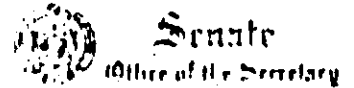


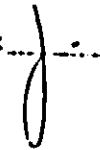
SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



'16 FEB -9 P3:45

SENATE

S.B. NO. 3224

RECEIVED BY: 

Introduced by SENATOR FERDINAND R. MARCOS, JR.

**AN ACT AMENDING REPUBLIC ACT NO. 8972, OTHERWISE KNOWN AS
THE "SOLO PARENTS' WELFARE ACT", AND FOR OTHER PURPOSES**

Explanatory Note

When Republic Act No. 8972 was enacted in 2000, solo parents constituted almost three (3) million of the country's population. A more recent study, however, placed the number of solo parents at fourteen to fifteen percent (14-15%) of the total population (DSWD Press Release [24 February 2012], taken from the Official Gazette website: <http://www.gov.ph/2012/02/24/dswd-supports-amendments-to-solo-parents-law>), which translates into fourteen to fifteen million solo parents struggling to raise their children and maintain household expenses alone. Also, according to the National Statistical Coordination Board (NSCB), there are around 3.5 million children, accounting for 10.1% of the total children population, who belong to the care and custody of solo parents around the country (NSCB, 2010). In 2008, the National Statistics Office (NSO) noted that among the two million births that year, 37% or 600,000 infants were born to unmarried mothers—up by 12% from the previous year and with the number still on the rise.

The alarming rise in the number of solo parents in the country is not unique to the Philippines and seems to mirror a social phenomenon that is occurring in other parts of the world. While this representation is wary of this local phenomenon, which all sectors of our society must all unite and contribute in alleviating, government also has to concretely address the actual reality on the ground. The government, in line with the doctrine of *parens patriae* and mindful of the welfare of the children, should contribute by holistically enhancing the capability of the solo parent in the upbringing of the latter's child/children. Particularly, this bill seeks to address the situation where a solo parent is left alone to fend for the children, without any assistance or effort on the part of the other parent to contribute the latter's share in child support and maintenance expenses and other compulsory parental obligations, pursuant to the Civil Code and the Family Code of the Philippines.

By way of amendment to RA 8972, the State reaffirms and reestablishes the equity and equality that should exist between the solo parent and the absent parent in the duty to support and maintain their children, in spite of their unmarried status or separation. The absent parent should be treated as equally liable for the support and maintenance of the children, hence, the need for the State to extend assistance to the solo parent in enforcing the coordinate obligation of such liable parent. Moreover, concerned members and sectors of society should contribute their just share in easing the burden of solo parents, in the form of speedy, reasonable and essential assistance and information.

The intention of this bill is to affirm and establish the role of the State as "parent of the nation", not only to provide concrete benefits and welfare services to solo parents and their children, but also to assist the solo parent in enforcing the child support and other compulsory obligations and in recovering benefits, receivables and properties justly owing to the absent or deceased parent. In fact, in New Zealand, the law even goes to the extent of declaring that child support obligations are essentially a "debt due to the Crown" and are even "recoverable by the Commissioner (of Inland Revenue) on behalf of the Crown by suit in the Commissioner's official name" (**New Zealand's Child Support Act of 1991, as amended**).

However, the form of assistance being proposed herein is not so much to harness the entire resources of the State against the absent and liable parent, but rather just to facilitate and fortify the efforts of a solo parent, who is already understandably stressed and hardpressed not only by lack of time and energy but also resources, trying to earn a decent living and rear children capable of independent lives in the future, by and through his or her own efforts—wearing various hats and juggling manifold duties in the process. Given the constrained situation, much less would the solo parent have the extra time, energy and resources to move around trying to file and process claims, let alone formal complaints, and only to be subjected to the usual harrowing and exasperating delays and red tape inherent in government procedure and transactions. Thus, the State, as a third parent, should make their presence felt and equalize the situation, but with no other purpose but to safeguard the rights and interests of the children.

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

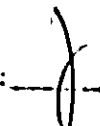


FERDINAND R. MARCOS, JR.

1 SIXTEENTH CONGRESS OF THE)
2 REPUBLIC OF THE PHILIPPINES)
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6 S.B. NO. 3224

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8

Introduced by SENATOR FERDINAND R. MARCOS, JR.

