



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Sixteenth Congress
Third Regular Session

HOUSE BILL NO. 6079

Introduced by Honorable Rosenda Ann Ocampo

EXPLANATORY NOTE

This bill seeks to penalize the refusal or failure to give legal child support without justifiable cause.

Paragraph 2, Section 3, Article XV of the 1987 Constitution provides that:

"Sec. 3. The State shall defend:

xxx

(2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;

xxx xxx xxx."

In adherence to this provision of the Constitution, Congress enacted Republic Act (RA) No. 9262, entitled "*An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, And For Other Purposes.*" Section 8 of RA 9262 provides for the issuance of a protection order which shall include relief for the abandoned woman and her child, one of which is the entitlement to a legal support. Furthermore, it provides that "*failure to remit and/or withhold or any delay in the remittance of support to the woman and/or her child without justifiable cause shall render the respondent or his employer liable for indirect contempt of court.*"

Articles 194-208 of Executive Order No. 209, also known as the "*Family Code of the Philippines*," provide for the definition of support and enumerate provisions governing such.

The issue of child support remains to be one of the most difficult issues to resolve between couples hounded by the pain of separation. Apart from the emotional trauma, the parent who has custody of the child is left with the difficult task of single-handedly raising the child or children. The situation becomes more agonizing when the parent who is obliged to give legal child support refuses or fails to remit the support. Hence, the welfare of the child is compromised, especially when the custodial parent does not have the means to sustain the needs of the child.

Sadly, our laws do not penalize anyone who refuses or intentionally fails to pay the legal child support. The custodial parent can only file a motion to cite the obliged parent for indirect contempt for refusal to comply with a valid court order mandating the support provisions. This makes it easier for the obliged parent to neglect the support owed to the child, even if that parent is financially capable. Ultimately, it is the child who suffers the most from this conflict. To address this unfortunate situation, this bill provides strict penalties of fine and imprisonment against the obliged parent if found guilty of refusing or failing to give legal child support without justifiable cause.

Once approved, this measure will compel parents to comply with the court order to pay the legal child support and ensure that their child or children still get the best possible care, notwithstanding their severed relationship. After all, the well-being of the child should be the utmost concern of both the government and the parents.

In view of the foregoing, approval of this bill is sought.



ROSENDA ANN OCAMPO



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1 **AN ACT**
2 **PENALIZING THE REFUSAL OR FAILURE TO GIVE LEGAL**
3 **CHILD SUPPORT WITHOUT JUSTIFIABLE CAUSE**
4

5 *Be it enacted by the Senate and the House of Representatives of the*
6 *Philippines in Congress assembled:*
7

8 SECTION 1. *Short Title.* – This Act shall be known as the “*Child*
9 *Support Enforcement Act.*”

10 SEC. 2. *Prohibited Acts.* – It shall be unlawful for any person to:

11 a) Refuse or fail to give legal child support without justifiable
12 cause (i) amounting to more than Thirty thousand pesos (P30,000.00), or
13 (ii) for a period of more than six (6) months; or

14 b) Pay less than the amount determined by the court as legal
15 child support (i) amounting to more than Thirty thousand pesos
16 (P30,000.00), or (ii) for a period of more than one (1) year.

1 As used in this Act, "*legal child support*" refers to the amount
2 determined by a court order or under a parenting agreement approved in
3 court, or issued under a protection order pursuant to Republic Act No.
4 9262, otherwise known as the "*Anti-Violence Against Women and Their*
5 *Children Act of 2004*," to be remitted by the parent obliged to give support
6 to the parent who has the legal custody or parental authority over the child.

7 SEC. 3. **Penalty.** – a) For the first offense, any person who commits
8 any of the prohibited acts under Section 2 of this Act shall, upon
9 conviction, suffer the penalty of a fine in the amount of Twenty-five
10 thousand pesos (P25,000.00) or imprisonment of not less than six (6)
11 months but not more than one (1) year, or both, and the lump sum
12 settlement of the total unpaid legal child support;

13 b) For subsequent offenses, any person who commits the prohibited
14 acts under Section 2 of this Act shall, upon conviction, suffer the penalty
15 of a fine of Fifty thousand pesos (P50,000.00) or imprisonment of not less
16 than one (1) year but not more than two (2) years, or both, and the lump
17 sum settlement of the total unpaid legal child support.

18 Any unpaid legal child support shall accrue an interest of 1.5% per
19 month until such time the legal child support has been fully paid.

1 The employer who is found guilty of refusing to comply with the
2 conditions of a legal child support without justifiable cause shall pay a fine
3 of Twenty-five thousand pesos (P25,000.00) and settle in full the total
4 unpaid legal child support.

5 SEC. 4. *Venue.* – Any case arising from this Act shall be instituted
6 and prosecuted in the court that has jurisdiction over the residence of the
7 child entitled to legal child support.

8 SEC. 5. *Child Support Enforcement Desk.* – The Department of
9 Social Welfare and Development is mandated to utilize its field offices as
10 Child Support Enforcement Desk which shall provide assistance in the
11 implementation of the provisions of this Act and inform the people of the
12 rules and regulations governing child support.

13 SEC. 6. *Effectivity.* – This Act shall take effect fifteen (15) days
14 after its publication in the *Official Gazette* or in two (2) national
15 newspapers of general circulation.

16 Approved,