

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1514

Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

EXPLANATORY NOTE

The tenets of our Constitution clearly stipulate that the family has the duty to care for the welfare of their elderly members. In the same breath, Article 195 of the Family Code clearly enunciates that legitimate ascendants and descendants of the family are obliged to support each other. Likewise, parents and their legitimate and/or illegitimate children are bound to support their family members who are incapable of financially supporting themselves.

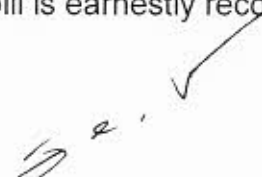
Sadly in the Philippine setting, numerous cases illustrate that many of the elderly members of the family, who are admittedly in the twilight of their lives, are being neglected and left to fend for themselves by their family members.

While we as an Asian country ascribe to our socio-cultural norm of practicing a closed-family ties culture, instances in our society indicate that there is an increasing number of elderly individuals begging for alms in the busy streets of Quaipo, Metro Manila and other highly urbanized areas all over the country. Thus, the time has come to enact laws to protect and support the concerns of the elderly population of this country.

With that in mind, this proposed measure seeks to address the growing problem of neglect and abandonment of the elderly members of the family by mandating and legally obliging the family members to provide financial support to their elderly members of the family.

Under this bill, elderly members who are "in need" of support may apply before the Courts of Justice to compel their descendants, whether legitimate or illegitimate, to give them financial and other support. The said petition for maintenance and support must state the facts showing that the elderly member is aged and is incapable of supporting himself/herself. Thereafter, the Court may grant or deny the petition, taking into consideration the financial resources of the family member and his/her obligation to maintain his/her own family before it orders the maintenance and support of the elderly member.

In view of the foregoing, approval of this bill is earnestly recommended.


AUGUSTO BOBOY SYJUCO, Ph. D.
2nd District, Province of Iloilo

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AN ACT
PROVIDING FOR THE MAINTENANCE AND SUPPORT OF THE
ELDERLY MEMBERS OF THE FAMILY AND FOR OTHER PROPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. – This Act shall be known as the “*Elderly Support Act of 2010*”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to be cognizant of the debilitating financial resources of the elderly members of the family. Towards this end, the State shall take positive steps to care for the needs of the elderly members of society through programs that strengthen the solidarity of the family and actively promote the family's holistic and total development.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

- a) “Elderly Member” – refers to the father, mother or direct ascendants of a particular child;
- b) “In Need” – shall mean the elderly members who are already aged, sickly or otherwise incapable of supporting themselves;
- c) “Support” – comprise a wide range of things indispensable for sustenance, dwelling, clothing, medical attendance, and transportation, in keeping with the financial capacity of the family.

SEC. 4. *Support of the Parents.* – Children shall maintain and support their father and/or mother or other direct ascendants who are “in need”.

Where an elderly member claims to be in need of financial and other support, he/she may, by himself/herself or through a representative of the Department of Social Welfare and Development (DSWD) or by a counsel, file a petition in court for his/her maintenance and support for any or all of his/her children.

Upon trial, the elderly member shall be represented by a lawyer from the public attorney's office and shall be exempt from all charges and legal fees.

SEC. 5. *Contents of the Petition.* – The petition for maintenance and support must state the following:

- a) The facts showing that the elderly member is aged and is incapable of supporting himself/herself;
- b) The names of the children and their residence; and
- c) The current economic status of the children.

The petition shall be verified and shall be sufficient if based upon the information and belief of the petitioner.

SEC. 6. *Order of Hearing.* – If the petition filed is sufficient in form and in substance, the Court, by an order reciting the purpose of the petition, shall fix the date for the hearing hereof and a copy of such order be served on the child/children required to maintain and support such elderly member.

SEC. 7. *Order of the Court.* – The Court may, after proper notice and hearing, grant or deny the petition. Moreover, the Court shall take into consideration the financial resources of the child/children and his/her obligation to maintain his/her own family before it orders the maintenance and support of the elderly member.

SEC. 8. *Lead Agency.* – The Department of Social Welfare and Development (DSWD) shall be the lead agency tasked with the responsibility to effectively implement the provisions of this Act.

SEC. 9. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the Department of Social Welfare and Development (DSWD), in coordination with the Department of Justice (DOJ), Department of Health (DOH), and the Department of Interior and Local Government (DILG), shall promulgate the rules and regulations necessary to effectively implement the provisions hereof.

SEC. 10. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Separability Clause.* – If, for any reason, any section or provisions of this Act shall be held unconstitutional or invalid, the other section or provision not otherwise affected shall remain valid.

SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.