



Memorandum Circular No. 16
Series of 2020

SUBJECT: GUIDELINES ON THE SIMULATED BIRTH RECTIFICATION ACT

I. Rationale

Republic Act (R.A.) No. 11222 entitled, "An Act Allowing the Rectification of Simulated Birth Records and Prescribing Administrative Adoption Proceedings for the Purpose", was signed into law on February 21, 2019 and took effect on March 29, 2019, fifteen (15) days from its publication in the Official Gazette.

The law provides for a simpler and less costly adoption proceeding for children whose birth records were simulated but were treated by the prospective adoptive parents as own child. It affords opportunity for these prospective adoptive parents to come out in the open and correct the birth records of the child under their care without fear of being prosecuted either criminally, civilly or administratively as the law grants amnesty, provided they will file the necessary application. By availing of the privilege granted by the law, the existing parent-child relationship between them will be legalized.

This shall serve as the guide of the Field Office social workers and other stakeholders that will be involved in the implementation of the law.

II. Mandate and Legal Bases

Republic Act No. 11222 and its Implementing Rules and Regulations (IRR).

III. Objective

This Memorandum Circular is issued to facilitate the implementation of the law by providing a clear guidance to the Field Office social workers and other implementers.

IV. Definition of Terms

For purposes of this Memorandum Circular, the following terms shall be operationally defined as follows:

- (a) "Act" shall refer to Republic Act No. 11222 otherwise known as the "Simulated Birth Rectification Act".
- (b) "Adoption" refers to a process whereby a person assumes the parental authority of a child, from the biological parent or parents. It permanently transfers all rights and responsibilities, along with filiation to the adoptive parent(s).

- (c) "Administrative Adoption Proceedings" refer to the proceedings sanctioned by the Act, for cases of rectification of simulated birth qualified herein, whereby the entirety shall be processed outside of the judicial authority of the courts, except when allowed by law and the rules.
- (d) "*Affidavit of Disinterested Persons*" refers to an Affidavit executed by two affiants who are not related to the petitioner(s) by consanguinity or affinity to attest to a fact.
- (e) "*Certification Declaring a Child Legally Available for Adoption (CDCLAA)*" refers to the certification issued by the DSWD Secretary or his or her duly authorized representative, administratively declaring that the child is legally available for adoption;
- (f) "*Child*" refers to a person below eighteen (18) years of age or a person eighteen (18) years or over who is unable to fully take care of herself or himself or protect herself or himself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition, whose birth was simulated;
- (g) "*Consistently considered and treated as daughter or son*" means that the prospective adoptee was registered as child of his/her known parents and is being treated as such *since birth or minority*;
- (h) "*Disinterested Person*" refers to an individual who attests on a particular fact, i.e. simulation of birth but has no personal advantage or disadvantage in the outcome or decision of the Petition for Adoption with an Application for Rectification of Simulated Birth Record;
- (i) "*Field Office*" refers to the Field Office of the DSWD;
- (j) "*Foundling*" refers to a person whose fact/s of birth is/ are unknown;
- (k) "*Indigent*" Prospective Adoptive Parent(s) whose net income per month is less than the Family Income and Expenditures Survey (FIES) conducted by PSA and approved by the National Economic Development Authority (NEDA);
- (l) "*New Birth Certificate*" refers to the civil registry record of a person registered pursuant to the Order of Adoption issued by the Secretary, bearing the name by which he or she shall be known and his or her parents as stated in the Order of Adoption;
- (m) "*Order of Adoption*" refers to a registrable civil registry document issued by the Secretary after determining that the administrative adoption is for the best interest of the child;
- (n) "*Petition for Administrative Adoption with Application for Rectification of Simulated Birth Record*" ("Petition" for brevity) refers to the application in a form of an affidavit stating the circumstances behind the simulation of birth of a child, citing the petitioner(s) qualifications to adopt such child and the

grounds that would warrant the grant of the administrative adoption by the Secretary;

- (o) "*Photograph*" refers to a photo in original form, not super-imposed or retouched or edited using any photo editing software;
- (p) "*Petitioner*" refers to the person or persons whom the child consider(s) as parent(s) and who intend/s to legalize their parent-child relationship by filing the Petition for Administrative Adoption with Application for Rectification of Simulated Birth Record. Consistent with the requirements set forth by the Act, the petitioner(s) shall be the parent(s) appearing in the simulated birth certificate of the child;
- (q) "*Rectified Birth Record*" refers to a civil registry record of a person issued pursuant to the order of the Secretary, which may either be a birth or foundling certificate, as determined by the facts about the child's parentage or finding, which information comprise his or her true identity;
- (r) "*Secretary*" refers to the Secretary of the DSWD.
- (s) "*Simulation of Birth Record*" refers to the tampering of the civil registry record 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 the child.
- (t) "Social Case Study Report" (SCSR) – refers to the written report that is resultant of the assessment conducted by the licensed social workers of the Field Office through home visit(s). Primarily, the report shall contain the ethno-cultural, economic, medical, spiritual and psychosocial background of the child and the petitioner(s), the current functioning, the facts of abandonment or neglect of such child, if applicable, and whether or not the child has been consistently considered and treated by the petitioner(s) as his or her or their own child. The report shall also state the recommendation of the social worker.
- (u) "*Regional Director*" refers to the head of a field office of the DSWD.
- (v) "*Social Welfare and Development Office (SWDO)*" refers to the office in the city or municipality that discharges the social welfare and development programs and services devolved to such local government units.
- (w) "*Social Worker*" refers to a person who passed the Licensure Examination for Social Workers, has a valid professional license and who exercises sound professional judgment in handling cases.

