



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 7810



Introduced by Representative PAUL R. DAZA

EXPLANATORY NOTE

A study commissioned by the World Health Organization (2018) estimated that there are about 14 million household heads without a spouse. This figure is about 14 to 15% of the estimated 94 million Filipinos in 2018. It is more overwhelming that around 95% of these individuals are women.

This means that more and more children are in difficult, precarious, and financially insecure conditions—caused by absence of lack of support from absentee or deadbeat parents, who are, sadly, mostly men.

There are already existing laws to address the plight of solo parents (e.g., RA 8972, otherwise known as the Solo Parents Welfare Act and RA 9262 or Violence Against Women and Children Act), however, much still needs to be done to strengthen protection of children.

For example, while RA 8972 provides special privileges like discounts, leave credits, and flexible work schedule for solo parents, what these parents need more is an increase in their purchasing power, which can be done by compelling non-custodial parents to contribute toward their child's basic necessities.

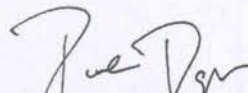
There are also more opportunities where government can provide more support to single parents particularly in the issuance of licenses and permits (e.g., automatic non-issuance of driver's license or passport for an offender or deadbeat parent). This is already being done in the U.S. In fact, New York State—through the Office of Temporary and Disability Assistance/Child Support—requires employers to submit income and benefit data of employees who have child support cases. This information becomes the basis through which they can require parents with child support cases to continue supporting their children.

Seeing the important role of non-custodial or absentee spouses/partners in raising healthy and secure children, there is a need to enact a child support enforcement law. This proposed law will have more teeth than any other similar existing or proposed law. Among its core features include:

1. A minimum across-the-board amount of child support that all non-custodial parents must pay regardless of their income or lack thereof.

2. Avoidance of giving a grace period for non-payment of child support. The offending parent is immediately susceptible to criminal action upon his first default of payment.
3. Removal of gender as a factor in evaluating cases. Even mothers can be compelled to give child support if they abandoned their children in the custody of the father or any other substitute parent.
4. Integrating child support with issuance of government permits, licensing, and other documentary issuances of the government (e.g., a *Hold Departure Order* is immediately issued upon the first default of payment of child support, as determined by barangay and police authorities).
5. Mandatory inclusion of the discussion of the rights of the child under the UN CRC, RA 7610, RA 9262, and other relevant laws in school curricula.
6. Mandatory remittance of child support by employers of a non-custodial parent. Employers that refuse to automatically remit child support payments to a custodial parent are made criminally liable along with the offending non-custodial parent.
7. Imposition of criminal liability to family members of a non-custodial parent who intervene and block child support payments.

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



PAUL R. DAZA

Representative, 1st District of Northern Samar



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

Eighteenth Congress
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House Bill No. **7810**

Introduced by Representative PAUL R. DAZA

**AN ACT ENFORCING CHILD SUPPORT AND PENALIZING THE REFUSAL OR
FAILURE TO SUPPORT A CHILD**

Be enacted by the Senate and House of Representative of the Republic of the Philippines in
Congress assembled:

ARTICLE I
GENERAL PROVISIONS

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

SECTION 2. Declaration of Policy. Children did not choose to be born. Parents should be responsible for the survival and well-being of their children. In cases of families with an absent or deadbeat parent or when separation of couples/parents are not avoidable, the family should continue to provide an environment of well-being and security. This is difficult to provide if custodial parents are forced to work full-time (or even beyond), depriving children of attention and guidance as they grow up. It is then the policy of the State to ensure that all children—including those in households/families where the other parent has refused or failed to give support—will have equal chances in life.

It shall also be the State policy to:

- (1) Strengthen marriage as the foundation of a successful society and as an essential institution of a successful society, which promotes the interests of children.
- (2) Promote responsible fatherhood and motherhood as integral to successful child rearing and the well-being of children. This necessitates the prevention and reduction of the incidence of pregnancies outside marriage as well as unplanned pregnancies within marriage.
- (3) Mandate child support in all circumstances including in cases of couples who decided not to get married or separate (whether legally or otherwise) or parents who refused to or fail to give child support.
- (4) Support families/parents to establish paternity in cases when it is not certain.
- (5) Mandate the government through its agencies and instrumentalities to withhold or refuse servicing of requests (e.g., driver's license, passport, etc.) of deadbeat parents or those with unresolved child support cases.
- (6) End/minimize the dependence of needy parents on government benefits by promoting job preparation, work, marriage, and responsible parenthood.
- (7) Establish job opportunities where non-custodial parents may be assisted so they may continue to support their children.

