

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



Senate
Office of the Secretary

13 JUL -3 P12 :38

SENATE
S.B. No. **338**

RECEIVED BY: *jin*

Introduced by Senator LOREN LEGARDA

EXPLANATORY NOTE

It is the primary responsibility of the State to promote the rights of children to survival, development and special protection of their well-being. Children count on their parents for material, educational and medical support necessary to become productive members of our society.

The acts punished in Republic Act No. 7610, as amended, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, and Presidential Decree No. 603, as amended, otherwise known as the Child and Youth Welfare Code, fail to include the willful failure to pay child support.

The State must protect and defend the right of children to child support, and parents must be responsible for their children. A law punishing the willful failure to pay child support must therefore be enacted.

In view of the foregoing, early passage of this bill is earnestly requested.

LOREN LEGARDA
Senator

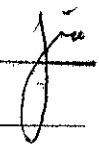
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AN ACT
PUNISHING THE WILLFUL FAILURE TO PAY CHILD SUPPORT

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

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

4
5 **Sec. 2. Definition of Child Support.** - For purposes of this Act, child support
6 refers to any amount determined by a court in a judgment, decree, or order to be
7 due from a person for the support and maintenance of a child. It includes a
8 permanent or temporary order and an initial order or a modification of an order for
9 child support.

10
11 **Sec. 3. Willful Failure to Pay Child Support.** - Any person who willfully fails
12 to pay child support, if such an obligation has remained unpaid for at least one (1)
13 year or has an outstanding amount due of Fifty Thousand Pesos (P50,000.00) or
14 more, shall be punished by *prision correccional* under the Revised Penal Code.

15
16 **Sec. 4. Presumption.** - The existence of a child support obligation that has
17 remained unpaid for at least one (1) year or has an outstanding amount due of Fifty
18 Thousand Pesos (P50,000.00) or more, despite demand, as alleged in the Complaint
19 or Information creates a disputable presumption that the person has willfully failed
20 to pay child support.

21
22 **Sec. 5. Probation.** - Should the parent avail of probation after conviction and

1 sentence under this Act, the probationer shall meet his or her family responsibilities
2 and pay child support as part of the condition for probation.

3
4 **Sec. 6. Repealing Clause.** - Any law, presidential decree or issuance, executive
5 order, letter of instruction, rule or regulation inconsistent with the provisions of this
6 Act is hereby repealed or modified accordingly.

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

11
12 **Sec. 8. Effectivity Clause.** -This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

14
15 Approved,