V. Coverage and Exclusions

These guidelines shall apply to the following cases:

1. Administrative adoption of a non-relative child;
2. Administrative adoption of a child within the fourth (4th) degree of affinity or consanguinity;
3. Administrative adoption of an adult, who has been consistently considered and treated as daughter or son since birth or minority;
4. Administrative adoption where the Petition for Cancellation of Simulated Birth Certificate or Petition for Adoption with Cancellation of Simulated Birth Certificate is pending in court; or
5. Other analogous circumstances as may be determined by the Secretary;

Provided that the child subject of the petition has been living with or under the custody of the petitioner(s) for at least three (3) years prior to March 29, 2019 (or from March 29, 2016 or earlier), and he or she or they simulated the birth record of such child. Provided further, that the petition for Administrative Adoption with Application for Rectification of Simulated Birth Record is filed on or before March 29, 2029, which is the prescribed period under the Act.

Excluded in the coverage of the Act are circumstances not limited to the following:

1. Rectification or Correction of entries i.e. to reflect the name of the biological parent(s) in the birth certificate. This case contemplates a situation where the purpose is only to rectify the birth record of the child but not for the person(s) who caused the simulation to proceed with the adoption;
2. Administrative adoption by the relatives of the deceased person(s) who simulated the birth of a child or an adult adoptee. One of the preconditions under the Act is that the child has been *consistently considered and treated as daughter or son by such person or person(s)*, as defined in these guidelines, and the same is lacking in this case;
3. Administrative adoption by person(s) other than the parent(s) named in the simulated birth certificate. This case lacks the requirement that the child has been *consistently considered and treated as daughter or son of the petitioner(s)*; or
4. Administrative adoption of a child by the purported father **only**; when the mother named in the birth certificate is the biological mother of such child. This situation does not involve "*simulation of birth record*", as defined under the Act.

5. Administrative adoption of a child or person who has a registered original Certificate of Live Birth or Certificate of Foundling.

VI. General Policies

1. In all matters relating to the care, custody and adoption of a child, his or her best interest shall be the paramount consideration in accordance with the tenets set forth in the United Nations (UN) Convention on the Rights of the Child, the UN Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children and our existing laws on care and protection of children. Towards this end, the State shall ensure the provision of alternative protection and assistance through administrative adoption for every child who needs a permanent family.
2. The petitioner(s) must attend the required pre-adoption services to have an in-depth understanding of legal adoption. The Certificate of Attendance to be issued will form part of the supporting documents to the Petition.
3. For cases that may qualify under the Act with Petition for Adoption with Cancellation of Simulated Birth Record or Petition for Cancellation of Simulated Birth Record that are pending in court, the petitioner(s) has the option to either withdraw the case and avail of this administrative adoption proceeding at the DSWD or continue with the judicial proceeding.
4. There shall be a "One Child, One Petition" policy. For two or more children under the care of the same petitioner(s), simultaneous filing of multiple petitions by the same petitioner shall be allowed. The supporting documentary requirements must be in original copies.
5. Except in the case of an adult adoptee or a relative child, all children to be adopted pursuant to this Act must be declared legally available for adoption through the issuance of a CDCLAA in accordance with R.A. 9523. Concomitantly, the issuance of CDCLAA shall be governed by DSWD Administrative Order No. 12, series of 2011 or any derivative guidelines on the matter.
6. When the relationship of the child and the adopter(s) falls within the 4th degree of consanguinity or affinity, the biological parent(s) must give consent to the adoption. In the absence of the biological parents, the consent must be given by the person(s) exercising substitute parental authority over the child as enunciated in Article 216 of the Family Code, *viz*:
 - i. The surviving grandparent, as provided in Art. 214;
 - ii. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and

If none of such person(s) is present, the child will be declared legally available for adoption by the DSWD.

7. Given that a parent-child relationship is already existing between the child and the petitioner(s), as they have been together for at least three (3) years, matching shall no longer be required in the process.
8. The petitioner(s) shall be required to personally attend to the processes, from the filing of the petition up to the receipt of the Certificate of Finality except in extremely justifiable circumstances (i.e. petitioner(s) is bedridden), when a special power of attorney may be allowed. Provided however, that the mandatory appearance for the child and the petitioner(s) before the DSWD Regional Director shall be observed before the latter could make the appropriate recommendation to the Secretary.
9. The Social Case Study Report (SCSR) which contains the assessment of the social worker regarding the child and the petitioner(s) shall be prepared by the social worker of the DSWD Field Office.
10. All petitions, documents, records and papers relating to administrative adoption and rectification of simulated births under the Act cannot be used as evidence against those who simulated the birth of a child or who cooperated in the execution of such simulation in any criminal, civil, or administrative proceedings.
11. All records relating to the proceedings under the Act, kept at the city or municipal SWDOs, DSWD Central and Field Offices, local civil registrars, or any other agency or institution participating therein shall be strictly confidential. Any violation of the confidential nature of such records shall be punishable pursuant to the penal provisions of the Act, R.A. No. 10173 or the "Data Privacy Act of 2012" or other relevant laws.
12. In all cases, the disclosure of any information pertinent to the proceedings shall only be allowed upon the Order of the Secretary, 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.
13. The prescribed period relating to the preparation, endorsement and transmittal by the concerned implementers of the documents/recommendation required under the Act or these guidelines shall be mandatory however, if the last day of such period, falls on a Saturday, a Sunday or a legal holiday, the time shall not run until the next working day. The counting of the prescribed period shall only commence upon completion of the documentary requirements.

