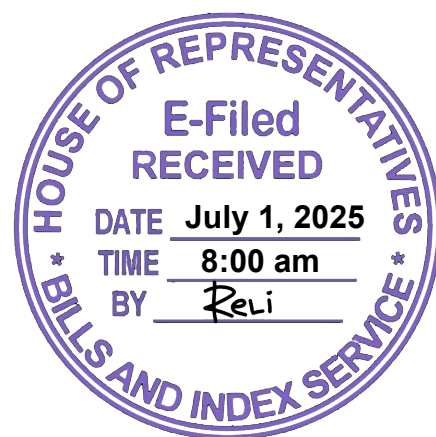


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 682



Introduced by Representative Roman T. Romulo

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.

States with filial responsibility statutes take a variety of approaches to implementation. Some states allow for civil court action to obtain financial support (or

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

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:*

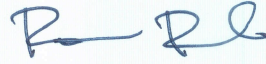
- (1) The spouses;*
- (2) Legitimate ascendants and descendants;*
- (3) **Parents and their legitimate children** and the legitimate and illegitimate children of the latter;*
- (4) **Parents and their illegitimate children** and the legitimate and illegitimate children of the latter; and*
- (5) Legitimate 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 blue ink, appearing to read 'R. Romulo', with a stylized flourish at the end.

ROMAN T. ROMULO
Lone District, Pasig City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
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HOUSE BILL NO. 682

Introduced by Representative Roman T. Romulo

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*”.

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

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

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

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

17 (c) “support” includes provisions indispensable for sustenance, clothing,
18 residence, medical attendance and treatment, recreation and other
19 amenities necessary for the parent in need of support to lead a normal life
20 and in keeping with the financial capacity of the family;

21 **SEC. 4. Support.** - A parent in need of support who is unable to maintain
22 himself/herself from his/her own earning or out of the property owned by him/her or

1 who is incapacitated or otherwise incapable of supporting himself/herself shall be
2 given support by his/her children.

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

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

9 **SEC. 5. Demand for Support.** - No demand for support is necessary before
10 the obligation to support accrues. However, prior request for support, which was
11 denied or unacted within an unreasonable period of time, is a requirement for the filing
12 of a Petition for Support before a court of competent jurisdiction.

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

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

22 **SEC. 7. Option in the Fulfillment of the Obligation to Support.** - The children
23 of the parent in need of support shall have the option to fulfill the obligation either by
24 paying the support fixed by the Support Order, or by receiving and maintaining in the
25 family dwelling the parent concerned. The latter alternative cannot be availed of in
26 case there is a moral or legal obstacle thereto.

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

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

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

34 The order may be modified from time to time, upon motion of the applicant,
35 according to the necessities of the recipient and the resources or means of the children
36 obliged to furnish support.

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

4 **SEC. 9. *Petition for Support.*** - A Petition for Support may be filed in the
5 regional trial court with territorial jurisdiction over the place of residence of the
6 petitioner: Provided, however, that if a family court exists in the place of residence of
7 the petitioner, the application shall be filed with that court.

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

11 The death of one of the children of the parent in need of support will not affect
12 the liability of others.

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

17 **SEC. 10. *Contents of the Petition.*** – The petition must state the following:

- 18 a) the identity of the parent in need of support, his/her residence and age;
- 19 b) the facts showing that the parent in need of support is a senior citizen, aged,
20 sickly, or who regardless of age is permanently incapacitated or otherwise
21 not capable of supporting himself/herself,
- 22 c) that the parent in need of support is unable to maintain himself/herself from
23 his/her own earning or out of the property owned by him/her or that he/she
24 is permanently incapacitated or otherwise incapable of supporting
25 himself/herself,
- 26 d) the names of the children, their degree of relationship with the parent in
27 need of support and their current status, and,
- 28 e) the approximate amount and care needed by the parent in need of support.

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

- 31 a) the parent in need of support;
- 32 b) children of the parent in need of support against those who do not provide
33 or contribute for the support of the former,
- 34 c) ascendants, descendants or collateral relatives within the fourth civil degree
35 of consanguinity or affinity;
- 36 d) officers or social workers of the Department of Social Welfare and
37 Development (DSWD) or social workers of local government units (LGUS);
- 38 e) lawyer or healthcare provider of the parent in need of support;

- 1 f) any person or institution who has the care of the parent in need of support;
2 g) At least two (2) concerned responsible citizens of the city or municipality
3 where the parent in need of support resides.

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

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

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

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

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

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

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

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

1 **SEC. 18. Conciliation and Mediation.** - In order to preserve the family unity
2 and peace, the court, before hearing the petition, shall refer the parties to a conciliation
3 officer for mediation.

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

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

17 **SEC. 21. Establishment of Old Age Home.** - It is hereby mandated that all
18 provincial government and highly urbanized cities shall establish and maintain at least
19 one (1) Old Age Home that can accommodate at least fifty (50) parents.

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

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

26 **SEC. 24. Effectivity.** – Notwithstanding the non-issuance of the IRR, this Act
27 shall take effect fifteen (15) days after its publication in at least two (2) national
28 newspapers of general circulation.

Approved,