

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1657



Introduced by Representative Roman T. Romulo

**AN ACT
PROVIDING FOR PARENT SUPPORT, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

"... they who protected the weakness of our infancy, are entitled to our protection in the infirmity of their age; they who by sustenance and education have enabled their offspring to prosper, ought in return to be supported by that offspring, in case they stand in need of assistance."¹

Filial responsibility statutes or the rules mandating children to provide support to their parents existed for over thousands of years. As early as the third century A.D. in Roman society, there were statutory mutual obligations of support and maintenance between children and parents. Ethics also dictated support of relatives in medieval Europe. This ethical standard developed by custom and usage into support laws from parent to child and, ultimately, from child to parent. Later, a law imposing the duty of parental support on children was incorporated in the *Code Napoleon*, the civil code enacted in the 1800s, which became the main influence of 19th-century civil codes of most countries of continental Europe and Latin America. In 1601, a relative responsibility statute enacted by English Parliament in 1597, which applied only to parents and children, was extended to additional collateral relatives.²

In the United States, 30 states have filial responsibility laws: Alaska, Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Iowa, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia and West Virginia.

¹ Wm. Blackstone, *Commentaries on the Laws of England* p. 442 (1765)

² A comparative analysis of Filial Responsibility: Italy and United States by Anna Maria De Giacomo

States with filial responsibility statutes take a variety of approaches to implementation. Some states allow for civil court action to obtain financial support (or cost recovery), while others make filial non-support a criminal offense, whilst others allow both civil and criminal actions.

We, Filipinos, are well-known for our close family ties. Because of this, it is not surprising that we have the usual inclination to care for our elderly. However, even with these close family ties, there are cases of elderly, sick, and incapacitated parents being abandoned by their own children. Nowadays, the sights of abandoned elderly in our streets become typical. Children fail to provide the necessary support to their aging, sick and incapacitated parents. This happens despite our moral and natural obligation to maintain our parents who are in need of support. On the same vein, our Family Code imposes on us the legal obligation to support our elderly. Article 195 of our Family Code provides:

*Article 195. Subject to the provisions of the succeeding articles, **the following are obliged to support each other** to the whole extent set forth in the preceding article:*

- (1) The spouses;*
- (2) Legitimate ascendants and descendants;*
- (3) **Parents and their legitimate children and the legitimate and illegitimate children of the latter;***
- (4) **Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and***
- (5) Legitimate brothers and sisters, whether of full or half-blood.*

Despite this provision of the Family Code, many elderly people who are no longer able to sustain themselves are neglected and abandoned by their children. While the government is doing its best in providing support in the form of food and shelter as well as enacting legislations like the Senior Citizens Act, it cannot be over-emphasized that taking care of the elderly members of the society is a shared responsibility of the government and the children of the elderly. The care for the aged is neither an exclusively private matter to be left to the family nor an exclusively public concern best left to the government.

This proposed bill, therefore, seeks to further strengthen filial responsibility and to make it a criminal offense in case of flagrant violation thereof. Abandonment of a parent in need of support shall likewise constitute a criminal act. A parent in need of support may file a petition for support before the court and pray for the issuance of a support order against

those children who failed or refused to provide the necessary support. The legal representation of the parent in need of support will be provided by the Public Attorney's Office and no court fees will be assessed. This bill also seeks to establish Old Age Home for the elderly, sick or otherwise incapacitated parents in every province and highly urbanized cities.

In light of the foregoing, the passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Roman T. Romulo', with a stylized flourish at the end.

ROMAN T. ROMULO

Lone District, Pasig City

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AN ACT
PROVIDING FOR PARENT SUPPORT, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title.*** - This Act shall be known as the "*Parents Welfare Act of 2022*".

2
3 **SECTION 2. *Declaration of principle.*** - Pursuant to Article XV, Section 4 of the
4 Constitution, it is the duty of the family to take care of its elderly members while the State
5 may design programs of social security for them. Therefore, the State, together with the
6 children of parents in need of support, must promote the welfare of parents who are aged,
7 sick, incapacitated and not capable of supporting themselves.