VII. Whose consent is necessary?

After proper counseling and information of the right to give or withhold approval to the adoption, the written consent of the following shall be required:

- (a) The biological parents or persons exercising substitute parental authority over the child, except for adoption of an adult;
- (b) The prospective adoptee, if ten (10) years of age or over;

- (c) The legitimate and adopted daughters and sons, ten (10) years of age or over, of the adopter and adoptee, if any;
- (d) The illegitimate daughters and sons, ten (10) years of age or over, of the adopter, if any, if living with said adopter and the latter's spouse; and,
- (e) The spouse, if any, of the adoptee.

Provided that, for a non-relative child, the consent of his/her biological parents or such persons(s) exercising substitute parental authority over him/her shall be secured during the CDCLAA process.

VIII. Who may file the Petition?

Petitioner(s) who simulated the birth record of the child on or before March 28, 2019, consistently considered and treated said child as his or her or their own daughter or son may file the Petition, provided that the child has been under his or her or their care and custody for at least three (3) years prior to the effectivity of the Act.

IX. Where to File?

The Petition together with complete supporting documents shall be filed by the petitioner(s) with the Social Welfare and Development Office of the city or municipality where the child currently resides.

The venue as provided by the Act, shall be the city or municipality where the child resides regardless of the place where the simulated birth record was registered.

X. When to File?

The Petition shall be filed 15 days after the publication of the IRR, or from December 10, 2019 until March 29, 2029.

XI. Implementing Procedures

Upon receipt of an inquiry or information from the petitioner(s) about the intention to adopt under the Act, the social worker must advise the petitioner(s) to attend the pre-administrative adoption services of the DSWD Field Office.

Subsequent steps to be undertaken by the petitioner(s) shall depend on the category of the case, to wit:

- a. administrative adoption of a non-relative child;
- b. administrative adoption of a child who is a relative within the 4th degree of consanguinity or affinity of the petitioner(s);
- c. administrative adoption of an adult.

In either category, the following procedure, documentary attachments and periods, shall be uniformly applied, EXCEPT for Certification

Declaring a Child Legally Available for Adoption (CDCLAA) and the requirement of consent in the case of a relative or an adult adoptee:

- A. **In the administrative adoption of a non-relative child, secure a CDCLAA** (*emphasis supplied*) as one of the basic requirements, following the procedures laid down under R.A. 9523.
- B. Prepare the Petition for Administrative Adoption with Application for Rectification of Simulated Birth Record (sample format attached as Appendix "A"). The Petition shall be in the form of an affidavit and shall be subscribed and sworn to by the petitioner(s) before any person authorized by law to administer affirmations and oaths.

It shall state the facts necessary to establish the merits of the petition, and the circumstances surrounding the simulation of the birth of the child.

C. The Petition shall be supported by the following attachments:

1. Authenticated copy of the simulated birth record of the child and authenticated copy of the birth record of the adopter(s);
2. Affidavit of admission, if the simulation of the birth was done by a third person;
3. Certification issued and signed by the Punong Barangay attesting that:
 - The petitioner(s) is/are *bona fide* residents of the barangay;
 - The child has been living with the petitioner(s) for at least three (3) years prior to March 29, 2019. The "3-year living with or under the custody" clause means that the child must be living with the petitioner(s) or under his, her or their custody since March 29, 2016 or earlier.
 - The petitioner(s) is/are indigent, if applicable;
4. Notarized Affidavits of at least two (2) disinterested persons, who reside in the same barangay where the child resides, attesting that the child has been living with the petitioner/s for at least three (3) years prior to the effectivity of the Act;
5. Original copy of CDCLAA issued by the DSWD, except if the prospective adoptee is an adult or a relative of the adopter(s) within the fourth degree of consanguinity or affinity;
6. Oldest and recent photographs of the prospective adoptee and the petitioner(s) taken within the last three (3) months prior to the filing of the petition;
7. Certificate of Attendance by the Petitioner(s) in Pre- Adoption Fora and Seminar;
8. As applicable, Marriage Contract, Decree of Annulment, Declaration of Nullity of Marriage or Decree of Legal Separation;

9. Latest Physical and Medical Evaluation of the adopter(s) by a duly licensed physician;
10. When appropriate, psychological evaluation of the adopter(s) by a duly licensed psychologist;
11. Latest NBI / Police Clearance;
12. Latest income tax return or any other documents showing financial capability, e.g., Certificate of Employment, Bank Certificate or Statement of Assets and Liabilities;
13. As applicable¹, PSA issued copy of the Negative Certification of Birth, to serve as basis in the late registration and issuance of rectified birth record;
14. Certified True Copy of the receipts as proof of payment of the socialized fees in SWDO and/or DSWD Field Office. This requirement is on a case to case basis and if the petitioner(s) is/are assessed by the social worker as not indigent; and
15. Affidavit(s) of Consent from appropriate person or persons as indicated in Section VII (Whose Consent is Necessary) of this circular.

