

### Title: In Re: Petition for Adoption of Michelle P. Lim and Michael Jude P. Lim

### Facts:

Monina P. Lim, an optometrist, and her husband, Primo Lim, were entrusted with the care of two minor children, Michelle P. Lim and Michael Jude P. Lim, by Lucia Ayuban, with their parentage unknown. To fulfill their desire for children, the Lims registered the minors as their own. After Primo Lim's death and Monina's remarriage to American citizen Angel Olario, she sought to formally adopt Michelle and Michael under Republic Act No. 8552 (RA 8552), which provides amnesty for those who simulated a child's birth. At the filing, Michelle was 25 and married, and Michael was 18 years and seven months old. Despite the consent from all parties involved, including Olario, the Regional Trial Court in General Santos City dismissed the petitions due to Monina's failure to jointly file for adoption with Olario, as mandated by RA 8552 and the Family Code for married petitioners.

### Issues:

1. Whether a remarried petitioner can singly adopt.
2. The mandatory nature of joint adoption by husband and wife under RA 8552 and the Family Code.
3. The applicability of RA 8552's requirements for a non-Filipino petitioner.
4. The effects of adoption, specifically concerning parental authority and the legal ties between adoptees and biological parents.

### Court's Decision:

The Supreme Court denied Monina Lim's petition, upholding the trial court's decision to dismiss the adoption petitions. The Court ruled that joint adoption by a married couple is mandatory under RA 8552, with no applicable exceptions in Lim's case. It emphasized the statutory requirements that Angel Olario, being an American citizen, failed to meet for adoption to proceed. Moreover, the Court clarified that adoption's effects extend beyond parental authority, affecting succession rights and the child's status, thereby necessitating adherence to the law's mandates.

### Doctrine:

The Supreme Court reiterated the doctrine that adoption laws are salutary and designed to promote the welfare of the child. It emphasized that joint adoption by married petitioners is mandatory under RA 8552, underscoring the law's clear provisions over the parties' consent or the adoptee's age of majority.

### Class Notes:

- RA 8552 allows for the adoption of Filipino children, with specific requirements for Filipino citizens and aliens.
- Joint adoption by a married couple is mandatory, except under specific circumstances outlined in RA 8552.
- The effects of adoption include severing legal ties with biological parents (unless one is the adopter's spouse), conferring legitimacy upon the adoptee, and establishing reciprocal rights of succession.
- Key statutory provisions: RA 8552, Sections 7, 16, 17, and 18; Family Code, Articles 209, 210, and 212.
- Emancipation does not negate the requirement for joint adoption nor diminish the legal effects of adoption concerning succession and legitimacy.

### Historical Background:

The case underscores the legislative intent behind RA 8552, the Domestic Adoption Act of 1998, which aims to legally secure the welfare of children in need of families, standardize the process of adoption, and ensure the rights of all parties involved. This legislative framework is part of the broader social and legal efforts in the Philippines to protect children's rights and promote their best interests, reflective of international conventions and national policies.