

NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

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Senate  
Office of the Secretary

'22 JUL 18 A10 :19

**SENATE**

S. No. 702

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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

**EXPLANATORY NOTE**

Article XV Section 1 of the 1987 Constitution provides that, "The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development." Section 4 further states that "The family has the duty to care for its elderly members but the State may also do so through just programs of social security."

Title VIII Article 194 of Executive Order No. 209, series of 1987 or the Family Code of the Philippines obliges legitimate ascendants and descendants, parents and their legitimate children and the legitimate and illegitimate children of the latter, and parents and their illegitimate children and the legitimate and illegitimate children of the latter, among others, to support each other in terms of sustenance, dwelling, clothing, medical attendance, education and transportation.

The value that the Filipinos give to the members of their family are not only articulated in statutes but are also ingrained in our culture. Closely-knit families are intrinsic characteristics of our society and extended families are prevalent in the country. However, there are still cases of abandoned parents, especially when they are already old, indisposed, or incapacitated.

This legislative proposal seeks to strengthen filial responsibility and impose criminal penalties in cases of flagrant violations. It provides for the system for the provision and payment of support, as well as for petition for support. Any person who will wholly abandon their parents in need of support will 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).

To support the elderly people who do not have any family members who can possibly take care of them, Section 21 of the bill mandates all provincial governments and highly urbanized cities to establish and maintain at least one (1) Old Age Home that can accommodate at least fifty (50) parents.

This bill was filed by Senator Panfilo M. Lacson in the 18<sup>th</sup> Congress.


In view of the foregoing, the immediate passage of this bill is highly recommended.

  
**RAMON BONG REVILLA, JR.**



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*Be it enacted by the Senate and 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 *of 2022*".

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.* - As used in this Act, the following definition of  
9 terms shall be adopted, unless the context otherwise requires:

10 (a) *Children* includes son, daughter, grandson, granddaughter, whether  
11 biological or adoptive, but does not include a minor or those over the age  
12 of majority but are unable to fully take care of themselves due to a physical  
13 or 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,  
16 is permanently incapacitated or otherwise not capable of supporting  
17 themselves;

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

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

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

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

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

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

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

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

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

4            The order shall include the names of the children required to give support, the  
5 amount necessary for the support of their parents, and the share of each of the  
6 children.

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

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

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

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

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

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

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

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

30           (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,  
2 aged, sickly, or who regardless of age is permanently incapacitated or  
3 otherwise not 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  
6 is 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  
9 need 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  
15 or contribute for the support of the former;

16 (c) ascendants, descendants or collateral relatives within the fourth civil degree  
17 of consanguinity or affinity;

18 (d) officers or social workers of the Department of Social Welfare and  
19 Development (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  
23 where 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 parents.

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 on 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 on 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  
7           the parent concerned and the manner in which such parent has spent  
8           his/her savings or dissipated his/her financial resources;

9           (c) the physical or mental disability of the parent concerned;

10          (d) the income, earning capacity, property and other financial resources of  
11          the respondent/s;

12          (e) the expenses incurred by the respondent in supporting his/her own  
13          requirements, his/her spouse and that of his/her children; and,

14          (f) the contribution and provisions, whether financial or otherwise, which  
15          the respondent has made for the maintenance of his/her parent.

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

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

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

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

30          Sec. 19. *Effect of Failure to Give Support.* – Where a Support Order has been  
31 issued by the court and the children so ordered fail to comply, without sufficient cause  
32 or reason, the court may, for every breach of order, issue a warrant for levying the

1 amount due in the manner provided for levying of fines: *Provided*, That if the  
2 respondent continues to fail in giving said support for three (3) consecutive months  
3 without justifiable cause, the respondent shall suffer the penalty of imprisonment of  
4 one (1) month to six (6) months or a fine of One hundred thousand pesos  
5 (P100,000.00) at the discretion of the court.

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

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

14       Sec. 22. *Separability Clause.* – If any provision or part hereof is held invalid or  
15 unconstitutional, the remainder of the law or the provision or part not otherwise  
16 affected shall remain valid and subsisting.

17       Sec. 23. *Repealing Clause.* – Any law, presidential decree or issuance,  
18 executive order, letter of instruction, administrative order, rule, or regulation contrary  
19 to or inconsistent with the provisions of this Act are hereby repealed, modified, or  
20 amended accordingly.

21       Sec. 24. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
22 publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*