In case one of the petitioners is a foreign national married to a Filipino, he or she must submit proof of the following:

- Residence in the Philippines for at least three (3) continuous years prior to the filing of the petition and maintains such residence until the Order of Adoption is issued;
- Certification by his or her diplomatic or consular office or any appropriate government agency that he or she has the legal capacity to adopt in his or her country, and that his or her government allows the adoptee to enter his or her country as his or her adopted son or daughter.

D. Courses of Action by Concerned Implementers

1. Social Welfare and Development Office

The Petition together with the complete supporting documents must be filed with the Social Welfare and Development Office (SWDO) of the city or municipality where the child currently resides.

The SWDO shall examine the petition and the attached supporting documents- *except the receipt/s, psychological evaluation of the adopter(s) and the authenticated copy of the Negative Certification of Birth*, within seven (7) days from receipt thereof to determine if it is sufficient in form and substance. The excepted documents will be requested by the Field Office Social Worker based on his/her assessment, as stated in the next section.

¹ The determination of the need for an *authenticated copy of the Negative Certification of Birth* shall depend on the allegations of the petition i.e. if the petitioner(s) alleged that they know the child of another name, he/she/they should secure the *Negative Certification*. Otherwise, the FO social worker shall secure the *Negative Certification* when the true identity of the child is revealed during assessment.

If the SWDO finds the petition insufficient, the SWDO shall return the same to the petitioner(s) with a written explanation of its insufficiency. The petitioner may refile the petition after complying with said findings.

If the SWDO finds the petition sufficient in form and substance, the SWDO shall forward the petition and the supporting documents within three (3) days to the Regional Director of DSWD Field Office where the SWDO is situated.

The duty to examine the petition and its supporting documents rests with the office and not the officer. In cases where the petitioner(s) is the head or the Social Welfare and Development Officer himself or herself, the SWDO as an office still has the duty to review the petition, subject to the authority of the Local Chief Executive to appoint/assign an SWDO head, as he or she deems fit to preclude conflict of interest.

2. DSWD Field Office

Within twenty (20) days upon receipt of the Petition with the supporting documents by the Field Office, a social case study report (SCSR) for the child and the petitioner(s) shall be prepared by a licensed social worker of the Field Office who shall conduct home visits to establish the identity of the child, determine the capacity of the petitioner(s) to care for the child and possession of the personal qualifications and whether or not the child has been consistently considered and treated by the petitioner(s) as his or her or their own child. The report shall clearly indicate whether or not the administrative adoption shall redound to the best interest of the child and shall state the appropriate recommendation.

Consistent with the immediately preceding paragraph, a comprehensive social case study report using the prescribed guide attached hereto as Appendix "B", shall contain the following information, if applicable:

- i. Factual details about the act of simulation of the birth by the petitioner(s) including the circumstances surrounding the neglect, abandonment or "finding" of the child, as the case may be;
- ii. Quality of parenting/child-rearing patterns of the petitioner(s);
- iii. Family composition and historical background of petitioner(s), work history and family relationship, including the relationship of the child to the PAPs, biological children of the PAPs, if any or relatives of the PAPs;
- iv. Psychosocial intervention and services rendered to the child's biological family, if known;
- v. Current functioning of the child, physical and emotional response and behavioral manifestations to the family dynamics, i.e. whether or not the child is apprised of his or her being a non-biological child of the petitioner(s);
- vi. Efforts of the social worker to locate the child's biological family for the purpose of getting their consent to the pending petition and/or stand on the pending administrative adoption;

As the social worker establishes the genealogy of the child and locate the person/s authorized to give consent, he/she shall ensure that he/she/they are apprised of the filiation with the child;

Should any of such persons refuse to give consent, the social worker shall determine the ground/s for the refusal, the willingness of such person to take custody over the child and his/her capability to care for and respond to the needs of the child. Depending on the assessment, the social worker shall give proper advice to such person and the PAPs to resort to other processes, sanctioned by existing laws and rules (i.e. file a Petition for Involuntary Commitment in court or file a custody case). The case study report shall contain the specific courses of action to be undertaken by the parties.

- vii. Assessment and recommendation of the social worker on whether or not the adoption will redound to the best interest of the child.
- viii. Name and signature of the social worker who prepared the SCSR with his or her license number and validity date.

In cases where any information in the SCSR is needing proof to substantiate its veracity, the petitioner(s) must submit **additional** requirement(s) to support the report (e.g., Marriage or Death Certificate of the child's biological parent/s, receipt/s, medical/ psychological/ psychiatric report).

The SCSR together with the Petition and the supporting documents from the SWDO shall be reviewed by the Regional Director. The identity of the child and the petitioner(s) including the motivation to adopt shall be personally determined by him or her through the supporting documents of the petition and interview with the child and the petitioner(s).

The mandatory personal appearance of the child and the petitioner(s) before the Regional Director shall be held within five (5) days from receipt of the report from the social worker. The verbatim transcription of the proceeding during the mandatory conference and the certificate of appearance of the child and petitioner(s) shall be attached as part of the supporting documents of the Petition.

