



# Adoption in the Philippines

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## ADOPTION IN THE PHILIPPINES

The case involves a minor child who was allegedly adopted by his grandparents. The child's birth certificate reveals no evidence of any adoption that records the petitioners as the legal parents of the child. Your question is whether or not a "common law adoption" is recognized under Philippine Law.

At the time when the adoption in question took place, the *Child and Youth Welfare Code* was the governing statute for adoption in the Philippines.<sup>1</sup> However, the procedure was still governed by the *Rules of Court*<sup>2</sup> in so far as they were not in conflict with the *Civil Code*.<sup>3</sup> The only valid adoption under Philippines Law is one made through the court or in pursuance of the procedure outlined by the rule. Adoption through mere agreement without sanction of the court cannot have the effect of establishing the relation of paternity and filiation by a fiction of law.<sup>4</sup> Therefore, a common law or informal adoption has no legal effects under Philippines Law.

In the case at hand, however, the minor's birth certificate is *prima facie* evidence of the paternity recorded therein. According to the *Civil Code*<sup>5</sup> the books making up the civil register and all documents related to it shall be considered public documents and shall be *prima facie* evidence of the facts contained in the register. Consequently, in order for any correction or cancellation to have a legal effect, it should be executed through a judicial order after the case has been tried.<sup>6</sup>

Therefore, unless and until a judicial decree determines the nullity of the birth certificate submitted for examination, the birth certificate remains valid and effective. The petitioners are the legal parents of the child in question.

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<sup>1</sup> Presidential Decree No. 603, in *Civil Code of The Philippines Annotated* (Manila, Rex Book Store, 1989), arts. 183-193).

<sup>2</sup> *Rules of Court*, Vol. III (Manila, Premium Book Store, 1986), Rule 99.

<sup>3</sup> *Supra* note 1, *Civil Code of The Philippines*.

<sup>4</sup> *Resaba, et vs. Republic of the Philippines*, 50 O.G. 3030; *Mc Gee vs. Republic*, 94 Phil. 820, *supra* note 2, at 742.

<sup>5</sup> *Supra* note 1, *Civil Code of The Philippines*, art. 410.

<sup>6</sup> *Malicdem v. Republic*, L-19141, October 31, 1964, *supra* note 2, at 635.