

Adoption and the Right to Succeed: A Brief Overview

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The legal institution of adoption goes back to the ancient Roman Law, to which we, being of the civil law tradition, must look back for a history of its development.

This article attempts to trace the development of two aspects of the law on compulsory/intestate adoption, namely 1) between the adopter and the adopted and 2) between the adopted and his/her biological parents or relatives. The lines of development will include several laws: the Spanish Civil Code, the Code of Civil Procedure, Act No. 3997, the Civil Code of the Philippines, the Child and Youth Welfare Code, the Family Code, and the Domestic Adoption Law of 1998, which is the current governing law.

After a careful survey of the history and content of the governing laws, we now arrive at opposing positions. First is that the adopted has no right of compulsory and intestate succession to his biological parents and relatives.

The opposite view is that the adopted retains his right to succeed his biological parents and relatives. The following arguments may be put forward:

And so the matter stands. Until the issue is presented squarely for judicial resolution, or the law is amended, the question must remain unanswered.