

# Legal issues and family matters



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## Financial support for an abandoned woman and her children

One question that has been repeatedly asked me is, "How can a woman and/or her children, abandoned by the husband or live-in partner, get support for their financial needs?" Here's a brief primer on the issue of support.

### What law governs support?

The specific provisions of the Family Code of the Philippines on support can be found in Title VIII, Articles 194 up to 208.

### What does support consist of?

Article 194 of the Family Code defines "support" as comprising everything indispensable for sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family. The education of the person entitled to be supported includes his schooling or training for some profession, trade or vocation, even beyond the age of majority. Transportation shall include expenses in going to and from school, or to and from place of work.

### During proceedings in court for legal separation or annulment of marriage, how will support be provided for?

Article 198 of the Family Code provides, to wit, "During the proceedings for legal separation or for annulment of marriage, and for declaration of nullity of marriage, the spouses and their children shall be supported from the properties of the absolute com-

munity or the conjugal partnership. After the final judgment granting the petition, the obligation of mutual support between the spouses ceases. However, in case of legal separation, the court may order that the guilty spouse shall give support to the innocent one, specifying the terms of such order."

### How much is the amount of support ?

Article 201 provides that the amount of support, in the cases referred to in Articles 195 and 196, shall be in proportion to the resources or means of the giver and to the necessities of the recipient.

### Can support be reduced or increased?

Article 202 provides that support in the cases referred to in Article 201 shall be reduced or increased proportionately, according to the reduction or increase of the necessities of the recipient and the resources or means of the person obliged to furnish the same.

### When can support be demanded? When shall payment be made?

Article 203 provides that the obligation to give support shall be demandable from the time the person who has a right to receive the same needs it for maintenance, but it shall not be paid except from the date of judicial or extra-judicial demand.

Support *pendente lite* (while the case is being heard in court) may be claimed in accordance with the Rules of Court. Payment shall be made within the first five days of each corresponding month or when the recipient dies, his heirs shall not be obliged to return what he has received in advance.

### **What options, if any, are there for the person obliged to give support?**

Article 204 provides that the person obliged to give support shall have the option to fulfill the obligation either (1) by paying the allowance fixed, or (2) by receiving and maintaining in the family dwelling the person who has a right to receive support. The latter alternative cannot be availed of in case there is a moral or legal obstacle thereto.

### **What rights, if any, does a family relative or a stranger have when he or she renders support to the abandoned woman and her children?**

Article 206 provides that when, without the knowledge of the person obliged to give support, it is given by a stranger, the latter shall have a right to claim the same from the former, unless it appears that he gave it without intention of being reimbursed.

Article 207 also provides that when the person obliged to support another unjustly refuses or fails to give support when urgently needed by the latter, any third person may furnish support to the needy individual, with right of reimbursement from the person obliged to give support. Article 207 shall particularly apply when the father or mother of a child under the age of majority unjustly refuses to support or fails to give support to the child when urgently needed.

### **What other laws provide assistance to women abandoned by their husbands or live-in partners?**

Republic Act 8972 or the “Solo Parents Welfare Act of 2000” provides benefits to single parents.

Republic Act 9262 or the “Anti-Violence Against Women and their Children Act of 2004” provides under Section 5, paragraph (e), sub-paragraph (2) that it is a crime to deprive or threaten to deprive the woman or her children of financial support legally due her or her family, or to deliberately provide the woman’s children insufficient financial support.

### **How can this right under RA 9262 be availed of?**

The abandoned woman and/or her children can ask the Family Court to issue a Protection Order. Section 8, paragraph (g) of RA 9262 states that the Protection Order will “direct the respondent to provide support to the woman and/or her child if entitled to legal sup-

port. Notwithstanding other laws to the contrary, the court shall order an appropriate percentage of the income or salary of the respondent to be withheld regularly by the respondent’s employer for the same to be automatically remitted directly to the woman. Failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court.”

### **Please take note that the woman asking for support under RA 9262 may be the legal wife, a live-in partner, a girlfriend, or even the “other woman.”**

### **What if the husband is working abroad and refuses to support the woman and her kids?**

The problem here is that the husband is outside the jurisdiction of Philippine courts. One solution can be, if the husband returns home to the Philippines for whatever reason, the abandoned woman can immediately file a petition for Protection Order under RA 9262 and at the same time ask the court to issue a Hold Departure Order under Section 37.

Another long term solution is to ask Congress to pass a law or for the appropriate government agencies (like the POEA) to implement regulations similar to those imposed on Filipino seamen. That is, as part of the employment contract, a certain percentage of the husband’s salary will be mandated to be remitted to the family here in the Philippines.

#### **How to be saved and go to heaven**

**Accept that you are a sinner and that your good works, ethical conduct or religion cannot save you.**

Romans 3:10, Romans 3:23

**Believe on the Lord Jesus Christ that He alone can save you.** Romans 6:23, Romans 10:13, Acts 16:31

**Confess and repent of your sins.** Luke 13:3, Isaiah 1:18

**Delay not in receiving Jesus Christ into your heart.** 2 Corinthians 6:2, Proverbs 27:1

**Pray and ask the Lord to save you now:** “Dear Lord, I believe that Christ died and shed His precious blood to save my soul. Be merciful to me a sinner, forgive my sins and save me in Jesus’ name. Lord Jesus, I now accept you as my Savior. Amen.”

If you want people to pray for you for you, please surf to this prayer room for men and women:

<http://womentodaymagazine.com/chat/share.html>