

OCA CIRCULAR NO. 144-2014, November 17, 2014

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TO :

ALL JUDGES OF THE FAMILY COURTS

SUBJECT :

CLARIFICATORY ISSUANCE RELATIVE TO OCA CIRCULAR NO. 10-2014 DATED 20 JANUARY 2014
(RE: REQUIREMENT OF THE LAW ON ADOPTION CASES)

In her 7 October 2014 letter, Secretary Corazon Juliano-Soliman of the Department of Social Welfare and Development (DSWD) recommended the issuance of a clarificatory circular emphasizing the requirement of the law on adoption cases, particularly on cases which involve children who are considered wards of the State, it appearing that some trial court judges fail to require both a certification that the child is legally available for adoption pursuant to Republic Act No. 9523; and a Consent to Adopt issued by the DSWD for children who are considered wards of the State. Acting on the said letter, all family court judges are hereby enjoined to **STRICTLY OBSERVE** the mandate of Republic Act Nos. 9523 ("An Act Requiring the Certification of the Department of Social Welfare and Development [DSWD] to Declare a 'Child Legally Available for Adoption' as a Prerequisite for Adoption Proceedings, xxx"), 8552 (Domestic Adoption Act of 1998), and 8043 (Inter-Country Adoption Act of 1995), and other related laws and issuances when handling adoption cases before your respective courts, with a **REMINDER** that particular attention be given to the following provisions:

Republic Act No. 9523

Sec. 8. Certification. - The certification that a child is legally available for adoption shall be issued by the DSWD in lieu of a judicial order, thus making the entire process administrative in nature.

The certification shall be, for all intents and purposes, the primary evidence that the child is legally available in a domestic proceeding, as provided in Republic Act No. 8552, and in an inter-country adoption proceeding, as provided in Republic Act. No. 8043.

Republic Act No. 8552

Sec. 9. Whose Consent is Necessary to the Adoption. - After being properly counseled and informed of his/her right to give or withhold his/her approval of the adoption, the written consent of the following to the adoption is hereby required:

x x x x

(b) The biological parent(s) of the child if known, or the legal guardian, or the proper government instrumentality which has legal custody of the child; (emphasis supplied)

For your information and guidance.

17 November 2014

(SGD.) JOSE MIDAS P. MARQUEZ

Court Administrator

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