SECTION 3. Definitions. – As used in this Act.

- (a) **Child** refers to a person below eighteen (18) years of age or a person 18 years or over but is unable to fully take care or protect himself/ herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psycho-social disability or condition;
- (b) **Child support** is money regularly paid by one parent to the other parent for the purpose of providing adequate financial support to their common child or children. Oftentimes, child support is paid by the non-custodial parent to the custodial parent or guardian/carer in case of an orphan, or close relatives in case of a child or children left in their care by both parents. This support is meant for the maintenance of a child, or a child and the parent with whom the child is living, which provides for monetary support for sustenance, dwelling, clothing, medical attendance, education, and transportation, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief;
- (c) **Child Support Register** means the child support register or database that is established by this Act;

- (d) **Complex cases** – child support cases with circumstances that make them difficult or impossible to be resolved *administratively* or in the level and authority of the Department of Social Welfare and Development (DSWD);
- (e) **Custodian-parent** refers to the parent who is raising a child/person on his/her own in the absence of the co-parent who is otherwise alive;
- (f) **Deadbeat parent** refers to a parent who has abandoned his/her parental obligation or is unwilling to pay his/her child support obligation;
- (g) **Department** refers to the Department of Social Welfare and Development (DSWD);
- (h) **Disbursement Unit** – a unit within the *National Child Support Program* or the designated disbursing unit tasked by DSWD to receive and disburse child support funds;
- (i) **Employment Placement Program (EPP)** is a government program established under this Act and is mandated to assist single parents (both custodial and non-custodial parents) by way of employment placement or access to seed funding for a *qualified business or purpose*.
- (j) **Lump sum** payment due is the total amount due as child support payment to cover a missed period (e.g., months/years during which the non-custodian parent abandoned the child or refused/failed to give child support up to the time of issuance of the child support order).
- (k) **Medical support** is the legal provision of payment of medical, dental, prescription, and other health care expenses of the child.
- (l) **Qualified business or purpose** is a purpose that may qualify for government support such as the provision of access to secondary or tertiary education in public/government schools/universities, scholarship and *no-interest* seed fund for a start-up business or additional capitalization for an ongoing but financially-needy business.
- (m) **No-interest seed fund or additional capitalization** is a qualified financial support from the government (through a participating agency such as Social Security System), to be paid back by the borrower (i.e., custodial or non-custodial parent) at no-interest rate and flexible terms.
- (n) **Overseas Authority** means a judicial or administrative authority of a reciprocating jurisdiction/state/country that is responsible for giving effect to an international maintenance arrangement;

- (o) **Parent Locator Service (PLS)** refers to a system or group of systems managed by the government to assist parents in locating noncustodial parents, putative fathers, and custodial parties for the establishment of paternity and child support obligations, as well as the enforcement and modification of orders for child support, custody and visitation.
- (p) **Periodic amount** is the monthly, semi-monthly (fortnightly) or periodic amount of child support that has been ordered by the court or the Department. In no case shall payments be allowed longer than or beyond one (1) month except in rare cases (e.g., for overseas non-custodian parent) when it is more cost-efficient to send child support in quarterly basis. In such a situation, the periodic amount must be included in any case review;
- (q) **Regional Director** refers to the head of the Field Office of DSWD;
- (r) **Relative** refers to a relative within the fourth degree of consanguinity or affinity;
- (s) **Secretary** refers to the Secretary of the Department of Social Welfare and Development;
- (t) **Simulation of birth** refers to supplying of wrong information to the birth record of a child making it appear in the birth records that a certain child was born to a person who is not the biological mother or father, causing the loss of the true identity of the child;
- (u) **Social Welfare Development Officer** refers to a person who is a duly licensed social worker and appointed by the local chief executive to head the provincial, city or municipal social welfare development office which serves as the frontline of the local government unit in the delivery of social welfare and development programs and services;
- (v) **Social worker** refers to a licensed practitioner who by accepted academic training and social work professional experience possesses the skill to achieve the objectives as defined and set by the social work profession, through the use of the basic methods and techniques of social work (casework, group work, and community organization) which are designed to enable individual, groups and communities to meet their needs and to solve the problems of adjustment to a changing pattern of society and, through coordinated action, to improved economic and social conditions, and is connected with an organized social work agency which is supported partially or wholly from government or community solicited funds;

