

MALACANANG

Manila

EXECUTIVE ORDER NO. 91

AMENDING ARTICLES 27, 28, 29, 31, 33 AND 35 OF PRESIDENTIAL DECREE NO. 603, OTHERWISE KNOWN AS THE "CHILD AND YOUTH WELFARE CODE"

WHEREAS, IT IS IMPERATIVE THAT APPROPRIATE SAFEGUARDS BE INSTITUTED TO PROTECT FILIPINO CHILDREN WHO ARE PUT UP FOR ADOPTION;

NOW, THEREFORE, I, CORAZON C. AQUINO, PRESIDENT OF THE PHILIPPINES, DO HEREBY ORDER:

SECTION 1. ARTICLES 27, 28, 29, 31, 33 AND 35 OF THE PRESIDENTIAL DECREE NO. 603, OTHERWISE KNOWN AS THE "CHILD AND YOUTH WELFARE CODE" ARE HEREBY AMENDED TO READ AS FOLLOWS:

"ART. 27. WHO MAY ADOPT. - ANY PERSON OF AGE AND IN FULL POSSESSION OF HIS CIVIL RIGHTS MAY ADOPT: PROVIDED, THAT HE IS IN A POSITION TO SUPPORT AND CARE FOR HIS LEGITIMATE, LEGITIMATED OR ACKNOWLEDGED NATURAL CHILDREN, OR NATURAL CHILDREN BY LEGAL FICTION OR OTHER ILLEGITIMATE CHILDREN, IN KEEPING WITH THE MEANS, BOTH MATERIAL AND OTHERWISE, OF THE FAMILY.

"AN ALIEN NOT PERMANENTLY RESIDING IN THE PHILIPPINES WHO SEEKS TO ADOPT WITHIN THE COUNTRY MUST RESIDE IN THE PHILIPPINES FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE FILING OF THE PETITION FOR ADOPTION, MUST RESIDE IN THE PHILIPPINES FOR THE DURATION OF THE TRIAL CUSTODY PERIOD REQUIRED IN THIS CHAPTER, AND MUST COMPLY WITH SUCH

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RULES AND REGULATIONS THAT HAVE BEEN OR MAY BE ISSUED BY THE COUNCIL FOR THE WELFARE OF CHILDREN. HOWEVER, THE RESIDENCE AND TRIAL CUSTODY PERIOD REQUIREMENTS UNDER THIS PARAGRAPH MAY BE REDUCED OR DISPENSED WITH IN THE DISCRETION OF THE COURT IF THE APPLICANT/ APPLICANTS AND THE CHILD ARE RELATED BY BLOOD OR AFFINITY.

"IN ALL CASES OF ADOPTION, THE ADOPTER MUST BE AT LEAST FIFTEEN YEARS OLDER THAN THE PERSON TO BE ADOPTED."

"ART. 28. WHO MAY NOT ADOPT. THE FOLLOWING PERSONS MAY NOT ADOPT:

- (1) A MARRIED PERSON WITHOUT THE WRITTEN CONSENT OF THE SPOUSE;
- (2) THE GUARDIAN WITH RESPECT TO THE WARD PRIOR TO THE FINAL APPROVAL OF HIS ACCOUNTS;
- (3) ANY PERSON WHO HAS BEEN CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE;
- (4) AN ALIEN WHO IS DISQUALIFIED TO ADOPT ACCORDING TO THE LAWS OF HIS OWN COUNTRY OR ONE WITH WHOSE GOVERNMENT THE REPUBLIC OF THE PHILIPPINES HAS BROKEN DIPLOMATIC RELATIONS;
- (5) AN ALIEN WHOSE GOVERNMENT OR PLACE OF RESIDENCE ABROAD HAS NO AGENCY THAT CAN PROVIDE COMPETENT PROFESSIONAL EVALUATION (HOMESTUDY) OF THE ADOPTIVE FAMILY AND POST-PLACEMENT SERVICES TO THE CHILD AND THE FAMILY."

"ART. 29. ADOPTION BY HUSBAND AND WIFE. - HUSBAND AND WIFE MAY JOINTLY ADOPT. IN SUCH CASE, PARENTAL AUTHORITY SHALL BE EXERCISED AS IF THE CHILD WERE THEIR OWN BY NATURE.

