

13 April 2018

SENATOR RISA HONTIVEROS

Chairperson
Committee on Women, Children
Family Relations and Gender Equality
Senate of the Philippines
Roxas Blvd., Pasay City

Dear **Chairperson Hontiveros**:

The **Department of Social Welfare and Development supports Senate Bill Nos. 1725 and 1728** entitled: “**Simulated Birth Rectification Act**”, introduced by Senators Grace Poe and Risa Hontiveros, respectively, which seek to grant a 10-year amnesty period of rectification for those who simulated the birth of a child prior to the effectivity of this Act.

This is another set of amnesty to those who simulated the birth of children after the one granted under **Section 22 of Republic Act No. 8552 or the “Domestic Adoption Act of 1998”** which states that the “*application for correction of the birth registration and petition for adoption shall be filed within five (5) years xxx*”

To contribute to the bills’ enhancement, we are recommending the following:

1. To **consolidate the bills into one.**
2. **Section 1 – Short Title**

To adopt the Short Title of SB No. 1725 which reads: “***Simulated Birth Rectification Act of 2018***”.

Specifying the year is important since the bills seek to **grant a 10-year amnesty period of rectification for those who simulated the birth of a child prior to the effectivity of this Act.** Also, it prescribes for administrative proceedings for the adoption and the rectification of the simulated birth records of a child **provided that the child has been living with the person for at least three (3) years.**

3. **Sec. 3 – Definition of Terms**

To include a definition of **Certification Declaring a Child Legally Available for Adoption (CDCLAA)** which will be read as follows:

“Certification Declaring a Child Legally Available for Adoption (CDCLAA) — refers to a document signed by the DSWD Secretary or his/her duly authorized representative, administratively declaring that a child is legally available for adoption which terminates the rights of the biological parents, guardian or other custodian to exercise authority over the child upon issuance of the certificate.”

4. **Sec. 9 – Petition (SBN 1725); Application for Rectification with Petition for Administrative Adoption (SBN 1728)**

To add an exemption in the requirements which will be read as follows:

“If the adoptee is a relative of the adopter within the 4th degree of consanguinity or affinity, a CDCLAA shall no longer be required.”

5. To adopt **Sections 10 (Adoption Process)** and **11 (Order of Adoption)** of SB No. 1725 in the consolidation of the proposed measures.

The bill incorporated the salient features of RA 9523, which seeks to declare a child legally available for adoption before he/she could be adopted unless the child is a relative within the 4th degree of consanguinity or affinity by the adopter or already an adult. Also, it identifies who should act as applicant or petitioner in declaring a child legally available for adoption.

Further, may we recommend to include a provision under **Sec. 11 on the remedy of appeal from the decision of the DSWD Secretary and the administrative cancellation of CDCLAA**. These are the challenges encountered by the Department in the implementation of RA 9523 in the absence of said provision.

6. **Sec. 12 – Civil Registry Record**

To revise the first paragraph which will be read as follows:

“The DSWD Secretary shall transmit the Order of Adoption to the Office of the Civil Registrar, appropriate local civil registrar and provide a copy to the concerned DSWD Regional Office.”

7. **Sec. 21 – Violation and Penalties**

To include a provision which will read as follows:

“Those who will commit simulation of birth after the effectivity of the law will be penalized.”

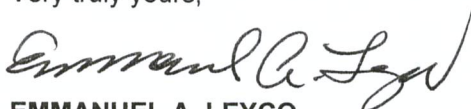
8. Further, may we recommend to make the entire judicial adoption proceedings administrative in nature and make the DSWD responsible similar to the declaration of abandonment in Republic Act No. 9523 (Requiring Certification of DSWD to Declare a Child Legally Available for Adoption), to address the tedious and costly process on the finalization of adoption in court.

This suggestion was based on the strong manifestation of the Family Court Judges from the several Consultation Dialogues in different regions that the DSWD has expertise on the said matter.

These Judges believe that this will hasten the adoption process since adoption cases will be no longer be part of the bulk of cases pending in court. Moreover, this effort will favour/encourage all prospective adoptive parents because it will no longer be costly on their part.

Thank you.

Very truly yours,



EMMANUEL A. LEYCO
Officer-in-Charge