(w) **Solo parent**, as defined by the Solo Parent Act of 2000 (RA 8972) is:

v.1 A woman who gives birth as a result of rape and other crimes against persons even without a final conviction of the offender, provided that mother keeps and raises the child.

v.2 Parent left solo or alone with the responsibility of parenthood due to the following circumstances:

a. Due to death of spouse.

b. Spouse is detained or is serving sentence for a criminal conviction for at least one (1) year.

c. Physical and/or mental incapacity of spouse as certified by a public medical practitioner.

d. Legal separation or de facto separation from spouse for at least one (1) year, as long as he/she is entrusted with the custody of the children.

e. Declaration of nullity or annulment of marriage as decreed by a court or by a church as long as he/she is entrusted with the custody of the children.

v.3 Unmarried mother/father who has preferred to keep and rear her/his child/children instead of having others care for them or give them up to a welfare institution.

v.4 Any other person who solely provides parental care and support to a child or children.

v.5 Any family member who assumes the responsibility of head of family as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent.

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

(x) **Support Order** means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by the court or an authority (e.g., Department of Social Welfare and Development) for the support and maintenance of a child.

(y) **Work- and income support-related withholding payment** means payments from which an amount must be withheld as mandated by this Act. The payments covered are salaries, wages, commissions, compensation, and other similar payments to employees and company directors, payments to office holders, *return to work* payments, payments under labor hire arrangements, payments of annuities,

payments of superannuation benefits, payments for termination of employment, payments for unused leave, benefit payments, compensation payments, payments specified by regulations, alienated personal services payments, and other similar salaries, wages, commissions, compensation, and payments.

SECTION 4. Establishment of the National Child Support Program (NCSP).—

This Act establishes the National Child Support Program, which will be administered by the Department of Social Welfare and Development in strict compliance of and with the support of relevant agencies in the national and local levels. Recognizing that competing social and economic needs exist, organs of state in the national, regional, provincial, and where applicable, local spheres of government must, in the implementation of this Act, take reasonable measures to the maximum extent of their available resources to achieve the realization of the objectives of this Act.

SECTION 5. Compliance of Local Government Units (LGU).—In order to facilitate the collection of support in inter-LGU cases, an LGU must work together with other LGUs in establishing paternity, locating absent parents, and securing compliance with an order issued by the Family Court or DSWD in another locality/LGU.

SECTION 6. Compliance of Participating or Relevant Government Agencies.—Participating or relevant agencies are required to use several enforcement tools and instrumentalities in enforcing this Act.

Enforcement techniques include:

1. Imposing liens against real and personal property for amounts of overdue child support;
2. Withholding tax refunds payable to a parent who is delinquent in child support payments;
3. Reporting the amount of overdue support to a consumer credit bureau upon request;
4. Requiring individuals who have demonstrated a pattern of delinquent payments to post a bond or give some other guarantee to secure payment of overdue support;
5. Establishing expedited processes within the judicial system or under administrative processes for obtaining and enforcing child support orders and determining paternity. These expedited procedures include giving relevant authorities the power to secure assets to satisfy payment of past-due support by seizing or attaching salaries/compensation, judgments, settlements, lotteries, assets held in financial institutions, and public and private retirement funds;

6. Withholding, suspending, or restricting the use of driver's licenses, professional and occupational licenses, and recreational and sporting licenses of non-custodial parents who owe past-due child support;

7. Denying passports to persons with past-due child support *unless* he or she has appeared in a family court or DSWD and complied with requirements for travel;

8. Requiring unemployed non-custodial parents who owe child support to participate in appropriate work activities or avail of relevant government programs as provided for in this Act;

9. Performing quarterly data matches with financial institutions; and

10. Voiding fraudulent transfers of assets to avoid payment of child support.

ARTICLE II

ELIGIBILITY

SECTION 7. Solo Parents.—All qualified individuals (“solo parents”) as provided for in this Act may avail of the NCSP.

SECTION 8. Locating and Dealing with Deadbeat Parents.—Qualified solo parents may request for government assistance in locating and filing for cases against deadbeat parents. Nevertheless, formerly deadbeat parent who had successfully completed a case filing and committed to pay child support are qualified to seek government support as provided for in this Act in meritorious cases (e.g., unemployment, loss of business, bankruptcy, etc.).

ARTICLE III

PROCEDURES

SECTION 9. Roles, Responsibilities, and Services of the National Child Support Program (NCSP). The goal of NCSP is to combine national and local government responsibilities and activities into an efficient process that provides seven basic services: (i) locating absent parents, (ii) establishing paternity, (iii) establishing child support orders, (iv) reviewing and modifying orders, (v) establishing and enforcing medical support, (vi) collecting and distributing support, and (vii) enforcing child support across all provinces.

