



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 163-2022

TO : ALL FAMILY COURTS AND REGIONAL TRIAL COURTS HANDLING ADOPTION CASES

SUBJECT: REPUBLIC ACT NO. 11642, ENTITLED 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, AND *EN BANC* RESOLUTION DATED 19 APRIL 2022 IN A.M. NO. 02-6-02-SC (RE: RULE ON ADOPTION)

Following the effectivity of Republic Act (R.A.) No. 11642, entitled “*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*” (Annex “A”), **on 28 January 2022¹**, the Court *en banc* issued the Resolution dated 19 April 2022 in A.M. No. 02-6-02-SC (Re: Rule on Adoption) (Annex “B”) providing the guidelines on the implications of R.A. No. 11642 on the Rule on Adoption, to quote:

1. Starting January 28, 2022 when R.A. No. 11642 took effect, courts may no longer receive or accept petitions for domestic adoption, jurisdiction over the same being now lodged with the National Authority for Child Care (NACC).
2. Pursuant to R.A. No. 11642, adoption proceedings are now administrative.

¹ Footnote 4 of *En Banc* Resolution dated 19 April 2022 in A.M. No. 02-6-02-SC (Re: Rule on Adoption)

3. Per Section 56 of R.A. No. 11642, “[a]ll *judicial petitions for domestic adoption pending in court upon the effectivity of the Act may be immediately withdrawn, and the parties to the same shall be given the option to avail of the benefits of the Act.*”
4. The phrase “*judicial proceedings pending in court*” refers to all cases already filed in court upon the effectivity of the law, regardless of the stage of the proceedings, applying the principle “when the law does not distinguish, the courts should not distinguish” (*expression unius est exclusio alterius*).
5. Although the law uses the term “*parties,*” the petition for adoption may be withdrawn only by the petitioner because the purpose of the withdrawal is to avail of the benefits of the new law.
6. If the petitioner/s do not withdraw their petition, the court shall continue to hear and decide the same pursuant to Sec. 56, R.A. No. 11642.
7. All courts are required, upon the effectivity of the law, to submit to the Office of the Court Administrator a list and status report of all pending adoption cases including archived cases, which are inactive cases included in the docket of the court.
8. The courts shall require the petitioner/s in adoption cases to manifest their intent to withdraw the petition within a given period, failing which, the court shall inform the parties that the court will proceed to hear and decide the case, and the petitioner/s shall be deemed to have waived the option to withdraw the petition under Sec. 56 of R.A. No. 11642. Should the petitioner/s avail of the provisions of R.A. No. 11642 without first withdrawing the petition for adoption, petitioner/s and counsel shall be subject to appropriate sanctions under the Rules of Court.
9. The Rule on Adoption which covers the domestic adoption of Filipino children is therefore rendered ineffective, except insofar as petitions for adoption which have not been withdrawn from the courts pursuant to Sec. 56 of R.A. No. 11642 are concerned. In such cases, the existing Rule on Adoption shall be applied.

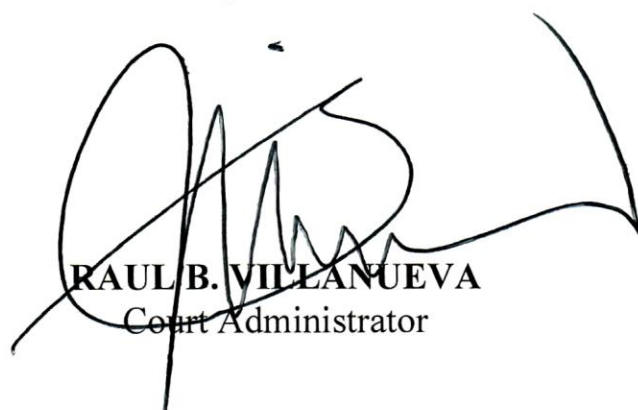
10. Although Sec. 47 of R.A. No. 11642 speaks of rescission of *administrative* adoption, rescission even of *judicial* adoptions should likewise be construed as being lodged with the NACC, on the following considerations (a) intent of R.A. No. 11642 to provide for administrative adoption and to remove the judicial process which has previously made legal adoption lengthy and costly; (b) spirit behind R.A. No. 11642 to streamline the adoption process which should apply equally to the rescission process; (c) providing for judicial rescission would be to give different grounds for rescission of the adoption for those adopted *prior* to and those adopted *after* the effectivity of R.A. No. 11642; and (d) acknowledging the jurisdiction of the NACC to rescind the adopted status of the child that was declared by order of the Family Courts would not be tantamount to permitting an administrative agency to review, or worse, reverse, a judicial decree considering that the adoption process and the rescission of adoption are separate and distinct special proceedings, and the action for rescission is *not* a continuation of the decree of adoption.

11. All pending inter-country adoption petitions filed in court pursuant to the provisions under part B of the Rule on Adoption shall be dismissed.

Accordingly, pursuant to the above-cited guidelines, particularly item 8 thereof, all concerned judges of family courts, and other judges of the Regional Trial Courts who are handling adoption cases are hereby **DIRECTED** to, among others, immediately require from the petitioners of pending adoption cases to manifest within a period of not more than thirty (30) calendar days from notice their intention to withdraw their petitions and correspondingly avail of the administrative adoption proceedings.

For information, guidance, and strict compliance.

01 July 2022



RAUL B. VILLANUEVA
Court Administrator