological parents: Provided, That the leave benefits in this paragraph shall only be availed if by the adoptive parents within one (1) year from the issuance of the Order of Adoption: Provided, further, That the leave benefits in this paragraph shall not apply in cases of adult adoptions, and in all cases where the adoptive child has been in the care and custody of the adoptive parent for at least three (3) years before the issuance of the Order of Adoption by the NACC.

SECTION 37. *Civil Registry Record.* – An amended certificate of birth shall be issued by the civil registry, pursuant to the Order of Adoption, attesting to the fact that the adoptee is the child of the adopter by being registered with the adopter’s surname. The original birth record shall be stamped “cancelled” with the annotation of the issuance of an amended birth certificate in its place and shall be sealed in the civil registry records. The new birth certificate to be issued to the adoptee shall not bear any notation that it is an amended issue.

SECTION 38. *Database.* – The NACC shall keep a database showing the date of issuance of the Order in each case, compliance by the Local Civil Registrar with the preceding SECTION and all incidents arising after the issuance of the Order of Adoption. This database shall be governed by the provision on the succeeding SECTION, as well as the provisions of Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012”.

SECTION 39. *Confidentiality.* – All petitions, documents, records, and papers relating to administrative adoption proceedings in the files of the city or municipal SWDOs, the RACCs, the NACC, the DSWD, or any other agency or institution participating in such proceedings shall be kept strictly confidential. If the disclosure of certain information to a third person is necessary for security reasons or for purposes connected with or arising out of the administrative adoption and will be for the best interest of the adoptee, the Executive Director of the NACC may, upon appropriate request, order the necessary information released, restricting the purposes for which it may be used and in accordance with the existing laws on data privacy.

In any event, the disclosure of any information shall only be allowed upon the order of the Executive Director, based on the written request of the adoptee or in the case of a minor adoptee, his or her legal guardian or the adoptive parent or upon order of any lawful authority.

Any violation of the confidential nature of the records abovementioned shall be punishable pursuant to the penal provisions of this Act, Republic Act No. 10173 or other relevant laws.

No copy thereof as well as any information relating hereto shall be released without written authority from the NACC or the written request of any of the following:

- (a) The adopted child, with appropriate guidance and counseling, or a duly authorized representative, spouse, parent, direct descendant, guardian or legal institution legally in charge of the adopted person, if minor;
- (b) The court or proper public official whenever necessary in an administrative, judicial, or other official proceeding to determine the identity of the parent or parents or of the circumstances surrounding the birth of the adopted child;

(c) The nearest kin, in case of death of the adopted child.

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

SECTION 40. *Assistance to Indigent PAPs.* – Socialized fees may be charged to those who avail of the administrative adoption proceedings under this Act.

The Public Attorney's Office (PAO) shall provide free legal assistance including notarization of documents related thereto whenever warranted for qualified PAPs.

ARTICLE V EFFECTS OF ADOPTION

SECTION 41. *Legitimacy.* – the adoptee shall be considered the legitimate child of the adopter for all intents and purposes and as such is entitled to all the rights and obligations provided by law to legitimate children born to them without discrimination of any kind. To this end, the adoptee is entitled to love, guidance, and support in keeping with the means of the family. The legitimate filiation that is created between the adopter and adoptee shall be extended to the adopter's parents, adopter's legitimate siblings, and legitimate descendants.

The adopter is also given the right to choose the name by which the child is to be known, consistent with the best interest of the child.

SECTION 42. *Parental Authority.* – Upon issuances of the Order of Adoption, adoption shall cease as alternative care and becomes parental care. Adoptive parents shall now have full parental authority over the child. Except in cases where the biological parent is the spouse of the adopter, all legal ties between the biological parents and the adoptee shall be severed and the same shall then be vested on the adopters.

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

SECTION 43. *Succession.* – In testate and intestate succession, the adopters and the adoptee shall have reciprocal rights of succession without distinction from legitimate filiations. However, if the adoptees and their biological parents have left a will, the law on testamentary succession shall govern.