(1) **Locating parents.** In pursuing cases, designated NCSP staff/officials shall obtain information and several documents from the custodial parent or other sources. These include the name and address of the non-custodial parent; the non-custodial parent's Social Security System Number (SSSN) or a similar identifying number; children's birth certificates; the child support order (if already acquired/issued); the annulment/ divorce decree or separation agreement; the name and address of the current or most recent employer of the non-custodial parent; the names of friends

and relatives or organizations to which the non-custodial parent might belong; information about income and assets; and any other information about non-custodial parents that might help locate them. Once this information is provided, it is used in strictest confidence.

If the NCSP cannot locate the non-custodial parent with the information provided by the custodial parent, it must try to locate the non-custodial parent through the NCSP's Parent Locator Service. The NCSP may use various information sources such as telephone directories, motor vehicle registries, tax files, and employment and unemployment records. The NCSP can likewise request other authorized government agencies (such as Department of Foreign Affairs) to locate the non-custodial parent. The authorized agency can access data from other agencies such as Social Security System, BIR, Philippine Statistics Authority, Land Transportation Office, or any relevant agency involved in the program.

- (2) Establishing paternity.** Paternity establishment is a prerequisite for obtaining a child support order. Without paternity established, children have no legal claim on their fathers' income. In addition to financial benefits, establishing paternity can provide social, psychological, and emotional benefits and in some cases the father's medical history may be needed to give a child proper care.

It is the duty of the State to assist custodian parents to establish the paternity of a child. This Act creates simpler civil procedures for establishing paternity in contested cases, by requiring all parties in a contested paternity case to take a genetic or deoxyribonucleic acid (DNA) test upon the valid request of a custodian parent.

The Government (through its public hospitals and/or PhilHealth) shall provide for the laboratory costs of these tests. DSWD shall set paternity establishment standards and procedures through the Implementing Rules and Regulations of this Act in coordination with the following agencies: (i) the Department of Health; (ii) Department of Justice; and the Philippine Statistics Authority.

To further simplify the procedures, a simple civil process for voluntarily acknowledging paternity shall be established under which the Government must explain the rights and responsibilities of acknowledging paternity and afford due process safeguards. Procedures must include a hospital-based system for the voluntary acknowledgment of paternity during the period immediately preceding or following the birth of a child.

- (3) **Establishing Orders.** A child support order legally obligates non-custodial parents to provide financial support for their children and stipulates the amount of the obligation (e.g., monthly obligation plus arrearages, if any) and how it is to be paid. DSWD may establish child support obligations either by judicial or administrative process.

3.1 Judicial and administrative systems

The family courts have traditionally played a major role in child- and women-related cases. Judges issue orders, establish paternity, and provide authority for all enforcement activity. Women and child rights literature generally concludes that the judicial process offers several advantages, especially by providing more adequate protection for the legal rights of women and children and by offering a wide range of enforcement remedies, such as civil contempt and possible incarceration. A major problem of using courts, however, is that they are often cumbersome, expensive, and time consuming.

Therefore, the advantages of an administrative process are very compelling. These include offering quicker service because documents do not have to be filed with the court clerk nor await the signature of the judge, eliminating time-consuming problems in scheduling court appearances, providing a more uniform and consistent obligation amount, and saving money because of reduced court costs and attorney fees. DSWD shall issue guidelines for cases when administrative procedure is better adapted.

3.2 Determining the amount of support orders

The decision of how much a parent should pay for child support is left primarily to the discretion of DSWD and/or the court in full consultation with relevant agencies such as the National Economic and Development Authority (NEDA) and resource persons (family counselors, economists or socio-economists, and financial analysts), who shall be involved in the drafting of the IRR. However, this Act mandates that child support shall not be lower than Six Thousand Pesos (PhP6,000.00) per month, which is equivalent to Two Hundred Pesos (PhP200.00) per day.

The child support obligation shall be established with the support of NEDA and in accordance with an agreed schedule subject to the country's economic indices and income classification and revisions or deviations as permitted by this Act and its

IRR. Except as provided in this Act or its IRR, the combined monthly net incomes of both parents shall be used in determining the obligation, which shall be divided proportionately between the parents based upon their respective net incomes. The noncustodial parent's proportionate share establishes the amount of the child support order.

