

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

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SENATE
S.B. No. **2095**

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The 1987 Constitution in Article XIV, Section 3, paragraph 2, provides that the State shall defend the right of children 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.

Furthermore, the Family Code in Article 105, paragraphs 3 and 4, provides that parents, as well as their children, whether legitimate or illegitimate, are obliged to support each other.

In line with the aforesaid provisions, this bill aims to criminalize willful failure or refusal to pay predetermined child support obligations.

There are children, both legitimate and illegitimate, who are forced to live with one parent because their parents are not living together. Although the obligation to support a child is the responsibility of both parents, there are a number of parents – especially those who live apart from the child who continuously refuse to financially support their children even if they have the capacity to do so.

Therefore, in order to deter irresponsible parents from evading their financial responsibility to their children, this bill aims to impose a penalty for such evasion.


MIRIAM DEFENSOR SANTIAGO


THIRTEENTH CONGRESS OF THE REPUBLIC)
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SENATE
SECRETARY

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AN ACT
PENALIZING WILLFUL FAILURE TO PAY LEGAL CHILD SUPPORT OBLIGATIONS

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

SECTION 1. *Short Title.* - This Act shall be known as the "Child Support Act of 2005."

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to defend the right of children 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 Act aims to apply said policy by criminalizing willful failure or refusal to pay predetermined child support obligations.

SECTION 3. *Definition Of Support Obligation.* - For purposes of this Act, the term "support obligation" means any amount determined under a court order or an amount determined under a binding contract to be due to a person for the support and maintenance of a child or of a child and the parent with whom the child is living.

SECTION 4. *Offense.* - Any person who: (1) willfully fails to pay a support obligation with respect to a child or the child and the parent the child is residing with, if such obligation has remained unpaid for a period longer than one (1) year, or the amount is greater than thirty thousand pesos (P30,000.00); or (2) travels locally or abroad with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than one (1) year, or is greater than thirty thousand pesos (P30,000.00), shall be punished as provided in Section 6.

SECTION 5. *Presumption.* – The existence of a support obligation that was in effect for the period charged in the information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

SECTION 6. *Penalties.* – The penalty for an offense under this Act is: (1) in the case of the first offense under Section 4(1), a fine equivalent to the amount of the unpaid support obligation or imprisonment for not more than six (6) months, or both, at the discretion of the court; and (2) in the case of an offense under Section 4(2), or a subsequent offense under Section 4(1), a fine equivalent to twice the amount of the unpaid support obligation or imprisonment for not more than two (2) years, or both, at the discretion of the court.

SECTION 7. *Venue.* – With respect to an offense under this Act, an action may be instituted and prosecuted in the proper court that has jurisdiction over the place in which the child subject of the support obligation involved resided during the period in which the obligor failed to pay the obligation.

SECTION 8. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.