

Republic of the Philippines  
House of Representatives  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 3925



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Introduced by Congressman ALFRED VARGAS

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#### EXPLANATORY NOTE

As indicated in the 1987 Philippine Constitution, it is the duty of the State to defend a child's *right to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.*

This is further enshrined in several laws, including the Presidential Decree No. 603 or the Child and Youth Welfare Code, the Republic Act No. 7610 or the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and the Republic Act No. 9262 or the Anti-Violence against Women and their Children Act.

Every child, whether legitimate or illegitimate, has the right to receive support from his or her parents. Support, as defined in Section 194 of the Family Code of the Philippines, *comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education, and transportation, in keeping with the financial capacity of the family.*

While the State has enacted and implemented several laws that protect a child's right to support, these laws do not penalize parents who willfully fail to provide child support. Hence, this bill.

The proposed legislation seeks to punish any person who willfully fails to pay child support for at least one year or has an outstanding amount due of Php50,000.00 or more.

In line of the foregoing, the passage of this bill is earnestly sought.

  
ALFRED VARGAS

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**AN ACT**  
**PENALIZING PARENTS WHO WILLFULLY FAIL TO PAY CHILD SUPPORT**

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

**SECTION 1. Declaration of Policy.** – It is the policy of the State to promote the best interests of children and to protect and defend their right to child support.

**SEC 2. Definition of Child Support.** – For purposes of this Act, child support refers to any amount determined by a court in a judgment, decree, or order to be due from a person for the support and maintenance of a child. It includes a permanent or temporary order and an initial order or a modification of an order for child support.

**SEC 3. Willful Failure to Pay Child Support.** – Any person who willfully fails to pay child support, if such an obligation has remained unpaid for at least one (1) year or has an outstanding amount due of fifty thousand pesos (Php50,000.00) or more, shall be punished by *prison correctional* under the Revised Penal Code.

**SEC 4. Presumption.** – The existence of a child support obligation that has remained unpaid for at least one (1) year or has an outstanding amount due of fifty thousand pesos (Php50,000.00) or more, in spite of demand, as alleged in the Complaint or Information creates a disputable presumption that the person has willfully failed to pay child support.

**SEC. 5. Probation.** – Should the parent avail of probation after conviction and sentence under this Act, the probationer shall meet his or her family responsibilities and pay child support as part of the condition for probation.

**SEC. 6. Repealing Clause.** – All laws, decrees, orders, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly..

SEC. 7. **Separability Clause.** - If any part or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 11. **Effectivity.** - This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,