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SENATE
S. No. 1738

RECEIVED BY: *js*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Grandparents often form deep and loving attachments with their grandchildren. Yet when death, legal separation, nullity of marriage, or estrangement tears families apart, the grandparents find themselves without any legal right to maintain contact with the grandchildren they love.

The mere fact that parents of the children are living separately or their marriage is severed, should not automatically serve to grant the custodial parent the right to dissolve a positive relationship between the grandparents and their grandchildren. The reason being that it can be traumatic to the grandchild to suddenly be denied access to grandparents who have been involved in the child's life.

It bears emphasis that grandparents provide a stabilizing role in their grandchildren's lives, particularly after an annulment or nullity of marriage of the children's parents or crisis such as the death of a parent. By reason of which, a law recognizing the grandparent's visitation rights should be enacted.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed in the Fourteenth Congress, Second Regular Session.

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1 AN ACT
2 GRANTING GRANDPARENTS VISITATION RIGHTS OVER THEIR GRANDCHILDREN

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

3 SECTION 1. *Short Title.* - This Act may be known as the "Grandparents Visitation
4 Rights Act."

5 SECTION 2. *Definition of Terms.* - For the purposes of this Act, the term—

6 (A) "Guardian" means a person appointed by a court to have the care and custody of a
7 child or the child's property, or both.

8 (B) "Parent" means a biological or an adoptive parent. Unless otherwise specified, the
9 term includes both parents, regardless of their marital status.

10 SECTION 3. *Visitation Rights.* - A child's grandparent may seek visitation rights if a
11 parent or guardian of the child unreasonably denies or restricts visitation by the grandparent.

12 SECTION 4. *Exclusion.* - A court may not grant visitation rights to a paternal
13 grandparent of a child who is born out of wedlock if the child's father has not established
14 paternity in relation to the child.

15 SECTION 5. *Contents of the Petition.* - The petition must:

16 (A) Be filed by a grandparent entitled to receive visitation rights under this Act;

17 (B) Be verified;

18 (C) Set forth the following:

- 19 a. The names and relationship of:
- 20 i. The petitioning grandparent or grandparents;
- 21 ii. Each child with whom visitation is sought; and
- 22 iii. The custodial parent or guardian of each child;
- 23 b. The present address of each person named;
- 24 c. The date of birth of each child with whom visitation is sought;
- 25 d. The status under section 3 of this Act upon which the grandparent seeks
- 26 visitation;
- 27 e. The relief sought.

28 SECTION 6. *Venue.* - A grandparent seeking visitation rights shall file a petition

29 requesting reasonable visitation rights to:

30 (A) The Family Court of the area where the child resides.

31 (B) The Family Court having jurisdiction over the dissolution of the parents' marriage

32 in cases where there is a pending legal action for annulment of marriage or declaration of nullity

33 of marriage

34 SECTION 7. *Separability Clause.* - If any provision or part hereof is held invalid or

35 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain

36 valid and subsisting.

37 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive

38 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent

39 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

40 SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its

41 publication in at least two (2) newspapers of general circulation.

Approved,