In the course of the review or interview by the Regional Director, additional information or document/s may be required from the petitioner(s) to substantiate the alleged information in the petition. The failure of the petitioner(s) to comply shall not preclude the Regional Director from acting on the petition based on the evidence at hand.

The Regional Director shall then prepare the recommendation on the petition within five (5) days from the appearance of the child and the petitioner(s). Should there be a finding by the Regional Director of any fact or information (e.g. abuse) that is not reflected or inconsistent with the recommendation of the social worker in the social case study report, the former must direct further study or investigation. Thereafter, the case folder together with the complete supporting documents and the recommendation shall be forwarded to the DSWD Central Office for the issuance of either an Order of Adoption or Order of Denial.

3. DSWD Central Office

The Secretary shall act and decide on the petition within thirty (30) days upon receipt of the recommendation from the Regional Director.

If the Secretary determines that the adoption shall redound to the best interest of the child, an Order of Adoption which is a registrable civil registry document, shall be issued stating the name by which the child is to be known and shall likewise direct the concerned local civil registrar the:

- Cancellation of the simulated birth record of the child by the record-keeping Local Civil Registrar (LCR);
- Late registration of the rectified birth record, which is a birth or foundling certificate, bearing the true facts of birth or finding of the child, as the case may be. The registration shall be at the LCR where the birth or finding occurred; and
- Issuance of a new Birth Certificate, indicating therein the petitioner(s) as the parent(s) of the child.

The Order of Adoption shall create a legal status to the existing parent-child relationship of the petitioner(s) and the child. The Order of Adoption shall take effect on the date the petition was originally filed with the SWDO, even if the petitioner dies before its issuance.

The Secretary shall issue a Certificate of Finality (COF) after the lapse of the 15-day period from the receipt of the Order of Adoption by the petitioner. The COF shall be transmitted to the parties in the same manner as the Order of Adoption.

An administrative adoption order obtained under this Act shall have the same effect as a decree of adoption issued pursuant to Republic Act No. 8552, otherwise known as the Domestic Adoption Act of 1998. The Order shall be registered accordingly by the concerned DSWD Field Office at the local civil registrar of the city or municipality where the child is born or found.

However, if the facts and circumstances do not warrant the granting of the petition, an Order of Denial shall be issued by the Secretary and transmitted to the petitioner(s) in the same manner as the Order of Adoption. The Order of Denial shall indicate the bases therefor.

XII. Motion for Reconsideration

Within fifteen (15) days upon receipt of the Order of Denial, the petitioner(s) may file a Motion for Reconsideration (MR) to the Office of the Secretary, furnishing the DSWD Field Office where the Petition was filed with a copy thereof.

The Secretary is given 15 days upon receipt to rule on the Motion for Reconsideration. In case of denial of the MR, petitioner(s) may resort to appeal before the Office of the President (OP) or as otherwise provided under the existing rules.

Depending on the ground/s for denial, the order shall be without prejudice to the re-filing of the Petition with the SWDO in accordance with these Rules.

Notwithstanding a denial, nothing in the Act proscribes the petitioner(s) from resorting to judicial or other legal modes of adoption.

In the event of a denial founded on the determination by the Secretary that the adoption will not redound to the best interest of the child, the Department shall ensure that all means necessary to protect the rights and promote the welfare of said child shall be in place.

XIII. Rescission of Adoption

The process and the turn-around time for administrative adoption as provided under Section 11 of the Act shall apply to the rescission of administrative adoption: *Provided*, That the concerned SWDO, Regional Director, and the Secretary shall act immediately on the petition for rescission bearing in mind the best interest of the child.

The social worker of the Field Office shall submit a validation report regarding the ground for rescission which will serve as basis of the Regional Director in recommending to the Secretary the rescission of administrative adoption. If the Petition for Rescission of Administrative Adoption is found to be meritorious, the Secretary shall issue an Order of Rescission.

The Secretary shall furnish a copy of the Order of Rescission to the concerned DSWD Field Office. Within three (3) days upon receipt of the Order of Rescission, the DSWD Field Office which shall in turn provide copies to the petitioner, the concerned agencies and the concerned local civil registrar.

Thereafter, the concerned local civil registrar, shall cancel the new certificate of birth of the adoptee, and restore the adoptee's rectified birth certificate bearing the name(s) of the biological parents, or the foundling certificate, as the case may be.

XIV. Institutional Arrangements

A. City/Municipal Social Welfare and Development Offices shall:

1. Review the completeness and orderliness of the petition and the supporting documents. The C/MSWDO shall certify that the

petition and the supporting documents are complete in form and in substance;

2. Transmit the original petition together with the supporting documents to the DSWD Field Office within the prescribed timeline;
3. Ensure that petitioner paid the corresponding socialized fee, upon assessment that the petitioner(s) has the capacity to pay;
4. Maintain an updated databank of children being endorsed to DSWD-Field Office for Administrative Adoption and Rectification of Simulated Birth;
5. Facilitate capability-building activities to enhance the social workers' knowledge, attitude and skills (KAS) on administrative adoption and other alternative family care services and related laws/issuances;
6. Conduct information education activities that will encourage the public to avail of the benefits of the Act.