10
11 **AN ACT AMENDING REPUBLIC ACT NO. 8972, OTHERWISE KNOWN AS**
12 **THE "SOLO PARENTS' WELFARE ACT OF 2000", AND FOR OTHER PURPOSES**

13
14 Be it enacted by the Senate and House of Representatives of the Philippines in
15 Congress assembled:

16
17 **SECTION 1.** Section 1 of Republic Act No. 8972 is hereby amended to read as follows:

18
19 **Section 1. Title.** - This Act shall be known as the "Solo Parents AND THEIR
20 CHILDREN'S Welfare Act of 2016."

21
22 **SECTION 2.** Section 2 of Republic Act No. 8972 is hereby amended to read as follows:

23
24 **Section 2. Declaration of Policies.** - 1) It is the policy of the State to promote the
25 family as the foundation of the nation, strengthen its solidarity and ensure its total
26 development. Towards this end, it shall develop a comprehensive program of
27 services for solo parents and their children to be carried out by the Department
28 of Social Welfare and Development (DSWD), the Department of Health (DOH),
29 the Department of Education (DepEd), the Department of the Interior and Local
30 Government (DILG), the Commission on Higher Education (CHED), the Technical
31 Education and Skills Development Authority (TESDA), the National Housing
32 Authority (NHA), the Department of Labor and Employment (DOLE) and other
33 related government and non-government agencies.

34
35 2) AS "PARENT OF THE NATION", THE STATE AFFIRMS ITS INTERNATIONAL
36 OBLIGATIONS IN RESPECT TO THE RIGHTS OF CHILDREN, ESPECIALLY UNDER THE
37 1990 UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD. MOST
38 ESPECIALLY, THE STATE AFFIRMS THE PRINCIPLE AND POLICY UNDER EXISTING LAWS
39 THAT PARENTS HAVE JOINT AND PRIMARY RESPONSIBILITIES FOR THE SUPPORT,

1 UPBRINGING AND DEVELOPMENT OF THE CHILD, WHOSE WELFARE AND BEST
2 INTERESTS SHALL BE THEIR BASIC CONCERN. THUS, THE STATE SHALL ENSURE THAT
3 EACH PARENT COMPLIES WITH THEIR DUTIES TO SUPPORT AND MAINTAIN THEIR
4 MINOR CHILDREN, AND PROVIDE MEANINGFUL AID AND ASSISTANCE TO THE
5 SOLO PARENT WHO HAS BEEN BEEN LEFT SOLO OR ALONE IN THE CUSTODY, CARE
6 AND SUPPORT OF THEIR MINOR CHILDREN. IN ENSURING THE EQUAL AND
7 CONTEMPORANEOUS COMPLIANCE BY THE PARENTS WITH THEIR OBLIGATIONS TO
8 THEIR CHILDREN, THE STATE NOT ONLY AFFIRMS BUT MORE IMPORTANTLY
9 SAFEGUARDS THE RIGHTS OF THE CHILDREN TO BE SUPPORTED BY AND THROUGH
10 THE JOINT EFFORTS OF THEIR PARENTS.
11

12 **SECTION 3.** Section 3 of Republic Act No. 8972 is hereby amended to read as follows:
13

14 **Section 3. Definition of Terms.** - Whenever used in this Act, the following terms
15 shall mean as follows:
16

17 (a) "Solo parent" - any individual who falls under any of the following categories:
18

19 (1) A woman who gives birth as a result of rape and other crimes against
20 chastity even without a final conviction of the offender: *Provided*, That the
21 mother keeps and raises the child;
22

23 (2) Parent left solo or alone with the responsibility of parenthood due to
24 death of spouse;
25

26 (3) Parent left solo or alone with the responsibility of parenthood while the
27 spouse is detained or is serving sentence for a criminal conviction for at
28 least one (1) year;
29

30 (4) Parent left solo or alone with the responsibility of parenthood due to
31 physical and/or mental incapacity of spouse as certified by a public
32 medical practitioner;
33

34 (5) Parent left solo or alone with the responsibility of parenthood due to
35 legal separation or *de facto* separation from spouse for at least one (1)
36 year, as long as he/she is entrusted with the custody of the children;
37

38 (6) Parent left solo or alone with the responsibility of parenthood due to
39 declaration of nullity or annulment of marriage as decreed by a court or

1 by a church as long as he/she is entrusted with the custody of the
2 children;

3
4 (7) Parent left solo or alone with the responsibility of parenthood due to
5 abandonment of spouse for at least one (1) year;

6
7 (8) Unmarried mother/father who has preferred to keep and rear her/his
8 child/children instead of having others care for them or give them up to a
9 welfare institution;

10
11 (9) Any other person who solely provides parental care and support to a
12 child or children;

13
14 (10) Any family member who assumes the responsibility of head of family
15 as a result of the death, abandonment, disappearance or prolonged
16 absence of the parents or solo parent.

