

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. B. No. 396

Introduced by Senator Panfilo M. Lacson

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."

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.

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. There are those who allow some sort of civil court action to obtain financial support (or cost recovery), others specify a criminal penalty for filial non-support, while some states 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 who were 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 need 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.

However, despite the said provision of the Family Code, many elderly who no longer have any means of supporting themselves are being 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 legislation like the Senior Citizens Act, it cannot be over-emphasized that taking care of the elderly members of society is not only the function of government, but rather it is a shared responsibility of government and the children of said elderly. Caring for the aged is neither an exclusively private matter to be left to the family nor an exclusive 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 who needs 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.


PANFILO M. LACSON
Senator

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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
2 2025".

3 Sec. 2. *Declaration of Policy.* – 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
5 State may design programs of social security for them. Therefore, the State, together
6 with the children of parents in need of support, must promote the welfare of parents
7 who are aged, sick, incapacitated and not capable of supporting themselves.

8 Sec. 3. *Definition of Terms.* – In this Act, unless the context otherwise requires,
9 the following definition of terms shall be adopted:

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

14 b. "Parent in need of support" refers to the father or mother or other direct
15 ascendants who is a senior citizen, aged, sickly, or who, regardless of age, is

1 permanently incapacitated or otherwise not capable of supporting themselves;
2 and

3 c. "Support" includes provisions indispensable for sustenance, clothing, residence,
4 medical attendance and treatment, recreation and other amenities necessary
5 for the parent in need of support to lead a normal life and in keeping with the
6 financial capacity of the family.

7 *Sec. 4. Support.* – A parent in need of support who is unable to maintain
8 himself/herself from his/her own earning or out of the property owned by him/her or
9 who is incapacitated or otherwise incapable of supporting himself/herself shall be
10 given support by his/her children. If the parent concerned has several children, the
11 support to be given shall be divided among them in proportion to their resources or
12 financial capacity and in such manner as may be just and equitable. Grandchildren
13 shall only be liable to support their ascendants if the children of such ascendants
14 cannot fulfill their duty to support due to death, illness or if they are unable to fully
15 take care of themselves due to physical or mental disability or condition.

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

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

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

29 *Sec. 7. Option in the Fulfillment of the Obligation to Support.* – The children of
30 the parent in need of support shall have the option to fulfill the obligation either by
31 paying the support fixed by the Support Order, or by receiving and maintaining in the

1 family dwelling the parent concerned. The latter alternative cannot be availed of in
2 case there is a moral or legal obstacle thereto.

3 *Sec. 8. Support Order.* – A support order is an order issued under this Act for
4 the purpose of compelling the children to provide the necessary support to their
5 parent.

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

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

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

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

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

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

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

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

31 *Sec. 10. Contents of the Petition.* – The petition must state the following:

32 a. the identity of the parent in need of support, his/her residence and age;

- 1 b. the facts showing that the parent in need of support is a senior citizen, aged,
2 sickly, or who regardless of age is permanently incapacitated or otherwise not
3 capable of supporting himself/herself;
- 4 c. that the parent in need of support is unable to maintain himself/herself from
5 his/her own earning or out of the property owned by him/her or that he/she is
6 permanently incapacitated or otherwise incapable of supporting
7 himself/herself;
- 8 d. the names of the children, their degree of relationship with the parent in need
9 of support and their current status; and,
- 10 e. the approximate amount and care needed by the parent in need of support.

11 Sec. 11. *Who may file Petition for Support.* –The Petition for Support may be
12 filed by any of the following:

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

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

27 Sec. 13. *Right to Legal Representation.* – The parent in need of support shall
28 be represented by the Public Attorney’s Office notwithstanding that the petition was
29 filed by other person/s or institution/s for and in behalf of the parent.

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

1 Sec. 15. *Circumstances to be considered in the Issuance of Support Order.* –

2 The court, in granting the Petition for Support, shall consider, but shall not be limited
3 to, the following circumstances:

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

15 Sec. 16. *Ground for Non-Issuance of Support Order.* – If the court determines
16 after due notice and hearing that the parent in need of support abandoned, abused
17 or neglected the respondent, it may dismiss the petition or may reduce the quantum
18 of support ordered by such amount as may be just. The burden of proving
19 abandonment, abuse or neglect shall be on the respondent alleging it.

20 Sec. 17. *Power of the Court to Vary or Rescind Support Order.* – The court may
21 vary or rescind any subsisting Support Order based on any misrepresentation or
22 mistake of fact, or where there has been any material change in the circumstances of
23 the parent in need of support or any of his/her children or where other children is
24 joined as a respondent, or for other good cause shown to the satisfaction of the court.

25 Sec. 18. *Conciliation and Mediation.* – In order to preserve the family unity and
26 peace, the court, before hearing the petition, shall refer the parties to a conciliation
27 officer for mediation.

28 Sec. 19. *Effect of Failure to Give Support.* – Where a Support Order has been
29 issued by the court and the children so ordered fail to comply, without sufficient cause
30 or reason, the court may, for every breach of order, issue a warrant for levying the
31 amount due in the manner provided for levying of fines. Provided that, if the
32 respondent continues to fail in giving said support for three (3) consecutive months

1 without justifiable cause, the respondent shall suffer the penalty of imprisonment of
2 one month to six months or a fine of one hundred thousand pesos (PhP 100,000.00)
3 at the discretion of the court.

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

9 *Sec. 21. Establishment of Old Age Home.* – It is hereby mandated that all
10 provincial government and highly urbanized cities shall establish and maintain at least
11 one (1) Old Age Home that can accommodate at least fifty (50) parents.

12 *Sec. 22. Separability Clause.* – If any provision of this Act is declared
13 unconstitutional, the same shall not affect the validity and effectivity of the other
14 provisions thereof.

15 *Sec. 23. Repealing Clause.* – All laws, decrees, orders and issuances or portion
16 thereof, which are inconsistent with the provisions of this Act, are hereby repealed or
17 modified accordingly.

18 *Sec. 24. Effectivity.* – This Act shall take effect fifteen (15) days after its
19 publication in at least two (2) national newspapers of general circulation. Approved,

20 Approved,