

**Fifteenth Congress
First Regular Session**

HOUSE BILL NO. 2295

Introduced by Honorable Godofredo V. Arquiza

EXPLANATORY NOTE

This bill seeks to give special protection and security to Parents, as well as the Senior Citizens and the Elderly, from economic abuse and financial hardships caused by children and grandchildren who have neglected and abandoned them.

Section 11, Article II of the 1987 Constitution provides that:

“The State values the dignity of every human person and guarantees full respect for human rights.”

As one ages, friends leave one by one. Siblings and other relatives also leave their homes or die sooner or later. Children and others at home have no time or interest in elders. They are busy in their own world. On top of this, as people grow old, they are upset by economic problems such as loss of employment, income deficiency and economic insecurity. The moral duty to maintain parents is recognized by the conservative Filipino people.

It is the duty of the State to enact measures to promote human dignity and safeguard the rights of parents, as well as the Senior Citizens and elderly from any form of economic disadvantage. Many children nowadays, after having been reared, loved, nurtured and sent to school by their parents, have totally abandoned their parents for selfish reasons.

The State shall intervene on behalf of the parents, Senior citizens and elderly when the immediate family members refuse or fail to support them. The best interest of the parents, Senior Citizens and the elderly shall be the paramount consideration of the State. Every effort shall be exerted to protect their welfare so they may live peacefully in the remaining years of their life.

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


GODOFREDO V. ARQUIZA

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**A MAINTENANCE AND WELFARE ACT FOR PARENTS, SENIOR CITIZENS,
AND THE ELDERLY, PROVIDING FOR REMEDIES, PRESCRIBING PENALTIES
THEREFORE, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.*- This Act shall be known as the "**The Maintenance and Welfare of Parents, Senior Citizens and Elderly Act of 2010**".

SECTION 2. *Declaration of Policy.*- It is hereby declared that the State values the dignity of Parents, Senior Citizens and the Elderly and guarantees full respect for human rights. The State also recognizes the need to protect them from financial hardships for their own survival and stability.

Towards this end, the State shall exert efforts to address all forms of economic hardships committed against them in keeping with the fundamental freedoms guaranteed under the Constitution.

SECTION 3. *Definition of Terms* – As used in these Rules, the term:

(a) "Parent" is the mother or the father of a child, whether biological or adoptive, whether or not a senior citizen or elderly, who is unable to maintain and financially support himself/herself;

(b) "Senior citizen" shall mean any resident citizen of the Philippines at least sixty (60) years old or older as defined in Republic Act No. 9257, otherwise known as the "*Expanded Senior Citizens Act of 2003*."

(c) "*Elderly*" shall mean any resident citizen of the Philippines who is between the ages of fifty (50) and fifty-nine (59) years old;

(d) "*Members of the family*" refers to the children, brothers or sisters whether of full or half blood, and other descendants or collateral relatives within the fourth (4th) civil degree of consanguinity of the Parent or Senior Citizen or the Elderly.

(e) "*Maintenance*" includes provisions for food, clothing, shelter, medical attendance and treatment;

(f) "*Shelter*" refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for purposes of this Act.

SECTION 4. Construction. - This Act shall be liberally construed to protect and guarantee the economic stability of parents, Senior Citizens and the elderly.

Section 5. Maintenance of Parents, Senior Citizens and Elderly. – A parent or senior citizen or elderly can file an application for maintenance and financial support against one or more of his children or grandson or grand-daughter or other members of the family who are capable to maintain them in their home and/or give financial support.

The obligation of the children or grandchildren to maintain his or her parent or grandparent extends to the needs of such parent or grandparent for food, clothing, medical attendance and treatment.

A childless senior citizen or elderly, on the other hand, can make an application for support against his brothers or sisters or other relatives within the fourth (4th) degree of consanguinity.

If the child or relative, as the case may be, neglects or refuses to maintain his parent, or grandparent senior citizen or elderly in his home, or is unable to financial support him, the parent or grandparent senior citizen or elderly, may apply for financial support in the Family Court where he is residing, at such monthly rate for his maintenance which includes his food, clothing, shelter, medical attendance and treatment;

The amount of support shall be in proportion to the resources or means of the child or relative and to the necessities of the parent, senior citizen or elderly.

Support shall be reduced or increased proportionately, according to the necessities of the parent, senior citizen or elderly and the resources or means of the person ordered by the court to furnish the same.

The obligation to give support shall be demandable from the time the parent, senior citizen or elderly needs it for maintenance, but it shall not be paid except from the date of judicial or extra-judicial demand.

SECTION 6. *Acts of Economic Abuse against Parents, Senior Citizens and the Elderly and Penalties imposable.* - The crime of economic abuse against Parents, Senior Citizens and the Elderly are committed by:

- (a) Any legitimate/ illegitimate/ adopted child or grandchild of the parent, senior citizen or elderly, who shall deprive or threaten to deprive them of financial support or financial resources, despite having the financial capacity to do so, shall suffer the penalty of *Prision Correccional* or a period ranging from six (6) months and one (1) day to six (6) years;
- (b) Any legitimate/illegitimate/adopted child or grandchild of the parent, senior citizen or elderly, who refuses to accept and maintain in their home, the homeless parent, senior citizen or elderly despite having the capacity to maintain the latter, shall suffer the penalty of *Prision Correccional* or a period of from six (6) months and one (1) day to six (6) years;
- (c) Any legitimate/ illegitimate/ adopted child or grandchild of the parent, senior citizen or elderly who shall unjustly control the victim's own money or property/is shall suffer the penalty of *Prision Correccional* or a period of from six (6) months and one (1) day to six (6) years;
- (d) Any brother or sister whether of the full or half blood and other descendants or collateral relatives within the fourth (4th) civil degree of the Parent or Senior Citizen or the Elderly who shall deprive or threaten to deprive financial support or resources or reject to maintain the senior citizen or elderly in his home, despite having the financial capacity to do so, shall suffer the penalty of *Arresto Mayor* or a period of from one (1) month and one(1) day to six (6) months;

SECTION 7. *Venue.*- The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction over cases of Maintenance and Financial Support against the Parent or Senior Citizen or the Elderly under this law. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the complainant.

SECTION 8. *Exemption from Payment of Docket Fee and Other Expenses.* - Since the victim is an indigent, the court shall accept the application without payment of the filing fee and other fees and of transcript of stenographic notes.

SECTION 9. *Mandatory Programs and Services for Victims.* - The DSWD, and LGU's shall provide the victims temporary shelters, provide counseling, psycho-social services and/or recovery, rehabilitation programs and livelihood assistance. The DOH shall provide medical assistance to victims.

SECTION 10. *Funding* – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

SECTION 11. *Implementing Rules and Regulations*. – Within six (6) months from the approval of this Act, the DOJ, the DSWD, the DILG, the DOH, and the PNP, and three (3) representatives from NGOs to be identified by the DSWD, shall promulgate the Implementing Rules and Regulations (IRR) of this Act.

SECTION 12. *Suppletory Application* – For purposes of this Act, the Family Code, Revised Penal Code and other applicable laws, shall have suppletory application.

SECTION 13. *Separability Clause*. – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SECTION 14. *Repealing Clause* – All laws, Presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 15. *Effectively* – This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

Approved,


GODOFREDO V. ARQUIZA