"IF ONE OF THE SPOUSES IS AN ALIEN, BOTH HUSBAND AND WIFE SHALL JOINTLY ADOPT. OTHERWISE, THE ADOPTION SHALL NOT BE ALLOWED."

"ART. 31. WHOSE CONSENT IS NECESSARY. - THE WRITTEN CONSENT OF THE FOLLOWING TO THE ADOPTION SHALL BE NECESSARY:

(1) THE PERSON TO BE ADOPTED, IF FOURTEEN YEARS OF AGE OR OVER;

(2) THE NATURAL PARENTS OF THE CHILD OR HIS LEGAL GUARDIAN AFTER RECEIVING COUNSELLING AND APPROPRIATE SOCIAL SERVICES FROM THE MINISTRY OF SOCIAL SERVICES AND DEVELOPMENT OR FROM A DULY LICENSED CHILD-PLACEMENT AGENCY;

(3) THE MINISTRY OF SOCIAL SERVICES AND DEVELOPMENT OR ANY DULY LICENSED CHILD-PLACEMENT AGENCY UNDER WHOSE CARE AND LEGAL CUSTODY THE CHILD MAY BE;

(4) THE NATURAL CHILDREN, FOURTEEN YEARS AND ABOVE, OF THE ADOPTING PARENTS."

"ART. 33. CASE STUDY. - NO PETITION FOR ADOPTION SHALL BE GRANTED UNLESS THE MINISTRY OF SOCIAL SERVICES AND DEVELOPMENT HAS MADE A CASE STUDY OF THE CHILD TO BE ADOPTED, HIS NATURAL PARENTS AS WELL AS THE PROSPECTIVE ADOPTING PARENTS, AND HAS SUBMITTED ITS REPORT AND RECOMMENDATIONS ON THE MATTER TO THE COURT HEARING SUCH PETITION. THE MINISTRY OF SOCIAL SERVICES AND DEVELOPMENT SHALL INTERVENE ON BEHALF OF THE CHILD IF IT FINDS, AFTER SUCH CASE STUDY, THAT THE PETITION SHOULD BE DENIED."

"ART. 35. TRIAL CUSTODY. - NO PETITION FOR ADOPTION SHALL BE FINALLY GRANTED UNLESS AND UNTIL THE ADOPTING PARENTS ARE GIVEN BY THE COURT A SUPERVISED TRIAL CUSTODY

PERIOD OF AT LEAST SIX MONTHS TO ASSESS THEIR ADJUSTMENT AND EMOTIONAL READINESS FOR THE LEGAL UNION. DURING THE PERIOD OF TRIAL CUSTODY, PARENTAL AUTHORITY SHALL BE VESTED IN THE ADOPTING PARENTS.

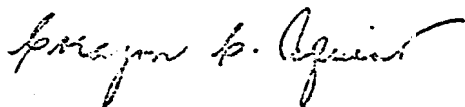
"THE COURT MAY, UPON ITS OWN MOTION OR ON MOTION OF THE PETITIONER, REDUCE OR DISPENSE WITH THE TRIAL CUSTODY PERIOD IF IT FINDS THAT IT IS TO THE BEST INTEREST OF THE CHILD. IN SUCH CASE, THE COURT SHALL STATE ITS REASONS FOR REDUCING OR DISPENSING WITH THE SAID PERIOD.

"AN ALIEN NOT PERMANENTLY RESIDING IN THE PHILIPPINES ADOPTING A FILIPINO CHILD SHALL COMPLETE THE SUPERVISED TRIAL CUSTODY PERIOD TO ENSURE THE CHILD'S ADJUSTMENT TO A NEW FAMILY LIFE AND CULTURE, SAVE IN THOSE CASES PROVIDED FOR IN ARTICLE 27 HEREOF."


SEC. 3. ALL LAWS, ORDERS, ISSUANCES, RULES AND REGULATIONS OR PARTS THEREOF INCONSISTENT WITH THIS EXECUTIVE ORDER ARE HEREBY REPEALED OR MODIFIED ACCORDINGLY.

4. THIS EXECUTIVE ORDER SHALL TAKE EFFECT IMMEDIATELY.

DONE IN THE CITY OF MANILA, THIS 17th DAY OF December -IN
THE YEAR OF OUR LORD, NINETEEN HUNDRED AND EIGHTY-SIX.



BY THE PRESIDENT



JOCKER P. ARROYO
EXECUTIVE SECRETARY