

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
First Regular Session

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S E N A T E

S. No. 323

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Introduced by Senator S. R. Osmeña III

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**EXPLANATORY NOTE**

Section 4 Article XV of the 1987 Constitution provides:

"The family has the duty to care for its elderly members but the State may also do so through just programs of social security."

Article 195 of the Family Code of 1988 also provides:

"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 full or half-blood."

The onset of urbanization and commercialization have brought with it certain factors that tend to erode Filipino family ties and values. The incidence of elderly people neglected by their children is therefore becoming not uncommon.

This bill re-enforces the duty of children to care for their elderly parents, providing elderly persons with recourse to the law. The State shall provide the legal assistance to elderly people in the enforcement of their right to demand support from their relatives.

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



**SERGIO OSMEÑA III**  
Senator

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AN ACT  
PROVIDING FOR THE MAINTENANCE AND SUPPORT OF ELDERLY  
MEMBERS OF THE FAMILY AND FOR OTHER PURPOSES

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

1       **SECTION 1. *Title.*** – This Act shall be known as the “**Maintenance of**  
2 **Parents Act of 2004.**”

3       **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to  
4 be cognizant of the debilitating financial resources of the elderly members of the  
5 family. Hence, the State must take positive steps to care for their needs through  
6 programs that strengthen the solidarity of the family and actively promote its total  
7 development.

8       **SEC. 3. *Definition of Terms.*** – For purposes of this Act the following  
9 terms shall mean:

10       a) “elderly member” – refers to the father or mother or other direct  
11 ascendants of a particular child;

12       b) “in need” – shall mean the elderly member who are already aged,  
13 sickly, disabled or otherwise incapable of supporting themselves;

14       c) “support” – comprise everything indispensable for sustenance,  
15 dwelling, clothing, medical attendance, and transportation, in keeping with the  
16 financial capacity of the family.

1           **SEC. 4. *Maintenance of Parents.*** – Children shall maintain and support  
2 their father or mother or other direct ascendants who are “in need.”

3           Where an elderly members appears to be in need, he may, by himself or  
4 through a representative of the Department of Social Welfare and Development  
5 (DSWD), file a petition in court for his maintenance and support from any or all of  
6 his children.

7           Upon trial the elderly member shall be represented by a lawyer from the  
8 public attorney's office and shall be exempt from all charges and fees.

9           **SEC. 5. *Contents of the Petition.*** – The petition for maintenance and  
10 support must state:

11           a) The facts showing that the elderly member appears to be aged, sickly,  
12 disabled or otherwise incapable of supporting themselves;

13           b) The names of the children and their residence and current status in  
14 life.

15           The petition shall be verified and shall be sufficient if based upon the  
16 information and belief of the petitioner.

17           **SEC. 6. *Order of Hearing.*** – If the petition filed is sufficient in form and  
18 substance, the court, by an order reciting the purpose of the petition, shall fix the  
19 date or the hearing thereof and a copy of such order shall be served on the  
20 child/children required to maintain and support such elderly member.

21           **SEC. 7. *Order of the Court.*** – The court may after notice and hearing,  
22 grant or deny the petition. Moreover, the court shall take into consideration the  
23 financial resources of the child/children and his obligation to maintain his own  
24 family before it orders the maintenance and support of the elderly member.

25           **SEC. 8. *Implementing Rules and Regulations.*** – The Department of  
26 Social Welfare and Development (DSWD) shall make the rules and guidelines  
27 necessary for the proper implementation of this Act.

1       **SEC. 9. *Repealing Clause.*** – No laws, orders, decrees, proclamation,  
2 rules and regulations or parts thereof which are inconsistent with any of the  
3 provisions of this Act are hereby repealed or modified accordingly.

4       **SEC. 10. *Effectivity.*** -- This shall take effect fifteen (15) days after its  
5 publication in Official Gazette or in two (2) newspapers of general circulation.

Approved,