

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. No. **1856**

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
ACV

¹ This bill was originally filed in the Fourteenth Congress, Second Regular Session

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

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

30 requesting reasonable visitation rights to:

31 (1) The Family Court of the area where the child resides.

32 (2) The Family Court having jurisdiction over the dissolution of the parents'

33 marriage in cases where there is a pending legal action for annulment of marriage or

34 declaration of nullity of marriage

35 SECTION 7. *Separability Clause.* - If any provision or part thereof, is held invalid or

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

37 valid and subsisting.

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

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

40 with the provisions of this Act is hereby repealed, modified or amended accordingly.

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

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

Approved.