(4) Reviewing and modifying orders

The NCSP shall review guidelines at least once every four (4) years and have procedures for review and adjustment of orders, consistent with a plan indicating how and when child support orders are to be reviewed and adjusted. Review may take place at the request of either parent subject to the order or at the request of the child if he or she is ascertained to be of the right age or maturity, which is ordinarily expected at about age 15 to 18. Any adjustment to the award must be consistent with the NCSP guidelines, which must be used as a rebuttable presumption in establishing or adjusting the support order. This Act also requires NCSP to review all orders being enforced under the child support program within 36 months after establishment or after the most recent review of the order and to adjust the order in accord with the State's guidelines. The NCSP shall notify parents in cases being enforced by the Government of their right to request a review, of their right to be informed of the forthcoming review at least 30 days before the review begins, and of any proposed adjustment or determination that there should be no change in the award amount. In the latter case, the parent must be given at least 30 days after notification to initiate proceedings to challenge the proposed adjustment or determination.

(5) Enforcing medical support and protecting children from insurance disqualification

Medical child support shall form a part of all child support orders. Insurers are prohibited from denying enrollment of a child under the health insurance coverage of the child's non-custodian parent on the grounds that the child was born out of marriage, is not claimed as a dependent on the parent's income tax return, or does not reside with the parent or in the insurer's service area.

(6) Collecting and issuing support

To the extent possible, the non-custodian parent should make the payment of child support directly to the custodian parent. Family courts or the NCSP shall collect child support when the non-custodial parent does not pay or refuses to pay the custodian parent directly. The most important collection method is wage withholding. Other

techniques for enforcing payments include regular billings; delinquency notices; liens on property; offset of other compensation payments; seizure and sale of property; garnishment of wages; seizure of income tax refunds; attachment of lottery winnings; and insurance settlements of debtor parents.

Payment of support shall always be enforced through a system that allows reporting of arrearages to credit agencies, revocation of various types of licenses, and other withholding of services as provided in Section 14.

(7) Enforcing child support orders across all LGUs

When non-custodial parents move to or live in another LGU (e.g., province), enforcing child support is cumbersome and may be ineffective. LGUs are required to cooperate in inter-LGU child support enforcement. This Act shall establish and enforce support obligations when the non-custodial parent and custodial parent do not live in the same LGU.

This Act provides a system for the inter-LGU enforcement of support orders without requiring the person seeking support to go (or have her legal representative go) to the LGU in which the non-custodial parent resides. This Act shall be used to establish paternity, locate an absent parent, and establish, modify, or enforce a support order across all LGU lines.

ARTICLE IV

ADMINISTRATION

SECTION 10. Child Support Register.—A *Child Support Register* shall be established by the NCSP. This shall be headed by a Child Support Registrar, who is: (i) a DSWD employee; and (ii) specified in a written instrument made by the Secretary. The Secretary shall have general administration of this Act. The *Child Support Register* shall be kept in such form (whether or not in a documentary form) as the Secretary and Registrar consider appropriate.

SECTION 11. Annual report.—The Secretary shall, as soon as practicable after 30 June in each year, prepare and furnish to both Houses of Congress a report on the working of this Act.

SECTION 12. Privacy. A person to whom this Act applies must not: (i) make a record of any protected information; or (ii) whether directly or indirectly, communicate to a person any protected information concerning another person. This does not apply if the record is made, or the information is communicated: (i) under or for the purposes of this Act; or (ii) in the performance of duties, as a person to whom this section applies, under or in relation to this Act;

or (iii) for the purpose for which the information was communicated under this section. Prevailing laws on data privacy (e.g., Republic Act No. 10173) shall apply.

SECTION 13. Applications, notices, or election to be in the manner specified by the Registrar.—The Registrar may specify the manner in which an application, notice, or election required or able to be made or given under this Act is to be made or given.

- (1) Without limiting, in respect of an application, notice or election, the Registrar may specify any or all of the following matters: (i) the content of the application, notice, or election; (ii) that the content is to be made or given in a particular form approved by the Registrar; (iii) that the content is to be made or given orally; (iv) that specified documents are to accompany it; (v) that the content is to be verified or that a document accompanying it is to be verified; (vi) that it may be given on a specified kind of data processing device, or by way of electronic transmission, including specifying that it may be given in accordance with certain software requirements.
- (2) In relation to an application, notice or election, if the Registrar specifies that it, or a document accompanying it, must be signed, the Registrar may also specify that, if it is given to the Registrar on a data processing device, or by way of electronic transmission, the process may contain the electronic signature of the person (such as a custodial-parent) concerned.
- (3) The Registrar may in writing approve a form of application or notice of election for the purposes of a particular section of this Act.