ARTICLE VI POST ADOPTION SERVICES

SECTION 44. *Preliminaries to Adoption Telling.* – The adoption social worker handling the adopted child's case shall assist the adoptive parents in disclosing to the child the story about the adoption at an age deemed proper by psychosocial standards: Provided, That the actual disclosure regarding the adoption shall be the duty of the adoptive parents.

SECTION 45. *Search or Tracing of Biological Family.* – Upon reaching the age of majority, the assistance of the NACC, LGU, or the concerned child-caring or child-placing agency may be sought to trace the adoptee's biological family and eventually have a face-to-face meet-up. The right of the adoptee to identity shall take precedence

over any other considerations: Provided, That the adoptee, adoptive parents, and biological parents received adequate preparation from an adoption social worker regarding the said meet up.

SECTION 46. *After-care Monitoring and Submission of Report.* – Upon finalization of the adoption and the receipt of the amended birth certificate of the child, the NACC shall monitor the parent-child relationship to ensure that the adoption has redounded to the best interest of the child. A Closing Summary Report shall be prepared by the handling adoption social worker and submitted to the NACC after completing the after-care monitoring to the adopters and adoptees after one (1)-year period. Depending on the age and circumstances of the child, the NACC may require additional visits or reporting after the one (1)-year period.

SECTION 47. *Grounds for Rescission of Administrative Adoption.* – The adoption may be rescinded only upon the petition of the adoptee with the NACC, or with the assistance of the SWDO if the adoptee is a minor, or if the adoptee is eighteen (18) years of age or over but who is incapacitated or by his or her guardian on any of the following grounds committed by the adopter(s):

(a) Repeated physical or verbal maltreatment by the adopter despite having undergone counseling;

(b) Attempt on the life of the adoptee;

(c) Abandonment and failure to comply with parental obligations.

Adoption, being in the best interest of the child, shall not be subject to rescission by the adopter. However, the adopter may disinherit the adoptee for causes provided in Article 919 of the Civil Code of the Philippines.

SECTION 48. *Venue.* – The petition shall be filed with the RACCO where the adoptee resides.

SECTION 49. *Time Within Which to File Petition for Rescission.* – Upon existence of any ground or grounds mentioned in SECTION 47 of this Act, the adoptee or the adoption social worker must file the petition for rescission of adoption before the NACC.

SECTION 50. *Order to Answer.* – The NACC shall issue an order requiring the adverse party to answer the petition for rescission within fifteen (15) days from receipt of a copy thereof. The order and copy of the petition shall be served on the adverse party in such manner as the NACC may direct.

SECTION 51. *Decision.* – If the NACC finds that the allegations of the petition for rescission are true, it shall render a decision ordering the rescission of administrative adoption, with or without costs, as justice requires. The NACC shall:

(a) Order that the parental authority of the biological parent of the adoptee be restored, upon petition of the biological parents and if in the best interest of the child, if the adoptee is still a minor or incapacitated, and declare that the reciprocal rights and obligations of the adopter and the adoptee to each other shall be extinguished. If the biological parent of the adoptee has not filed a petition for restoration of parental authority, or is not known, or if restoring the parental authority over the adoptee is not the latter's best interest, the NACC shall take legal custody over the adoptee if still a child;

(b) Declare that successional rights shall revert to its status prior to adoption, as of the date of decision. Vested rights acquired prior to administrative rescission shall be respected;

(c) Order the adoptee to use the name stated in the original birth or founding certificate; and

(d) Order the Civil Registrar where the adoption order was registered to cancel the new birth certificate of the adoptee and reinstate the original birth or founding certificate.

SECTION 52. *Service of Decision.* – A certified true copy of the decision shall be served by the petitioner upon the Civil Registrar concerned within thirty (30) days. The Civil Registrar shall forthwith enter the rescission order in the register and submit proof of compliance to the NACC within thirty (30) days from the receipt of the order.