8
9 **SECTION 3.** In this Act, unless the context otherwise requires, the following definition
10 of terms shall be adopted:

11
12 (a) "children" includes son, daughter, grandson, granddaughter, whether biological or
13 adoptive, but does not include a minor or those over the age of majority but are
14 unable to fully take care of themselves due to a physical or mental disability or
15 condition;

16
17 (b) "parent in need of support" refers to the father or mother or other direct
18 ascendants who is a senior citizen, aged, sickly, or who, regardless of age, is
19 permanently incapacitated or otherwise not capable of supporting themselves;

20
21 (c) "support" includes provisions indispensable for sustenance, clothing, residence,
22 medical attendance and treatment, recreation and other amenities necessary for

1 the parent in need of support to lead a normal life and in keeping with the financial
2 capacity of the family;
3

4 **SECTION 4. *Support.*** - A parent in need of support who is unable to maintain
5 himself/herself from his/her own earning or out of the property owned by him/her or who is
6 incapacitated or otherwise incapable of supporting himself/herself shall be given support by
7 his/her children.
8

9 If the parent concerned has several children, the support to be given shall be divided
10 among them in proportion to their resources or financial capacity and in such manner as may
11 be just and equitable.
12

13 Grandchildren shall only be liable to support their ascendants if the children of such
14 ascendants cannot fulfill their duty to support due to death, illness or if they are unable to
15 fully take care of themselves due to physical or mental disability or condition.
16

17 **SECTION 5. *Demand for Support.*** - No demand for support is necessary before the
18 obligation to support accrues. However, prior request for support, which was denied or
19 unacted within an unreasonable period of time, is a requirement for the filing of a Petition for
20 Support before a court of competent jurisdiction.
21

22 **SECTION 6. *Payment of Support.*** - In instances where the parent in need of support is
23 not being maintained by his/her children in their dwelling, or only one of the children of the
24 parent concerned is taking care of him/her in his/her dwelling, the share for the support of
25 such parent by children who has no custody shall be paid within the first five (5) days of every
26 month.
27

28 The court, in its discretion, may order for the payment of a lump sum, or a monthly
29 allowance or periodical payment for such a period as the court may determine taking into
30 consideration the circumstances of the parties. The manner and method of payment of
31 support shall also be under the discretion of the court.
32

33 **SECTION 7. *Option in the Fulfillment of the Obligation to Support.*** - The children of
34 the parent in need of support shall have the option to fulfill the obligation either by paying
35 the support fixed by the Support Order, or by receiving and maintaining in the family dwelling
36 the parent concerned. The latter alternative cannot be availed of in case there is a moral or
37 legal obstacle thereto.
38

39 **SECTION 8. *Support Order.*** - A support order is an order issued under this Act for the
40 purpose of compelling the children to provide the necessary support to their parent.

1 The order shall include the name/s of the children required to give support, the
2 amount necessary for the support of their parent, and the share of each of the children.
3

4 It shall be immediately executory and no temporary restraining order or injunction
5 shall be issued by any court, except the Supreme Court, to stay the said order.
6

7 The order may be modified from time to time, upon motion of the applicant, according
8 to the necessities of the recipient and the resources or means of the children obliged to
9 furnish support.
10

11 In case of urgent need and by special circumstances, the court may order only one of
12 the children to furnish the support provisionally, without prejudice to his/her right to claim
13 from the other children the share due from them.
14

15 **SECTION 9. *Petition for Support.*** - A Petition for Support may be filed in the regional
16 trial court with territorial jurisdiction over the place of residence of the petitioner: Provided,
17 however, that if a family court exists in the place of residence of the petitioner, the application
18 shall be filed with that court.
19

20 The petition may be filed against one or more persons who have the obligation to
21 support the parent concerned. Children against whom a petition for support has been filed
22 may implead other children who are similarly liable to give said support.
23

24 The death of one of the children of the parent in need of support will not affect the
25 liability of others.
26

27 The petition shall be resolved within ninety (90) days from the date of the service of
28 summons to the respondents. The period may be extended once for a maximum period of
29 thirty (30) days in exceptional circumstance and the reason/s to be stated in the Order or
30 decision.
31

32 **SECTION 10. *Contents of the Petition.*** – The petition must state the following:
33

- 34 a) the identity of the parent in need of support, his/her residence and age;
35
36 b) the facts showing that the parent in need of support is a senior citizen, aged, sickly,
37 or who regardless of age is permanently incapacitated or otherwise not capable of
38 supporting himself/herself,
39

- c) that the parent in need of support is unable to maintain himself/herself from his/her own earning or out of the property owned by him/her or that he/she is permanently incapacitated or otherwise incapable of supporting himself/herself,
- d) the names of the children, their degree of relationship with the parent in need of support and their current status, and,
- e) the approximate amount and care needed by the parent in need of support.