SECTION 14. Role of Government Agencies.—The successful enforcement of this Act through the NCSP is reliant on the strong compliance and coordination of all participating agencies, namely,

Department of Social Welfare and Development (DSWD)

Department of Justice (DOJ) and its Family Courts

Social Security System (SSS)

Government Service and Insurance System (GSIS)

Department of Interior and Local Government (DILG) and Local Government Units (LGUs)

Department of Education (DepEd)

Department of Health (DoH)

Department of Labor and Employment (DoLE)

Civil Service Commission (CSC)

Bureau of Internal Revenue (BIR)
 Bangko Sentral ng Pilipinas (BSP)
 Land Transportation Office (LTO)
 Department of Foreign Affairs (DFA)
 Bureau of Immigration and Deportation (BID)
 Securities and Exchange Commission (SEC)
 Philippine Statistics Authority (PSA)
 National Economic and Development Authority (NEDA)
 Department of Trade and Industry (DTI)
 Securities and Exchange Commission (SEC)
 Bureau of Immigration and Deportation (BID)
 National Bureau of Investigation (NBI)
 Philippine National Police (PNP)
 Insurance Commission (IC)
 Credit Information Corporation (CIC)
 Commission on Higher Education (CHED)
 Technical Education and Skills Development Authority (TESDA)

DSWD shall be authorized to enlist the support of other agencies if or when necessary provided that a policy issuance had been issued at least thirty (30) working days prior to the enlistment.

14.1 Role of the Department of Social Welfare and Development

(a) Administration. DSWD shall administer the NCSP. It shall establish standards for locating absent parents, establishing paternity, and obtaining child support and support for the spouse (or former spouse) with whom the child is living. In addition to this broad statutory mandate, the Department is required to establish minimum organizational and staffing requirements for the NCSP, and to review and approve plans.

(b) Assistance to LGUs. It shall also provide technical assistance to partner agencies or LGUs to help them establish effective systems for implementing the requirements of this Act. To fulfill this requirement, it shall establish central location for the collection and dissemination of information about the program. It shall work with any Bar Association (e.g., Integrated Bar of the Philippines), toward training and information dissemination on legal issues to persons working in the field of child support enforcement.

(c) Research and information dissemination. The Department should conduct research and information dissemination when it comes to the program. The Department shall make it possible for LGUs to test innovative approaches to support enforcement so long as the

modification does not disadvantage children in need of support nor result in a significant increase in administration costs.

The Department shall develop and evaluate innovative approaches toward the reduction of welfare dependency, increasing child well-being, strengthening family life, discouraging teenage, unplanned, or *out-of-marriage* pregnancies, family planning, and related themes. The Department shall assist LGUs in developing, and shall evaluate, innovative approaches for reducing welfare dependency and increasing the well-being of minor children living at home. The Secretary may provide funds for training and technical assistance to carry out the approaches developed pursuant to this paragraph.

(d) **Data collection.** The Department shall collect, on an annual basis, and report to Congress, the following disaggregated case record information on the families receiving assistance under the program: (i) number of cases filed and closed; (ii) residence of the family; (iii) whether a child receiving such assistance or an adult in the family has special needs; (iv) employment status and earnings of the employed adult in the family; (v) the marital status of the adults in the family, including whether such adults have never married, are widowed, or are divorced; (vi) educational status of each adult in the family; (vii) educational status of each child in the family; (viii) whether the family receives subsidized housing, medical assistance under the program, amount receive, etc.; (ix) number of months that the family has received child support; (x) if the adults participated in, and the number of hours per week of participation in activities such as those concerning education, employment, job search, skills training, vocational education, and availing of support fund for a business; and other relevant data as required in this Act.

(e) **Family Assistance Program (FAP-NCSP).** The Department with the support of concerned agencies shall outline how the government intends to do the following: (i) conduct a program, designed to serve all political subdivisions in the country, that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to become self-sufficient and pay child support; (ii) require a parent or caretaker receiving assistance under the program to engage in work once the government determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months (whether or not consecutive), whichever is earlier; (iii) ensure that parents and caretakers receiving assistance under the program engage in work/business activities in accordance with this Act; (iv) conduct a program, designed to reach LGUs and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of

statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(f) Development of standards and procedures to ensure against fraud and abuse. The Department with the support of relevant agencies such as DILG, PNP, and NBI, shall establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the program, kickbacks, and the use of political patronage.

