

The Irrevocable Decision: Structurally  
Delineating Parental Rights vis-à-vis  
Section 4(a) of the Domestic Adoption Act  
of 1998

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The Domestic Adoption Act of 1998 is the latest in a series of laws creating a stronger and more vibrant Filipino family. The role of consent on the side of the biological parents is one that must not be underestimated; after all, the decision to put up their children for adoption is one requiring the fullest of consideration. But the advantage to this decision, prior to the Domestic Adoption Act of 1998, is that of lack of finality. After the enactment of the said law, natural parents are granted a grace period of only six months. After the expiration of the said period, the decision becomes irrevocable.

The right to withdraw consent one not recognized by the aforementioned legislation. But it cannot be denied that this form of consent may be vitiated, like other forms of consent. Thus, it is better to make a distinction between given consent that can be withdrawn and given consent that stands as irrevocable.

The right to withdraw must be based on a standard gleaned from an analysis of how the right to withdraw consent has been treated by courts. Thus, it is proposed that the following steps be adopted as part of a structural framework: first, good cause must be determined; second, the interests involved must be balanced; and third, the burden of proof must be properly displaced.