17
18 A change in the status or circumstance of the parent claiming benefits under this
19 Act, such that he/she is no longer left alone with the responsibility of parenthood,
20 shall terminate his/her eligibility for these benefits.

21
22 (b) "Children" - refer to those living with and dependent upon the solo parent for
23 support who are unmarried, unemployed and not more than eighteen (18) years
24 of age, or even over eighteen (18) years but are incapable of self-support
25 because of mental and/or physical defect/disability.

26
27 (c) "Parental responsibility" - with respect to their minor children shall refer to the
28 rights and duties of the parents as defined in Article 220 of Executive Order No.
29 209, as amended, otherwise known as the "Family Code of the Philippines."

30
31 (d) "Parental leave" - shall mean leave benefits granted to a solo parent to
32 enable him/her to perform parental duties and responsibilities where physical
33 presence is required.

34
35 (e) "Flexible work schedule" - is the right granted to a solo parent employee to
36 vary his/her arrival and departure time without affecting the core work hours as
37 defined by the employer.

1 (f) "LIABLE PARENT" – THE PARENT, WHETHER RESIDING IN THE PHILIPPINES OR IN A
2 FOREIGN COUNTRY, WHO HAS WILLFULLY OR NEGLIGENTLY ABANDONED OR
3 DESERTED, OR NEGLECTED HIS OR HER MINOR CHILDREN, LEAVING THE TASKS OF
4 CUSTODY, CARE AND SUPPORT OF THEIR MINOR CHILDREN TO THE SOLO PARENT.
5

6 **SECTION 4.** Section 5 of Republic Act No. 8972 is hereby amended to read as follows:
7

8 **Section 5. Comprehensive Package of Social Development, Welfare AND OTHER**
9 **Services.** - A comprehensive package of social development and welfare
10 services for solo parents and their families will be developed by the Department
11 of Social Welfare and Development (DSWD), Department of Health (DOH),
12 Department of Education (DepEd), Commission on Higher Education (CHED),
13 Technical Education and Skills Development Authority (TESDA), Department of
14 Labor and Employment (DOLE), National Housing Authority (NHA), Department
15 of Interior and Local Government (DILG), their attached agencies and other
16 appropriate government agencies, in coordination with local government units
17 and a nongovernmental organization with proven track record in providing
18 services for solo parents.
19

20 The DSWD shall coordinate with concerned agencies the implementation of the
21 comprehensive package of social development and welfare services for solo
22 parents and their families. The package will initially include:
23

24 (a) Livelihood development services which include trainings on livelihood
25 skills, basic business management, value orientation and the provision of
26 seed capital or job placement.
27

28 (b) Counseling services which include individual, peer group or family
29 counseling. This will focus on the resolution of personal relationship and
30 role conflicts.
31

32 (c) Parent effectiveness services which include the provision and
33 expansion of knowledge and skills of the solo parent on early childhood
34 development, behavior management, health care, rights and duties of
35 parents and children.
36

37 (d) Critical incidence stress debriefing which includes preventive stress
38 management strategy designed to assist solo parents in coping with crisis
39 situations and cases of abuse.

1
2 (e) Special projects for individuals in need of protection which include
3 temporary shelter, counseling, legal assistance, medical care, self-
4 concept or ego-building, crisis management and spiritual enrichment.
5

6 GOVERNMENT AGENCIES AND GOVERNMENT CORPORATIONS INVOLVED IN THE
7 PROVISION OF SOCIAL BENEFITS AND WELFARE SERVICES, SUCH AS THE SOCIAL
8 SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), HOME
9 DEVELOPMENT MUTUAL FUND (HDMF), OVERSEAS WORKERS WELFARE
10 ADMINISTRATION (OWWA), AND OTHER RELATED REGULATORY AGENCIES, SUCH
11 AS THE INSURANCE COMMISSION, SHALL EXTEND SPECIAL AND PRIORITY
12 ASSISTANCE FOR SOLO PARENTS IN ORDER TO EXPEDITE THEIR CLAIMS AND TO
13 RECOVER BENEFITS AND REQUEST FOR SERVICES IN THE NAME OF THE DECEASED,
14 ABSENT PARENT OR LIABLE PARENT.
15