All the foregoing effects of rescission of adoption shall be without prejudice to the penalties imposable under the Revised Penal Code and special laws if the criminal acts are properly proven.

SECTION 53. *Effects of Rescission.* – If the petition for rescission of adoption is granted, the legal custody of the NACC shall be restored if the adoptee is still a child. The reciprocal right and obligations of the adopters and the adoptee to each other shall be extinguished.

In cases when the petition for rescission of adoption is granted and the biological parents can prove that they are in a position to support and care for the child and it is in the child's best interest, the biological parents may petition the NACC for the restoration of their parental authority over the child.

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

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

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

ARTICLE VII VIOLATIONS AND PENALTIES

SECTION 54. *Violations and Penalties.* –

(a) The penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years or a fine of not less than Fifty thousand pesos (P50,000.00), but not more than Two hundred thousand pesos (P200,000.00), or both, at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

(1) Obtaining consent for an adoption through coercion, undue influence, fraud, improper material inducement, or other similar acts;

(2) Noncompliance with the procedures and safeguards provided by the law for adoption; or

(3) Subjecting or exposing the child to be adopted to danger, abuse, or exploitation.

(b) Any person who shall cause the fictitious registration of the birth of a child under the name of a person who is not the child's biological parent shall be guilty of simulation of birth, and shall be imposed the penalty of imprisonment from eight (8) years and one (1) day to ten (10) years and a fine not exceeding Fifty thousand pesos (P50,000.00).

(c) Any physician, midwife, nurse, or hospital personnel who, in violation of their oath of profession, shall cooperate in the execution of the abovementioned crime shall suffer the penalties herein prescribed as well as the penalty of permanent disqualification from the practice of profession following relevant prescription of the law and governing authorities.

(d) Any person who shall violate regulations relating to the confidentiality and integrity of records, documents, and communication of adoption petitions, cases, and processes shall suffer the penalty of imprisonment ranging from one (1) year to one (1) day to two (2) years, or a fine of not less than Five thousand pesos (P5,000.00) but not more than Ten thousand pesos (P10,000.00) or both, at the discretion of the court.

A penalty lower by two (2) degrees than the prescribed for consummated offenses under this Article shall be imposed upon the principals of the attempt to commit any of the acts herein enumerated. Acts punishable under this Article, when committed by a syndicate and where it involves a child shall be considered as an offense constituting child trafficking and shall merit the penalty of imprisonment from twenty (20) years and one (1) day to forty (40) years.

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

An offender who is a foreign national shall be deported immediately after service of sentence and perpetually denied entry to the country.

Any government official, employee, or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: Provided, That upon the filing of a case, either administrative or criminal, said government official, employee, or functionary concerned shall automatically be suspended until the resolution of the case.

Under this Act, adoption discrimination acts, including labelling, shaming, bullying, negative stigma, among others, are prohibited. Any person who shall commit said adoption discrimination acts shall be penalized with a fine of not less than Ten thousand pesos (P10,000.00) but not more than Twenty thousand pesos (P20,000.00), at the discretion of the court.

ARTICLE VIII FINAL PROVISIONS

SECTION 55. *Information Dissemination.* – The NACC, in coordination with the DILG, Department of Education (DepEd), Department of Justice (DOJ), Department of Health (DOH), Council for the Welfare of Children (CWC), Philippine Information Agency (PIA), Civil Service Commission (CSC), GSIS, Association of Child Caring Agencies of the Philippines (ACCAP), Leagues of Cities and Municipalities of the Philippines, NGOs focused on child care, and the media, shall disseminate to the public information regarding this Act and its implementation and ensure that adoption and alternative child care are portrayed on mass media truthfully and free from stigma and discrimination.

The PIA shall strive to rectify mass media portrayals that adopted children are inferior to other children, and shall enjoin the Kapisanan ng mga Brodcaster ng Pilipinas, all print, media, and various social media platforms to disseminate positive information on adoption.

The DOH shall ensure that hospital workers are knowledgeable on adoption processes and the criminal liability attached to the act of simulating birth records.

