

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

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SENATE
S. No. 1676

RECEIVED BY: _____

Introduced by **Senator Richard J. Gordon**

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 public policy priority of the State. Unpaid child support is something that the State and our children should not tolerate, as this threatens the health and education of our children and the future of our country.

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. A law punishing the willful failure to pay child support must therefore be enacted.


RICHARD J. GORDON
Senator

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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 parent who willfully fails to pay
8 child support, if such 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*.

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 as alleged in the Complaint or Information creates a disputable
14 presumption that the parent has the ability 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.

18 Sec. 6. *Repealing Clause.* – Any law, presidential decree or issuance, executive
19 order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is
20 hereby repealed or 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 provisions not affected thereby shall

1 remain in force and effect.

2 Sec. 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days from the date
3 of its publication in at least one (1) newspaper of general circulation.

4 Approved.