SECTION 11. *Who may file Petition for Support.* - The Petition for Support may be filed by any of the following:

- a) the parent in need of support;
- b) children of the parent in need of support against those who do not provide or contribute for the support of the former,
- c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- d) officers or social workers of the Department of Social Welfare and Development (DSWD) or social workers of local government units (LGUS);
- e) lawyer or healthcare provider of the parent in need of support;
- f) any person or institution who has the care of the parent in need of support;
- g) At least two (2) concerned responsible citizens of the city or municipality where the parent in need of support resides.

SECTION 12. *Support Pendente Lite.* - The court, during the pendency of the proceeding, shall, in accordance with the provisions of the Rules of Court, order such children to provide interim support to their parent.

SECTION 13. *Right to Legal Representation.* - The parent in need of support shall be represented by the Public Attorney's Office notwithstanding that the petition was filed by other person/s or institution/s for and in behalf of the parent.

SECTION 14. *Payment of Court Fees.* - The Petition for Support filed by the parent in need of support shall be exempt from all court charges and fees whether they filed the petition for support personally or the same was filed in their behalf.

1 **SECTION 15. *Circumstances to be considered in the Issuance of Support Order.*** - The
2 court, in granting the Petition for Support, shall consider, but shall not be limited to, the
3 following circumstances:

- 4
- 5 a) the financial needs of the parent in need of support, taking into account
6 reasonable expenses for housing and medical costs;
- 7
- 8 b) the income, earning capacity, property and other financial resources of the parent
9 concerned and the manner in which such parent has spent his/her savings or
10 dissipated his/her financial resources;
- 11
- 12 c) the physical or mental disability of the parent concerned;
- 13
- 14 d) the income, earning capacity, property and other financial resources of the
15 respondent/s;
- 16
- 17 e) the expenses incurred by the respondent in supporting his/her own requirements,
18 his/her spouse and that of his/her children; and,
- 19
- 20 f) the contributions and provisions, whether financial or otherwise, which the
21 respondent has made for the maintenance of his/her parent.
- 22

23 **SECTION 16. *Ground for Non-Issuance of Support Order.*** - If the court determines
24 after due notice and hearing that the parent in need of support abandoned, abused or
25 neglected the respondent, it may dismiss the petition or may reduce the quantum of support
26 ordered by such amount as may be just.

27

28 The burden of proving abandonment, abuse or neglect shall be on the respondent
29 alleging it.

30

31 **SECTION 17. *Power of the Court to Vary or Rescind Support Order.*** - The court may
32 vary or rescind any subsisting Support Order based on any misrepresentation or mistake of
33 fact, or where there has been any material change in the circumstances of the parent in need
34 of support or any of his/her children or where other children is joined as a respondent, or for
35 other good cause shown to the satisfaction of the court.

36

37 **SECTION 18. *Conciliation and Mediation.*** - In order to preserve the family unity and
38 peace, the court, before hearing the petition, shall refer the parties to a conciliation officer
39 for mediation.

40

1 **SECTION 19. *Effect of Failure to Give Support.*** - Where a Support Order has been
2 issued by the court and the children so ordered fail to comply, without sufficient cause or
3 reason, the court may, for every breach of order, issue a warrant for levying the amount due
4 in the manner provided for levying of fines. Provided that, if the respondent continues to fail
5 in giving said support for three (3) consecutive months without justifiable cause, the
6 respondent shall suffer the penalty of imprisonment of one month to six months or a fine of
7 one hundred thousand pesos (PhP 100,000.00) at the discretion of the court.

8
9 **SECTION 20. *Abandonment of a Parent in need of support.*** - Whoever, having the
10 care or protection of a parent in need of support, leaves such parent in any place with the
11 intention of wholly abandoning the latter shall be punished with imprisonment of six (6) years
12 to ten (10) years and a fine of not less than three hundred thousand pesos (P 300,000.00).

13
14 **SECTION 21. *Establishment of Old Age Home.*** - It is hereby mandated that all
15 provincial government and highly urbanized cities shall establish and maintain at least one (1)
16 Old Age Home that can accommodate at least fifty (50) parents.

17
18 **SECTION 22. *Separability Clause.*** - If any provision of this Act is declared
19 unconstitutional, the same shall not affect the validity and effectivity of the other provisions
20 thereof.

21
22 **SECTION 23. *Repealing Clause.*** - All laws, decrees, orders and issuances or portion
23 thereof, which are inconsistent with the provisions of this Act, are hereby repealed or
24 modified accordingly.

25
26 **SECTION 24. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
27 in at least two (2) national newspapers of general circulation.

28
29 *Approved,*