

Did the Domestic Adoption Act of 1998 alter the Law on Succession? A Perspective

Rowena V. Morabe-Cordon

Reginald A. Tayag

Ma. Isabelle B. Uson

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The enactment of the Domestic Adoption Act (Republic Act No. 8552) has raised questions on the Law on Succession. Section 18 of the law provides for reciprocal successional rights between the adopter and the adoptee. It also provides that where a will exists, the rules on testamentary succession will apply.

According to the Authors, this has led to the confusion that the reciprocal successional rights only vests in the existence of a will. They argue, however, to avoid the diminishing of successional rights of the adoptee, the adoptee has the right to inherit both from his blood relatives and adoptive parents, notwithstanding the absence of a will. This is consistent with the general principles on the Law on Succession.