(g) Protection of women and families from domestic abuse. The Department State shall establish and enforce standards and procedures to: (i) screen and identify individuals receiving assistance under this Act with a history of domestic violence while maintaining the confidentiality of such individuals; (ii) refer such individuals to counseling and supportive services; and (iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(h) Enforcement of orders against paternal or maternal grandparents in cases of minor parents, death, or other special cases (e.g., refusal to pay child support, illness, incapacity, etc.). Procedures under which, at the government's option, any child support order enforced with respect to a child of minor non-custodial parents, if the custodial parent of such child is receiving assistance under the program, shall be enforceable, jointly and severally, against the parents of the non-custodial parent of such child. Liability to family members of a non-custodial parent who intervene and block child support payments shall also be enforced. Upon death of a non-custodial parent or he/she refuses or is otherwise unable to give child support due to incapacity, illness, or other justifiable reason, his parents or next of kin are also liable to pay child support in the order established by Articles 195 and 196 of the Family Code of the Philippines.

(i) Income disparity between custodial and non-custodial parents. Even if the non-custodial parent earns substantially less than the custodial parent, he/she is obliged to give child support but their respective contributions must be in proportion to their income and consistent with Section 9 (3.2). This Act prohibits under-declaration or mis-declaration of income of parents

to evade responsibility or lessen child support. Parents in child support cases are required to fill out an *Income and Expense Declaration* under penalty of perjury and provide proof of the amount of their incomes.

The Department with the assistance of relevant authorities shall look into all sources of the parents' income such as salaries, professional fees, stock dividends, investment earnings, sideline earnings, bonuses, commissions, 13th and 14th month pay, inheritance, insurance proceeds, SSS benefits, and even lottery prize winnings.

(j) *Children who are already income-earners.* In cases when a child is already an income-earner or is deemed more financially affluent, non-custodial and custodial parents are still obliged to pay child support. Under present laws, the father and the mother jointly exercise legal guardianship over the property of the unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.¹

The income and property of the unemancipated child earned or acquired with his work or industry or by onerous or gratuitous title shall belong to the child in ownership and be devoted *exclusively* to the latter's support and education, unless the title or transfer provides otherwise.²

The right of the parents over the fruits and income of the child's property shall be limited primarily to the child's support and secondarily to the collective daily needs of the family, which should not be excessive or jeopardize the future of the income-earning child. As added protection, contractual arrangements of an income-earning child after thirty six (36) months of continuous work/project shall provide for automatic remittance/deposit of not less than thirty five percent (35%) to a trust fund in the name of the child. Parents in such circumstances shall be required to continue working or maintaining their own career or businesses and not relying solely on the income of the income-earning child.

To discourage misappropriation of the minor child's funds and fruit of labor, offending parent/s can be stripped of all parental authority over the child. If both parents are offenders, the guardian/substitute parent or next of kin can demand support from the offending parents so that the minor child's properties can remain intact for his/her future.

(k) *Monitoring and evaluation.* In performing the monitoring and evaluation of the Program, the Secretary shall propose and implement the best evaluation methodology. The Department

¹ Family Code of the Philippines, Art. 225.

² Id, Art. 226.

shall also conduct a biennial review and/or impact study to establish the effectiveness, efficiency, and sustainability of the program.

(l) Management of transition and eventual transfer of core functions to the local governments. By virtue of the Mandanas Ruling (Supreme Court, 2018), it is critical that the core functions of NCSP are devolved to the local governments beginning 2022 or as mandated by the government. Upon its finality, DSWD is mandated to develop and implement a transition plan as well as a capacity development program to prepare the local governments.

14.2 Role of the Department of Justice and Family Courts

(a) Evaluation, trial, and issuance of child support order. Some child support cases—particularly more complex ones, which cannot be evaluated and decided upon administratively—will go through legal court procedures as per relevant laws. The IRR of this Law shall provide for clear and expedited procedures in consideration of the precarious situation of needy, abandoned, and disadvantaged children.

The Department of Justice—through the Committee for the Special Protection of Children (CSPC)—shall assist in coordinating and monitoring the investigation and prosecution of complex cases involving violations of this Act.

