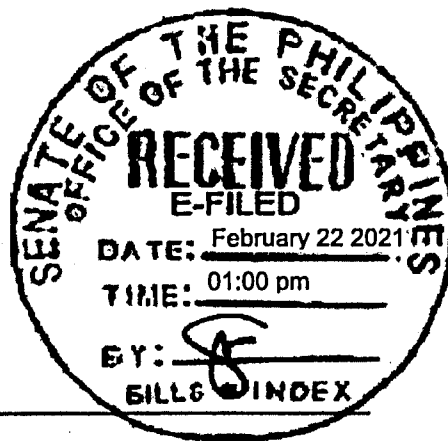


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

SENATE

S. No. 2061



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Introduced by Senator Manuel "Lito" M. Lapid

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**AN ACT  
DEFINING THE CRIME OF DEPRIVATION OF SUPPORT TO PARENTS AND  
FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Section 4, Article XV of the 1987 Constitution provides 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. Among the persons mentioned in Article 195 of the Family Code who are obliged to give support to each other are parents and their children. This means that the obligation to support cuts both ways – parents must support their children, especially during the years of their minority and dependency; on the other hand, children who are already capable must take care of their elderly, disease or disability-stricken parents who are in need.

Unfortunately, abuse against an elderly, disabled, or otherwise incapacitated parent, which includes physical, sexual, psychological, emotional and financial abuse, abandonment, neglect, and serious loss of dignity and respect, has become an "invisible issue" in the Philippines, according to the Commission on Human Rights. The sad stories of abused or abandoned parents, who in their productive years had toiled with blood, sweat, and tears for the upbringing and education of their children, are still rampant nowadays. Unreciprocated care and sacrifice – this is the cruel irony of their situation. This cannot go along without relief and recourse for these unfortunate parents.

If parents may be penalized for child abuse under our laws for the unreasonable deprivation of basic needs for survival, such as food and shelter, and failure to provide

Immediate medical treatment<sup>1</sup>, the same level of protection must be afforded to parents who are rendered incapacitated due to old age, disease, or disability, yet their adult and capable children fail to or neglect to provide support to them.

This bill reinforces the duty of children to take care of their elderly, sickly, or otherwise, incapacitated parents, by providing criminal action for the enforcement of their rights for maintenance and support. Criminalizing the act of deprivation of support of incapacitated parents underscores its equal importance with that of economic abuse under Republic Act No. 9262 or the Anti-Violence against Women and their Children Act and child abuse under Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act. This move to criminalization of acts of non-support has been the trend for several jurisdictions such as in eight U.S. States which impose a criminal penalty upon a person who fails to support an indigent parent (Kentucky, Maryland, Massachusetts, Ohio, Rhode Island, Vermont, and Virginia)<sup>2</sup>, four U.S. states that provide for both civil and criminal causes of action (California, Connecticut, Indiana, and Montana)<sup>3</sup>, and in Bangladesh, with its Parents Maintenance Act of 2013 specifying that "noncompliance would lead to fines and, if the fines go unpaid, a period of incarceration"<sup>4</sup>.

In view of this, early passage of this bill is sought.



**MANUEL "LITO" M. LAPID**  
*Senator*

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<sup>1</sup> Republic Act No. 7610, "Special Protection of Children Against Abuse, Exploitation and Discrimination Act"

<sup>2</sup> <http://theelderlawjournal.com/wp-content/uploads/2015/02/Ross.pdf>

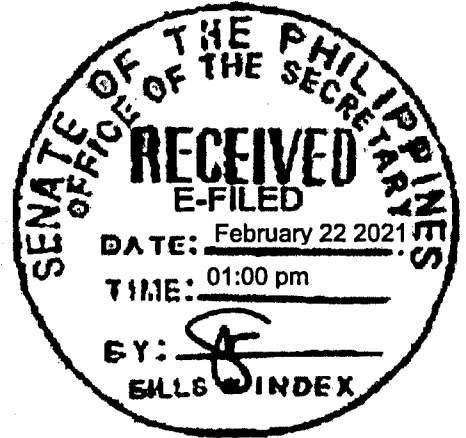
<sup>3</sup> Id.

<sup>4</sup> <https://www.thedailystar.net/if-the-children-not-provide-maintenance-9756#:~:text=Recently%20the%20Government%20has%20passed,may%20get%20remedy%20by%20complaint.>

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**AN ACT  
DEFINING THE CRIME OF DEPRIVATION OF SUPPORT TO PARENTS 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 "*Criminalizing Deprivation*  
2 *of Support to Parents Act.*"

3  
4       **Section 2. Declaration of Policy.** – It is the declared policy of the State to  
5 be cognizant of the dire conditions of parents who are in need of assistance and  
6 support from their children, legitimate or illegitimate, who are capable of rendering  
7 such assistance and support. Hence, the State must take positive steps to care for  
8 their needs by penalizing any act of deprivation of support committed against the  
9 elderly members of the family.

10  
11       **Section 3. Maintenance of Support to Parents.** – Children shall, within  
12 their means and capacity, maintain support for their father or mother who, by virtue  
13 of being over sixty (60) years of age or suffering from a disease or disability, are  
14 rendered incapable of supporting themselves.

15       Where an elderly parent appears to be in need, he/she may, by himself/herself

1 or through a representative of the Department of Social Welfare and Development,  
2 shall initiate the filing of a criminal action against his/her children for deprivation of  
3 support.

4 For purposes of this section, "support" refers to everything indispensable for  
5 sustenance, dwelling, clothing, and medical attendance.

6  
7 **Section 4. Deprivation of Support to Parents.** — Any person who, despite  
8 being capacitated shall willfully neglect to maintain support to his or her parent as  
9 defined under Section 3 of this Act, shall be liable for deprivation of support to parent  
10 and shall be punishable by imprisonment of *arresto menor* as the minimum and of  
11 *arresto mayor* as the maximum, or a fine of not less than two hundred thousand pesos  
12 (Php 200,000.00) but not more than five hundred thousand pesos (Php 500,000.00),  
13 at the discretion of the court.

14  
15 **Section 5. Repealing Clause.** — All laws, presidential decrees, executive  
16 orders, proclamations, rules and regulations, or any part thereof, which are  
17 inconsistent with the provisions of this Act are hereby repealed or modified  
18 accordingly.

19  
20 **Section 6. Separability Clause.** — If any provision or part of this Act, or the  
21 application thereof to any person or circumstance, is held unconstitutional or invalid,  
22 the remainder of this Act shall not be affected thereby.

23  
24 **Section 7. Effectivity Clause.** — This Act shall take effect fifteen (15) days  
25 from its publication in the Official Gazette or in at least two (2) newspapers of general  
26 circulation.

27  
28 *Approved,*