

SEVENTEENTH CONGRESS  
REPUBLIC OF THE PHILIPPINES  
First Regular Session



16 JUL 19 AIO:17

SENATE  
S.B. No. 424

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**Introduced by Senator LOREN LEGARDA**

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**AN ACT PUNISHING THE WILLFUL FAILURE TO PAY CHILD SUPPORT**

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.

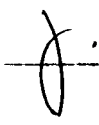
The State must protect and defend the right of children to child support, and parents must be responsible for their children. A law punishing the willful failure to pay child support must therefore be enacted.

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

  
**LOREN LEGARDA**  
Senator

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*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 the  
2   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  
7   be 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  
9   for 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  
13   (1) year or has an outstanding amount due of Fifty Thousand Pesos  
14   (P50,000.00) or more, shall be punished by *prision correccional* under the  
15   Revised Penal Code.  
16
- 17   **SEC. 4. Presumption.** - The existence of a child support obligation that has  
18   remained unpaid for at least one (1) year or has an outstanding amount due of  
19   Fifty Thousand Pesos (P50,000.00) or more, despite demand, as alleged in the  
20   Complaint or Information creates a disputable presumption that the person has  
21   willfully failed to pay child support.  
22
- 23   **SEC. 5. Probation.** - Should the parent avail of probation after conviction and  
24   sentence under this Act, the probationer shall meet his or her family  
25   responsibilities and pay child support as part of the condition for probation.  
26
- 27   **SEC. 6. Repealing Clause.** - Any law, presidential decree or issuance,  
28   executive order, letter of instruction, rule or regulation inconsistent with the  
29   provisions of this Act is hereby repealed or modified accordingly.  
30
- 31   **SEC. 7. Separability Clause.** - If any portion or provision of this Act is declared  
32   unconstitutional, the remainder of this Act or any provision not affected  
33   thereby shall remain in force and effect.  
34
- 35   **SEC. 8. Effectivity Clause.** - This Act shall take effect fifteen (15) days after its  
36   publication in at least two (2) newspapers of general circulation.  
37
- 38   Approved,