SECTION 56. *Transitory Clause.* – All judicial petitions for domestic adoption pending in court upon the effectivity Transitory Clause. of this Act may be immediately withdrawn, and parties of the same shall be given the option to avail of the benefits of this Act. Upon effectivity of this Act and during the pendency of the establishment of the NACC, the functions relating to foster care, issuance of CDCLAA, and adoption under Republic Act No. 11222 shall remain with the DSWD, specifically, its Program Management Bureau (PMB).

In relation to domestic administrative adoption and inter-country adoption process, a transition team composed of the DWSD and the ICAB shall act as the NACC. The ICAB Executive Director shall sit as Chairperson of the transitory team, assisted by the DSWD-PMB Director as the Vice-Chairperson. Personnel of the DWSD involved in adoption services may be seconded to the transition team during the three (3)-year period. During this period, social workers already working with adoption cases may continue to perform all duties assigned to adoption social workers in accordance with the provisions of this Act.

The functions of the RACCO shall, during the three (3) year period, be performed by the DWSD field offices (FOs), specifically the Adoption Resource and Referral Units (ARRU) therein. The transition team shall provide technical assistance and policy guidance to personnel of the FOs in handling cases. A transitory team shall be created from the DSWD and the ICAB to ensure non-disruption of performance of functions and continued smooth delivery of services during the migration of all alternative child care functions and services to the NACC.

During the transition period, all Orders of Adoption issued and signed by the ICAB Executive Director as chairperson of the transition team, upon the recommendation of its members, shall be approved by the Secretary of the DSWD, or his representative in the ICAB Board, within a period of then (10) days from the issuance of said order: Provided, That if no action was taken by either the Secretary or his representative in the ICAB Board during the prescribed period, the Order of Adoption shall be deemed approved.

Upon the establishment of the NACC not later than three (3) years from the effectivity of this Act, all applications, submissions, and petitions involving child care, including the pre-adoption and post-adoption services, pending before the PMB and the ICAB shall be immediately forwarded to the NACC, which shall perform its functions and powers under this Act. Thereafter, the appropriate personnel of the ICAB and the DSWD involved in alternative child care services shall be permanently transferred to the NACC. This relevant offices in the regional offices of the DSWD involved in alternative child care shall, hereafter, be converted into RACCOS.

Upon effectivity of this Act and before the establishment of the NACC, administrative adoption may be immediately availed of and the necessary guidelines to make the benefits of this Act immediately operative shall be included in the IRR.

SECTION 57. *Designation of the Second Week of June as Adoption and Alternative Child Care Week.* – The second week of June of every year shall be designated as Adoption and Alternative Child Care Week.

SECTION 58. *Appropriations.* – The amount necessary for the implementation of the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 59. *Implementing Rules and Regulations (IRR).* – The Secretary of the DSWD and the Executive Director of the ICAB, after due consultation with the PSA, DOJ, DILG, DepEd, DOH, DOLE, NBI, Philippine Association of Civil Registrars, Juvenile Justice and Welfare Council (JJWC), National Council on Disability Affairs (NCDA), DFA, PhilHealth, SSS, GSIS, CWC and the Office of the Solicitor General, and two (2) private individuals representing child-placing and child-caring agencies shall, within six (6) months from the effectivity of this Act, formulate the necessary guidelines to make the provisions of this Act operative: Provided, That guidelines to operationalize SECTION 56 of this Act shall be enacted within three (3) months from the effectivity of this Act.

SECTION 60. *Saving Clause.* – Nothing in this Act shall affect any right of an adoptee acquired by judicial proceeding or otherwise before the commencement of this Act.

SECTION 61. *Separability Clause.* - If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 62. *Repealing Clause.* – Republic Act No. 8552 ND Republic Act No. 9523 are hereby repealed, and Republic Act No. 8043, Republic Act No. 11222, and Republic Act No. 10165 are amended accordingly. All laws, decrees, letters of instruction, executive issuances, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 63. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved: January 6, 2021.