

	Domestic Adoption Act of 1998	Inter-Country Adoption Act of 1995
Who May Adopt	<p>(a) Any Filipino citizen of legal age, in possession of full civil capacity and legal rights, of good moral character, has not been convicted of any crime involving moral turpitude, 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 his/her children in keeping with the means of the family. The requirement of sixteen (16) year difference between the age of the adopter and adoptee may be waived when the adopter is the biological parent of the adoptee, or is the spouse of the adoptee's parent;</p> <p>(b) Any alien possessing the same qualifications as above stated for Filipino nationals: Provided, That his/her country has diplomatic relations with the Republic of the Philippines, that he/she has been living in the Philippines for at least three (3) continuous years prior to the filing of the application for</p>	<p>An alien or a Filipino citizen permanently residing abroad may file an application for inter country adoption of a Filipino child if he/she:</p> <ul style="list-style-type: none"> (a) is at least twenty-seven (27) years of age and at least sixteen (16) years older than the child to be adopted, at the time of application unless the adopter is the parent by nature of the child to be adopted or the spouse of such parent; (b) if married, his/her spouse must jointly file for the adoption; (c) has the capacity to act and assume all rights and responsibilities of parental authority under his national laws, and has undergone the appropriate counseling from an accredited counselor in his/her country; (d) has not been convicted of a crime involving moral turpitude; (e) is eligible to adopt under his/her national law; (f) is in a position to provide the proper care and support and to give the necessary moral values

¹ An Act Establishing the Rules and Policies on the Domestic Adoption of Filipino Children and For Other Purpose, DOMESTIC ADOPTION ACT OF 1998, § 7 (Feb. 25, 1998)

	<p>adoption and maintains such residence until the adoption decree is entered, that he/she has been certified by his/her diplomatic or consular office or any appropriate government agency that he/she has the legal capacity to adopt in his/her country, and that his/her government allows the adoptee to enter his/her country as his/her adopted son/daughter: Provided, Further, That the requirements on residency and certification of the alien's qualification to adopt in his/her country may be waived for the following:</p> <ul style="list-style-type: none"> (i) a former Filipino citizen who seeks to adopt a relative within the fourth (4th) degree of consanguinity or affinity; or (ii) one who seeks to adopt the legitimate son/daughter of his/her Filipino spouse; or (iii) one who is married to a Filipino citizen and seeks to adopt jointly with his/her spouse a relative within the fourth (4th) degree of consanguinity or affinity of the 	<p>and example to all his children, including the child to be adopted;</p> <ul style="list-style-type: none"> (g) agrees to uphold the basic rights of the child as embodied under Philippine laws, the U.N. Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act; (h) comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under his/her national laws; and (i) possesses all the qualifications and none of the disqualifications provided herein and in other applicable Philippine laws.²
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² An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children, and For Other Purposes, INTER-COUNTRY ADOPTION ACT OF 1995, § 9

	<p>Filipino spouse; or</p> <p>(c) The guardian with respect to the ward after the termination of the guardianship and clearance of his/her financial accountabilities.</p> <p>Husband and wife shall jointly adopt, except in the following cases:</p> <p>(i) if one spouse seeks to adopt the legitimate son/daughter of the other; or</p> <p>(ii) if one spouse seeks to adopt his/her own illegitimate son/daughter: Provided, However, that the other spouse has signified his/her consent thereto; or</p> <p>(iii) if the spouses are legally separated from each other.</p> <p>In case husband and wife jointly adopt, or one spouse adopts the illegitimate son/daughter of the other, joint parental authority shall be exercised by the spouses.¹</p>	
<p>Who May Be Adopted</p>	<p>The following may be adopted:</p> <p>(a) Any person below eighteen (18) years of age who has been administratively or judicially declared available for adoption;</p> <p>(b) The legitimate son/daughter of</p>	<p>Only a child legally available for domestic adoption may be the subject of inter-country adoption.⁴</p> <p>Only a legally free child may be the subject of inter-country adoption.</p>

³ DOMESTIC ADOPTION ACT OF 1998, § 8.

	<p>one spouse by the other spouse;</p> <p>(c) An illegitimate son/daughter by a qualified adopter to improve his/her status to that of legitimacy;</p> <p>(d) A person of legal age if, prior to the adoption, said person has been consistently considered and treated by the adopter(s) as his/her own child since minority;</p> <p>(e) A child whose adoption has been previously rescinded; or</p> <p>(f) A child whose biological or adoptive parent(s) has died: Provided, That no proceedings shall be initiated within six (6) months from the time of death of said parent(s).³</p>	<p>In order that such child may be considered for placement, the following documents must be submitted to the Board:</p> <p>(a) Child study;</p> <p>(b) Birth certificate/foundling certificate;</p> <p>(c) Deed of voluntary commitment/deed of abandonment/death certificate of parents;</p> <p>(d) Medical evaluation /history;</p> <p>(e) Psychological evaluation, as necessary; and</p> <p>(f) Recent photo of the child.⁵</p>
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⁴ Procedural Rule on Adoption, A.M. No. 02-6-02-SC, § 29.

⁵ INTER-COUNTRY ADOPTION ACT OF 1995, § 8.