16 PERSONS AND ENTITIES CONCERNED, PUBLIC OR PRIVATE, SHALL, WITH UTMOST
17 DISPATCH, EXTEND THE NECESSARY ASSISTANCE AND PROVIDE THE ESSENTIAL AND
18 REASONABLE INFORMATION TO A SOLO PARENT IN RELATION TO THE LATTER'S
19 EFFORTS TO LOCATE AND ENFORCE CHILD SUPPORT OBLIGATIONS FROM A LIABLE
20 PARENT, OR TO CLAIM AND RECOVER BENEFITS, RECEIVABLE AND OTHER
21 SERVICES JUSTLY DUE AND OWING TO A DECEASED, ABSENT OR INCAPACITATED
22 PARENT.
23

24 **SECTION 5.** Section 12 of Republic Act No. 8972 is hereby amended to read as follows:
25

26 **Section 12. Additional Powers and Functions of the DSWD.** — The DSWD shall
27 perform the following additional powers and functions relative to the welfare of
28 solo parents and their families:
29

30 (a) Conduct research necessary to: (1) develop a new body of
31 knowledge on solo parents; (2) define executive and legislative measures
32 needed to promote and protect the interest of solo parents and their
33 children; and (3) assess the effectiveness of programs designed for
34 disadvantaged solo parents and their children;
35

36 (b) Coordinate the activities of various governmental and
37 nongovernmental organizations engaged in promoting and protecting
38 the interests of solo parents and their children; [and]
39

1 (c) INITIATE AND SPEARHEAD PROACTIVE AND EFFECTIVE COORDINATION
2 AND INFORMATION-SHARING WITH THE APPROPRIATE LOCAL
3 GOVERNMENT UNITS, EMPLOYER-AGENCIES AND OTHER APPROPRIATE
4 GOVERNMENT AGENCIES, SUCH AS THE PHILIPPINE NATIONAL POLICE (PNP),
5 NATIONAL BUREAU OF INVESTIGATION (NBI), BUREAU OF INTERNAL REVENUE
6 (BIR), SOCIAL SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE
7 SYSTEM (GSIS), HOME DEVELOPMENT MUTUAL FUND (HDMF), PHILIPPINE
8 OVERSEAS EMPLOYMENT ADMINISTRATION (POEA), AMONG OTHERS, TO
9 PHYSICALLY LOCATE AND DETERMINE THE WHEREABOUTS, WORK AND
10 EMPLOYMENT INFORMATION OF THE LIABLE PARENT FOR PURPOSES OF
11 STRENGTHENING AND PROMOTING THE SOLO PARENT'S EFFORTS IN
12 ENFORCING THE OBLIGATION OF THE LIABLE PARENT TO PROVIDE CHILD
13 SUPPORT.

14
15 (d) PROVIDE AND/OR COORDINATE WITH APPROPRIATE GOVERNMENT
16 AGENCIES FOR THE PROVISION OF LEGAL ASSISTANCE TO SOLO PARENTS
17 TO PROMOTE AND FAST-TRACK THEIR EFFORTS TO ENFORCE THE LEGAL
18 OBLIGATIONS OF THE LIABLE PARENTS TO PROVIDE CHILD SUPPORT, OR TO
19 CLAIM OR RECOVER RECEIVABLES AND PROPERTIES OWING TO THE ABSENT
20 OR DECEASED PARENT WHETHER DUE FROM THE GOVERNMENT OR
21 OTHERWISE, OR TO SETTLE THE ESTATE OF THE DECEASED PARENT.

22
23 (e) CONDUCT DIALOGUES AND, IF NECESSARY, ENTER INTO AGREEMENTS,
24 MECHANISMS AND ARRANGEMENTS WITH OTHER GOVERNMENT AGENCIES,
25 GOVERNMENT CORPORATIONS AND OFFICES, INCLUDING THE JUDICIARY
26 AND OTHER INDEPENDENT BODIES AND COMMISSIONS, FOR THE EFFECTIVE
27 ACCOMPLISHMENT OF THE OBJECTIVES OF THIS ACT; AND

28
29 (f) Monitor the implementation of the provisions of this Act and suggest
30 mechanisms by which such provisions are effectively implemented.

31
32 **SECTION 6. Implementing Rules and Regulations.** – The Department of Social Welfare
33 and Services (DSWD) shall promulgate the necessary implementing rules and
34 regulations to effectively implement this Act.

35
36 **SECTION 7. Separability Clause.** – If any provision or part of this Act is declared invalid or
37 unconstitutional, the remaining parts or provisions not affected shall remain force and
38 effect.

1 **SECTION 8. Repealing Clause.** – All laws, decrees, charters, executive orders,
2 administrative orders, proclamations, rules and regulations, or parts thereof insofar as
3 they are inconsistent with the provisions of this Act are hereby repealed or modified
4 accordingly.

5

6 **SECTION 9. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
7 the Official Gazette or in a newspaper circulation.

8

9 Approved.