B. DSWD Field Office

The DSWD Field Office through the Adoption Resource and Referral Section (ARRS) shall manage and supervise the implementation of the Act in the respective regions. At the initial implementation of the Act, there shall be one (1) SWO III, at least two (2) SWO II, one (1) SWO I, and at least one (1) administrative staff in the ARRS that shall handle the petition(s). Additional staff may be hired depending on the volume of applications/petitions received, as determined by the Field Office.

The ARRS staff shall perform the following:

1. Act on the Petitions for Administrative Adoption within the number of days stipulated in the guidelines;
2. Conduct home visits to the child and the petitioner(s), do collateral interviews, validation visits and prepare a social case study report which will serve as basis of the recommendation to the Secretary by the Regional Director;
3. Ensure/facilitate the mandatory appearance of the petitioner(s) and the child before the Regional Director and prepare the verbatim transcription of the proceeding to be attached to the Petition together with the Certificate of Appearance of the child and the petitioners;
4. Follow-up immediate submission of lacking documents and noted discrepancies from petitioner(s);
5. Ensure that the petitioner(s) paid the corresponding socialized fees, if applicable, after the assessment by the social worker;

6. Ensure the sufficiency, completeness of the documents and consistency of the information therein contained prior to submission to the DSWD Central Office;
7. Ensure that the Order of Adoption is registered and the late registration and issuance of the rectified and the new birth certificates by the concerned Local Civil Registrars are complied with.
8. Supply the information about the child using a form that replicates the LCR form for the Birth Certificate or Foundling Certificate; Said replicated form shall be the reference of the LCR in the preparation and registration of the actual Birth or Foundling Certificate of the child. The duty to ensure the correctness of the information that will be indicated in the rectified and new birth record of the child rests with the social worker handling the case as validated by the petitioner;
9. Keep files of issued Order of Adoption, Petition and its supporting documents;
10. Maintain an updated data bank of administrative adoption-related cases under RA 11222.
11. Prepare/submit quarterly report every 5th day of the first month of the succeeding quarter and other reports as instructed by the Secretary on cases herein filed;
12. Conduct annual regional program review and evaluation workshop on the implementation of RA 11222 and other alternative family care services;
13. Facilitate conduct of post- adoption activities and assist the child (adoptee) and/or petitioner(s);
14. Regularly conduct orientation and technical assistance to concerned offices and agencies in relation to the implementation of RA 11222 and conduct quarterly meetings, dialogues together with local government units and non-government agencies, child caring and child placing agencies, family courts, hospitals and other stakeholders to discuss adoption and other alternative family care concerns for efficient and effective service delivery;
15. Continuously facilitate the capability-building activities to enhance the knowledge, attitude and skills (KAS) of the social workers on administrative adoption and rectification of simulated birth record and other alternative family care services and related laws/issuances at the regional level;

C. DSWD Central Office

The DSWD Central Office through the Program Management Bureau (PMB) shall manage and supervise the Adoption Resource and Referral Division (ARRD) in the implementation of the Act. There shall be one regular (1) SWO IV, at least four (4) SWO III, one (1) Legal Officer IV, three (3) Legal Assistants, at least two (2) administrative staff and at least one (1) statistician. Hiring of additional staff may be authorized, if necessary.

The ARRD staff shall perform the following:

1. Review and examine the petitions and supporting documents endorsed by the Regional Directors and make recommendation to the Secretary through the concerned Cluster Head;
2. Certify that all requirements pertaining the petition have been complied with before endorsing the same to the Office of the Secretary for the issuance of the Order of Adoption;
3. Ensure the Order of Adoption shall be in four (4) original SECPA copies;
4. Facilitate the issuance of a Certificate of Finality of the Order of Adoption within the prescribed timeline;
5. Act on Motion for Reconsideration or Petition for Rescission of Administrative Adoption, if there is any, within the prescribed timeline;
6. Monitor the turn-around time of the issuance of Order of Adoption/Denial.
7. Determine the number of cases filed based from the reports submitted by the FOs;
8. Maintain a data bank of children issued with Order of Adoption/Denial;
9. Provide regular technical assistance to ARRS in DSWD Field Offices in the implementation of administrative adoption program and other alternative parental care services;
10. Conduct annual national program review and evaluation workshop on the implementation of the act and other alternative family care services;
11. Perform other functions as maybe directed by the Secretary or the Head of PMB in relation to adoption program and the implementation of the Act.

XV. Civil Registry Records

In all cases, the cancellation of the simulated birth record, the recording and registration of the Order of Adoption, the rectified birth record and the new birth certificate or those pertaining to rescission of adoption, by the concerned local civil registrar or PSA, shall conform with the internal guidelines prescribed by the latter.

XVI. Effectivity

This Memorandum Circular shall **take effect immediately**.

Issued this JUN 10, 2020 in Quezon City, Philippines.


ROLANDO JOSELITO D. BAUTISTA
Secretary

Certified True Copy:


22 JUN 2020
HORACIO S. SAMSON, JR.

Instruction: Kindly use this template as guide in preparing the Petition. You may enhance it to include additional information/s that is/are relevant to the case but **do not** omit/delete any information already indicated, instead, please put "N/A" for information or requirement which is not applicable.

