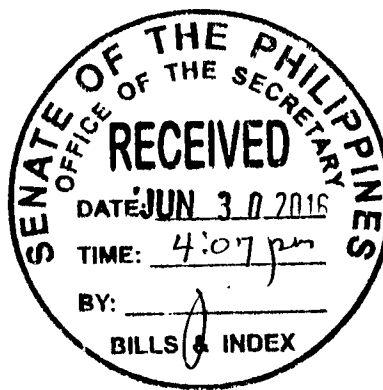


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 106

Introduced by Senator Richard "Dick" J. Gordon

AN ACT PUNISHING THE WILLFUL FAILURE TO PAY CHILD SUPPORT

EXPLANATORY NOTE

It is the primary responsibility of the State to promote the best interests of children and protect their well-being. The payment of child support should be an important priority of the State. Unpaid child support is something that the State should not tolerate, for this threatens the health, education and survival of our children.

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, do not include the willful failure to pay child support.

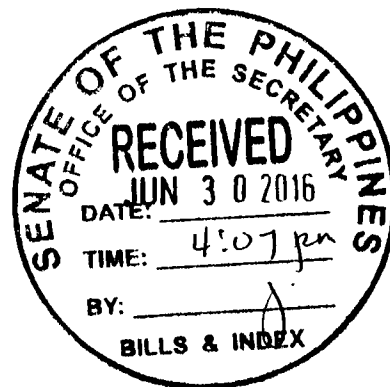
The State must protect and defend the right of children to child support. Parents must likewise be responsible for their children. A law punishing the willful failure to pay child support must therefore be enacted.



RICHARD "DICK" J. GORDON
Senator

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

SENATE
S. No. 106



Introduced by Senator Richard "Dick" J. Gordon

AN ACT PUNISHING THE WILLFUL FAILURE TO PAY CHILD SUPPORT

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

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

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

7 Sec. 3. *Willful Failure to Pay Child Support.* – Any person who willfully fails to pay
8 child support, if such an obligation has remained unpaid for at least one (1) year or has an
9 outstanding amount due of fifty thousand pesos (PhP50,000) or more, shall be punished by
10 *prision correccional* under the Revised Penal Code.

11 Sec. 4. *Presumption.* – The existence of a child support obligation that has remained
12 unpaid for at least one (1) year or has an outstanding amount due of fifty thousand pesos
13 (PhP50,000) or more, in spite of demand, as alleged in the Complaint or Information creates
14 a disputable presumption that the person has willfully failed to pay child support.

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

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

21 Sec. 7. *Separability Clause.* – If any portion or provision of this Act is declared
22 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain
23 in force and effect.

24 Sec. 8. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days
25 following the completion of its publication either in the Official Gazette or in a newspaper of
26 general circulation in the Philippines.

27 Approved,