

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

6543
House Bill No. _____



Introduced by HON. ALETA C. SUAREZ

EXPLANATORY NOTE

The 1987 Constitution recognizes the Filipino family as the foundation of the nation. The State is mandated, pursuant to Article XV Section 1 of the Constitution, to strengthen its solidarity and actively promote its total development.

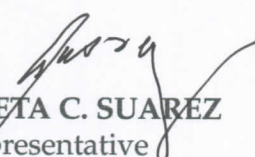
Family relations are an important aspect of social development. Members of the nuclear family maintain tightly-knit relations with the extended family. In many households, the elderly live with the families of their children after their retirement. A common Filipino household consists of three generations--the elderly grandparents, parents, and young children--usually live together. When the second-generation parents are away from home, grandparents are usually the ones who take their place and care for the children. Children, in turn, develop filial responsibility towards taking care of their elders as they grow older.

However, there are some households where the elderly parents are either left living alone or confined in elderly nursing homes. There are some who are forced to work while already suffering from illnesses brought about by old age, just to be able to sustain their daily needs. In worst case scenarios, there are those who are left at the mercy of their relatives or strangers for care and support.

The Family Code, in Article 195, obliges spouses, legitimate ascendants and descendants, parents and their legitimate children and the legitimate and illegitimate children of the latter, parents and their illegitimate children and the legitimate and illegitimate children of the latter, legitimate brothers and sisters, whether full or half-blood, to support each other to the whole extent as set forth in the Family Code. Meanwhile, Republic Act 9994, otherwise known as the Expanded Senior Citizens Act of 2010, recognizes the rights of senior citizens and makes it a concern of the family, community, and government. The law guarantees full support to the improvement of the well-being of the elderly and their full participation in society. Despite our existing laws protecting the welfare of our elders, they are still vulnerable to maltreatment, abuse, and neglect.

This bill therefore seeks to ensure the welfare of our elderly parents by institutionalizing parental support and providing penalties for violation thereof. The bill also provides remedies to the parents in need or other concerned parties in seeking support from their children.

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


ALETA C. SUAREZ
Representative
Third District, Quezon Province

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House Bill No. **6543**

Introduced by HON. ALETA C. SUAREZ

**AN ACT PROVIDING SUPPORT AND WELFARE PROTECTION TO PARENTS,
AND OTHER PURPOSES**

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

Section. 1. Short Title. – This Act shall be known as the “*Parent Support Act of 2019*”.

Sec. 2. Declaration of Principles. – It is declared policy of the State to uphold the sanctity of family life and strengthen its bond, as the family stands as the foundation of the nation. Pursuant to Section 4 Article XV of the 1987 Constitution, it is the duty of the family to care for its elderly members while the State may design and implement programs of social security appropriate for their needs. The State and the family, particularly the children, therefore, must provide support to the parents who are in need, especially the aged, sick, incapacitated, and those without adequate means of supporting themselves.

Sec. 3. Definitions.

- (a) “children” includes son, daughter, grandson, granddaughter, whether biological or adoptive, but does not include a minor or those over the age of majority but are unable to fully take care of themselves due to a physical or mental disability or condition.
- (b) “parent in need of support” refers to the father or mother or other direct ascendants who is a senior citizen, aged, sickly, or who, regardless of age, is permanently incapacitated or otherwise not capable of supporting themselves;

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

Sec. 4. Support. – A parent in need of support who is unable to provide for himself/herself adequately through his/her own earnings or property shall be given support by his/her children.

If the parent in need of support has more than one child, the support shall be divided among the children in proportion to their financial capacity and in such manner as may be just and equitable.

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

Sec. 5. Demand for Support. – There shall be no need for demand for the obligation to support to accrue. However, a prior request for support which was denied or remains unacted within an unreasonable period of time is required for the filing of a Petition for Support before a court of competent jurisdiction.

Sec. 6. Payment of Support. – The period, manner, and method of payment of support shall be under the discretion of the court, taking into consideration the circumstances of the parties.

The share for the support of the parent in need by children who has no custody of such parent shall be paid within the first five (5) days of every month.

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

Sec. 8. Support Order – A support order shall be issued for the purpose of compelling the children to provide the necessary support to their parent.

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

No temporary restraining order or injunction shall be issued by any court, except the Supreme Court, to stay the said order.

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

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

Sec. 9. *Petition for Support.* – A Petition for Support may be filed in the Family Court or, in the absence of the former, the Regional Trial Court with jurisdiction over the place of residence of the petitioner.

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

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

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

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

- (1) identity of the parent in need of support, his/her residence and age;
- (2) facts showing that the parent in need of support is a senior citizen, aged, sickly, or who regardless of age is permanently incapacitated or otherwise not capable of supporting himself /herself;
- (3) 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;
- (4) names of the children, their degree of relationship with the parent in need of support and their current status; and,
- (5) approximate amount and care needed by the parent in need of support.

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

- (1) The parent in need of support;

- (2) Children of the parent in need of support against those who do not provide or contribute for the support of the former;
- (3) Ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity;
- (4) Officers or social workers of the Department of Social Welfare and Development (DSWD) or social workers of local government units (LGUs);
- (5) Lawyer or healthcare provider of the parent in need of support;
- (6) Any person or institution who has the care of the parent in need of support; or
- (7) At least two (2) concerned responsible citizens of the city or municipality where the parent in need of support resides.

Sec. 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 the parent concerned.

Sec. 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.

Sec. 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 the petition was filed personally or in their behalf.

Sec. 15. Circumstances to be considered. – The court, in granting the Petition for Support, shall consider, but shall not be limited to, the following circumstances:

- (1) The financial needs of the parent in need of support, taking into account reasonable expenses for housing and medical cost;
- (2) The income, earning capacity, property and other financial resources of the parent concerned and the manner in which such parent has spent his/her savings or dissipated his/her financial resources;
- (3) The physical or mental disability of the parent concerned;
- (4) The income, earning capacity, property, and other financial resources of the respondent/s;
- (5) The expenses incurred by the respondent in supporting his/her own requirements, his/her spouse and that of his/her children; and
- (6) The contributions and provisions, whether financial or otherwise, which the respondent has made for the maintenance of his/her parent.

Sec. 16. Grounds for Non-Issuance of Support Order. – If the court determines after due notice and hearing that the parent in need of support abandoned, abused or neglected the respondent, it may dismiss the petition or may reduce the amount of support ordered as may be just.

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

Sec. 17. Amendment or Rescission of the Support Order. – The court may amend or rescind any subsisting Support Order when there is any misrepresentation or mistake of fact, or where there has been any material change in the circumstances of the parent in need of support or any of his/her children, or where other children is joined as a respondent, or for other good cause shown to the satisfaction of the court.

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

Sec. 19. Effect of Failure to Give Support. – Where a Support Order has been issued by the court and the children so ordered fail to comply without sufficient cause or reason, the court may, for every breach of order, issue a warrant for levying the amount due in the manner provided for levying fines. Provided that, if the respondent continues to fail in giving said support for three (3) consecutive months without justifiable cause, the respondent shall suffer the penalty of imprisonment of one month to six months or a fine of one hundred thousand pesos (Php100,000.00) at the discretion of the court.

Sec. 20. Abandonment of a Parent in need of support. – Whoever, having the care or protection of a parent in need of support, leaves such parent in any place with the intention of wholly abandoning the latter shall be punished with imprisonment of six (6) years to ten (10) years and a fine of not less than three hundred thousand pesos (P300,000.00).

Sec. 21. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Sec. 22. Repealing Clause. - All laws, orders, issuances, circulars, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 23. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines, whichever comes earlier.

Approved.