

HOUSE of REPRESENTATIVES
House Bill No. 5131

Introduced by: MA. THERESA B. BONOAN-DAVID
4th District, City of Manila

EXPLANATORY NOTE

The Filipino family is known for its closely-knit relationship. It is for this reason that a number of Filipino values stemmed from this trait, like the showe of respect for the elderly with the use of "po" and opo" and *Pagmamamano*.

Corollary to this, a cursory review of our statute books would reveal a coterie of provisions and policies indicating respect one's parents and the elderly, viz.;

- "The State recognizes the Filipino family as the foundation of nation. Accordingly, it shall strengthen its solidarity and actively promote its total development." (Art. XV, Sec. 1)
- "The family has the duty to care for its elderly members but the State may also do so through just programs of social security." (Sec. 4, Art. 15).
- Under Article 195 of the Family Code, legitimate ascendants and descendants are obliged to support each other. Likewise, parents and their legitimate and/or illegitimate children are bound to support each other.

However, there are cases where elderly members of the family, who are, admittedly in the twilight of their lives, are neglected and left to fend for themselves. There are even instances where elderly members are abandoned by their own children without any means of support. Thus, the time has come to enact laws to protect the elderly.

This bill addresses the growing problem of neglect and abandonment of the elderly. Elderly members who are "in need of maintenance to compel their descendant whether legitimate of illegitimate to give support."

Immediate approval of this legislation is earnestly recommended.



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**AN ACT PROVIDING FOR THE MAINTENANCE
AND SUPPORT OF ELDERLY MEMBERS OF THE FAMILY,
AND FOR OTHER PURPOSES**

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

Section 1. Declaration. It is declared policy of the State to be cognizant of the debilitating financial resources of the elderly members of the family. Hence, the State must take positive steps to care for their needs through programs that strengthen the solidarity of the family and actively promote its total development.

Section 2. Definition of Term. For purposes of this Act the following terms shall mean:

- a) "elderly member"---refers to the father or mother or other direct ascendants of a particular child;
- b) "in need"---shall mean the elderly member who are already aged, sickly, disabled or otherwise incapable of supporting themselves;
- c) "support"---comprise everything indispensable for sustenance, dwelling, clothing, medical attendance, and transportation, in keeping with the financial capacity of the family.

Section 3. Maintenance of Parents: Children shall maintain and support their father or mother and other direct ascendants who are in need.

Where an elderly member appears to be in need, he may by himself or through a representative of the Department of Social Welfare and Development (DSWD), file a petition in court for his maintenance and support from any or all of his children. Upon trial elderly member shall be represented by a lawyer from the public attorney's office and shall be exempt from all charges and fees.

Section 4. Contents of the Petition--the petition for maintenance and support shall state:

- (a) The facts showing that the elderly member appears to be aged, sickly, disabled or otherwise incapable of supporting themselves;
- (b) The names of the children and their residence and current status in life. The petition shall be verified and shall be sufficient if based upon the information and belief of the petitioner:

Section 5. *Ordering of Hearing:* If the petition filed is sufficient in form and substance, the court, by an order reciting the purpose of the petition, shall fix the date for the hearing thereof and a copy of such order shall be served on the child/ children required or maintain and support such elderly member.

Section 6. *Order of Hearing:* The court may after notice and hearing, grant or deny the petition. Moreover, the court shall take into consideration the financial resources of the child/children and his obligation to maintain his own family before it orders the maintenance and support of the elderly member.

Section 7. *Implementing Rules and Regulations:* The Department of Social Welfare and Development (DSWD) shall make the rules and guidelines necessary for the proper implementation of this Act.

Section 8. *Repealing Clause.* - All laws, presidential decrees, executive orders, proclamations, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 9. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the other provisions not affected thereby shall remain valid.

Section 10. *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.

APPROVED.