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Introdu	iced by Senator Miriam Defensor	Santiago	` - <i>i</i>

## **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. <sup>1</sup>

MIRIAM DEFENSOR SANTIAGO

<sup>&</sup>lt;sup>1</sup> This bill was originally filed in the Fourteenth Congress, Second Regular Session

	FIFTEENTH CONGRESS OF THE REPUBLIC )  OF THE PHILIPPINES )  First Regular Session )  SENATE S. No. 1856	10		
	Introduced by Senator Miriam Defensor Santi	ago	· company of the control of the cont	T A T
1 2 3	AN ACT GRANTING GRANDPARENTS THE VISITATION RIGH GRANDCHILDREN	TS OVER	THEIR	·
	Be it enacted by the Senate and the House of Representa Congress assembled:	tives of the	e Philippii	nes in
4	SECTION 1. Short Title This Act may be known as the	e "Grandpo	irents Visi	tation
5	Rights Act".			
6	SECTION 2. Definition.			
7	a) "Guardian", means a person appointed by a court to ha	ve the care	and custod	ly of
8	a child or the child's estate, or both.			
9	b) "Parent", means a biological or an adoptive parent. Un	less otherw	ise specific	ed,
10	the term includes both parents, regardless of their marital status.			
11	SECTION 3. Visitation Rights A child's grandparent may se	ek visitatio	n rights if :	a
12	parent or guardian of the child unreasonably denies or restricts visitat	ion by the g	randparen	t.
13	SECTION 4. Exclusion A court may not grant visit	ation rights	s to a pa	iternal
14			_	
15	paternity in relation to the child.			
16	SECTION 5. Contents of the Petition The petition must:			
17	1) Be filed by a grandparent entitled to receive visitation righ	its under thi	s Act;	
18	2) Be verified;			
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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.