**PETITION FOR ADMINISTRATIVE ADOPTION WITH APPLICATION FOR
PETISYON SA ADMINISTRATIBONG PAG-AAMPON NA MAY KALAKIP NA APLIKASYON NG
RECTIFICATION OF SIMULATED BIRTH RECORD
PAGSASAAYOS NG HINDI TOTOONG SERTIPIKO NG KAPANGANAKAN**

I/We, _____, Filipino, of legal age, single/married
Ako/Kami, _____, Pilipino, nasa hustong gulang,wala/may asawa

to _____, and a resident of _____, after
kay _____, at naninirahan sa _____,matapos

having been duly sworn in accordance with law, hereby depose and say:
manumpa ayon sa mga umiiral na batas, ay nagsasabi na:

1. That I/We have _____ () legitimate/illegitimate child or descendant,
Na ako/kami ay may _____ () lehitimo/di-lehitimong anak o kamag-anak

name/d/ly:

na nagngangalang:

Age
edad

- | | |
|----------|-------|
| a. _____ | _____ |
| b. _____ | _____ |
| c. _____ | _____ |
| d. _____ | _____ |

(indicate "nothing follows" after child/ren been named)

(Ilagay ang "wala nang sumunod" matapos pangalanan ang/ ang mga anak)

2. That I/We have always wanted to have a child of my/our own;

Na noon pa man ay nais kong/naming magkaroon ng sarili kong/naming anak

3. That on/in _____, I/we took _____ (name of the

Na noong/sa _____, kinupkop ko/namin si _____ (pangalan ng bata)

child), who is ___ years of age, under my/our care;

na ngayon ay ___taong gulang na, sa ilalim ng aking/aming pangangalaga

4. That from _____ up to present, _____ (child) has been

Na mula _____ hanggang sa kasalukuyan, si _____ (pangalan ng bata) ay namumuhay

living with me/us and I/we have considered and treated him/her as my own/our
naninirahan kasama ko/namin at itinuring ko/namin na sariling

daughter and son;
anak;

5. That in the Certificate of Live Birth of _____, it is stated that I/we
Na sa Sertipiko ng Kapanganakan ni _____, nakasaad na ako/kami

am the mother/parents as I/we simulated his/her birth record, under the following
ang kanyang nanay/mga magulang dahil nagsinungaling at dinaya ko/namin ang mga
dokumento ng kanyang kapanganakan, dahil sa

circumstance(s):

mga sumusunod na pangyayari:

*(state the true identity of the child and biological parents, if known and other relevant
information, how the child came to the custody of the PAPs and the circumstances
information, kung paano napunta ang bata sa pangangalaga ng PAPs at ang mga
pangyayaring*

*that led to the simulation of birth and if it was made in conspiracy with a third person,)
naging dahilan para dayain ang kanyang kapanganakan at kung ito ay naganap sa
pakikipagsabwatan ng ibang tao)*

6. That despite the fact that I/we am/are not the biological mother of such child, I/we
Na sa kabila ng katotohanan na hindi ako/kami ang tunay niyang ina/mga magulang,

regard him/her as my/our own, provide his/her needs and love, nurture and
ay itinuring ko/namin siya na sariling anak, ibinigay ang kanyang mga pangangailangan, at
minahal, kinalinga at

tend him/her inside a family/home;

inalagaan ng isang pamilya/ tahanan;

7. That I/we intend to legalize the existing parent-child relationship that I/we
Na intensyon ko/namin na maging legal ang kasalukuyan naming relasyon bilang magulang at anak
na

have with _____, so he/she may enjoy the benefits our
mayroon kami sa isa't-isa, upang matamasa niya ang mga benepisyong itinakda ng

existing laws bestow upon an adopted child;

umiiral na batas para sa isang inampong bata;

That I/we decided to come out into the open and rectify the wrong I/we have
Na akin/aming napagdesisyonan na lumantad upang ituwid ang pagkakamali na aking/aming

committed by filing herein Petition in accordance with Republic Act.
nagawa sa pamamagitan ng paghahain ng Petisyon na naaayon sa Batas ng Republika

No. 11222 otherwise known as the "Simulated Birth Rectification Act"
Bilang 11222, na kilala din bilang "Batas sa Pagsasaayos ng Hindi Totoong Rehistro ng
Kapanganakan"
(regarded as the "Act" for brevity);
(itinuturing na "Ang Batas" bilang pagpapaikli);

8. **That, as may be applicable, the following persons have given the**
Na, kung maaari, ang mga sumusunod na tao ay nagbigay ng kanilang

consent to the adoption: (please check)
pahintulot sa pag-aampon:

- The prospective adoptee, if ten (10) years of age or over;**
Ang batang aampunin, kung 10 taon gulang pataas;
- The legitimate and adopted daughters and sons, ten (10) years of**
Ang mga lehitimong anak at legal na ampon ng mag-aampon, 10 taong gulang
pataas;
age or over, of the adopter;
- The legitimate and adopted daughters and sons, ten (10) years of**
Ang mga anak na lehitimo at legal na ampon ng aampunin, 10 taon gulang pataas;
age or over, of the adoptee;
- The illegitimate daughters and sons, ten (10) years of age or over, who are**
Ang mga di-lehitimong anak na kasamang namumuhay ng mag-aampon, 10 taon gulang o
mahigit pa;
living with the adopter;
- The spouse of the adopter; and,**
Ang asawa ng mag-aampon;
- The spouse of the adoptee.**
Ang asawa ng aampunin

9. **That I/we am financially, physically and morally capable, hence in the best**
Na ako/kami ay may kakayahang pinansyal, pisikal at moral, kaya't ako/kami ay nasa maayos na

position to rear and provide for the needs of _____;
kalagayan upang tustusan ang mga pangangailangan ni _____;

10. **That I/we possess all of the personal qualifications required under the Act and**
Na taglay ko/namin ang mga kwalipikasyong personal na nakasaad sa Batas

am qualified to adopt _____;
kaya't nararapat akong mag-ampon kay _____;

11. **That following documentary requirements form part and parcel of this Petition,**
Na ang mga sumusunod na dokumentong kinakailangan ay bahagi ng Petisyon na ito:
to wit:

- Authenticated (simulated) Birth Certificate of the child**
 Authenticated Birth Certificate of the petitioner(s)
 Affidavit of Admission

- Barangay Certificate
- Affidavit of two dis-interested persons
- Original CDCLAA
- Photograph (Oldest and Recent)
- Certificate of Attendance to Pre-Adoption Forum and Seminar
- Marriage Contract, Annulment Decree, Decree of Legal Separation
- Declaration of Nullity of Marriage

- Medical Certificate of the petitioner(s)
- Psychological Evaluation Report of the petitioner(s)
- NBI/Police Clearance
- Bank Statement, ITR, Cert.of Employment with Pay, Others: _____
- Negative Certification of Birth
- Receipt of Socialized Fee (SWDO and/or DSWD FO)
- Consent, please specify from whom
- _____
- _____
- _____

That the grant of this Petition shall create a legal status to our existing parent-
 Na ang pagsang-ayon sa Petisyon na ito ay lilikha ng legal na katayuan sa kasalukuyang estado ng

child relationship and shall redound to the best interest of
 aming relasyon bilang magulang at anak at ito ay lubos na makabubuti sa interes ni
 _____, **as he/she may then enjoy the benefits of a**
 _____, sapagkat tatamasahin niya ang mga benepisyo ng isang
legally adopted child as sanctioned by our laws.
 legal na ampon na nakasaad sa ating mga batas.

PRAYER

WHEREFORE, it is respectfully prayed of the Honorable Secretary of the Department of
 Kaya't mataimtim na isinasamo sa Kalihim ng Kawanihan ng Kagalingang
Social Welfare and Development, upon due notice and consideration that an Order of
 Panlipunan at Pagpapaunlad, matapos ang masusing pag-aaral, na maglabas ng Kautusan ng Legal na
Adoption be issued adjudging the (minor child) _____ for all legal intents and
 Pag-ampon na nagsasabing sa bisa nito, si _____, kalakip ang lahat ng legal na hangarin
purposes, my legitimate child, hereby directing that he/she shall be known as
 at layunin, ay maging lehitimong anak, samakatuwid sya ay makikilala bilang si
 _____ **and ordering the Local Civil Registrar of _____ to**

_____ at inaatasan ang Lokal na Tanggapan ng Pagpaparehistro Sibil ng _____

undertake the following:

upang isagawa ang mga sumusunod:

- a) **Cancellation of the simulated birth record of such child;**
Pagkansela ng hindi totooong rehistro ng kapanganakan ng bata;
- b) **Issuance of the rectified birth record bearing the name of the biological parents such child/ the issuance of a foundling certificate; and,**
Paglabas ng totooong Sertipiko ng Kapanganakan na taglay ang totooong biological parents such child/ the issuance of a foundling certificate; and, mga magulang ng bata o kaya ang pagbigay ng Certificate of Foundling; at
- c) **Issuance of a new Birth Certificate pursuant the Order of Adoption.**
Paglabas ng bagong Sertipiko ng Kapanganakan alinsunod sa Kautusan ng Pag-Ampon.

Further Affiant sayeth none.

Ang nagpapahayag ay wala nang ibang nabanggit.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ___ day of

Sa bisa ng saksi, ito ay aking nilagdaan ngayong

_____ **hereat** _____
sa

Affiant
Nagpapahayag

SUBSCRIBED AND SWORN TO BEFORE ME, a notary public in and for _____ (City/Province) this ___th day of _____ 20___. Affiant personally came and appeared with _____ (Competent Evidence of Identity) issued by the _____ (Government Agency) on _____ (date) at _____ (place), bearing his photograph and signature, known to me as the same person who personally signed the foregoing instrument before me and avowed under penalty of law to the whole truth of the contents of said instrument.

This instrument consists of _____ (___) pages including this page where the notarial seal is affixed.

WITNESS WITH MY HAND AND SEAL on the date above written.

Atty _____
Notary Public

Doc. No. _____
Page No. _____
Book No. _____
Series of 20 _____

Commission Serial No. _____
Notary Public for _____ (Province/City)
Until December 31, 20__
Office: _____ (address)

Roll No. _____
IBP Lifetime Roll No. _____; ___ / ___ / ___; (Province)
PTR No. _____; ___ / ___ / ___; (Province)
MCLE Compliance Cert. No. _____; ___ / ___ / ___