(b) Authorized action. The Family Courts shall take the following actions in cases that cannot be evaluated administratively: (i) to order genetic testing for the purpose of paternity establishment as provided in this Act; (ii) to subpoena any financial or other information needed to establish, modify, or enforce a support order, and to impose penalties for failure to respond to such a subpoena; (iii) to require all entities (including for-profit, nonprofit, and governmental employers) to provide promptly, in response to a request by the government or any other entity administering the NCSP, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor, and to sanction failure to respond to any such request; (iv) to obtain access, subject to safeguards on privacy and information security, and subject to the non-liability of entities that afford such access under this Act, to information contained pertinent following records (including automated access, in the case of records maintained in automated data bases) in relevant agencies/organizations; (v) in cases in which support is subject to an assignment in order to comply with a requirement imposed pursuant to this Act, or to a requirement to pay through the NCSP Disbursement Unit established pursuant to this Act, upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate entity; (vi) to order income withholding in accordance with this Act; and (vii) for the purpose of securing overdue support, to increase the amount of monthly support payments to include

amounts for arrearages, subject to such conditions or limitations as the government may provide.

(c) Safeguards. Such procedures shall be subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal.

(d) Bankruptcy of non-custodial parents. A filing of bankruptcy does not stay a paternity, child support, or alimony proceeding. Nevertheless, non-custodial parents who have suffered such an eventuality may avail of assistance as provided for in this Act. In addition, child support and alimony payments are made priority claims and custodial parents may appear in bankruptcy court to protect their interests without paying a fee or meeting any local rules for attorney appearances.

(e) Death or incapacity of non-custodial parents. Death or incapacity does not stay a paternity, child support, or alimony proceeding. Nevertheless, non-custodial parents who have suffered death or incapacity/disability (making him unable to work or conduct a business) may still support his/her child through a valid share in his/her death and disability benefits as provided for by his/her public or private social security membership or insurer (e.g., SSS or GSIS, or private insurer). Recognizing that non-custodial parents who have suffered permanent disabilities will naturally need assistance, too, the IRR shall put in place clear guidelines and remedies to ensure fairness. This Act recognizes that in no instance should a child (whether legitimate or illegitimate) be deprived of equal chance to survive and accorded with financial security.

(f) Obligation of non-custodial parents who are foreigners residing in the Philippines. Non-custodial parents who are foreigners and residing in the Philippines are also covered by this Act. International conventions or agreements signed or ratified by the Philippines (e.g., Vienna Convention on Diplomatic Relations, Vienna Convention on Consular Relations, etc.) shall not offer immunity to offending parties. In the event of their departure from the Philippines, inter-country agreements and procedures on child support shall prevail.

14.3 Role of the Social Security System (SSS), Government Service Insurance System (GSIS), and private insurers

SSS, GSIS, and private insurers are mandated to require applying/prospective members to identify all their dependents—whether legitimate or illegitimate. All current members must update their membership data, which should bear the same information. Any availing of benefits (including loans) shall require a statement that the applicant has no pending child support case.

SSS, GSIS, and private insurers are mandated to issue guidelines as to legal share of *qualified* illegitimate children in the benefits (e.g., pension) of deceased members. In no instance should the share be less than 50% of what a qualified legitimate child is entitled to receive.

14.4 Role of the Department of Interior and Local Government (DILG) and Local Government Units (LGUs)

(a) Principles of cooperation and reciprocity. This Act provides a system for the inter-LGU enforcement of child support orders without requiring the person seeking child support or her or his legal representative to go to the province, city, or municipality in which the noncustodial parent resided. DILG and LGUs are required to comply with this Act and provide the necessary information or assistance (e.g., so that custodial parents may be assisted and non-custodial parents may be located).

(b) Support from LGUs. DILG/LGUs may obtain the address of non-resident parents who owed child support under a DSWD/court order for support. In addition, each LGU is required to establish an organizational unit to establish paternity and collect child support for deserted children. LGUs are also required to work cooperatively with each other under child support reciprocity agreements and with DSWD/courts and law enforcement officials. Recognizing that law enforcement officials are overwhelmed with an assortment of cases and that most of them may find absent/non-custodial parents low priority, the LGU shall allow reimbursement of costs related to paternity and child support activities.

(c) Issuance of local ordinances. LGUs are required to adopt laws requiring civil procedures to voluntarily acknowledge paternity (including hospital-based programs). The Act also requires LGUs to adopt laws to ensure the compliance of health insurers and employers in carrying out court or administrative orders for medical child support and include a provision that prohibit health insurers from denying coverage to children who were not living with the covered individual or born outside marriage.

(d) Location and case tracking. DILG/LGUs are mandated to help the NCSP acquire, automate, and use information. First, LGUs have to establish a local registry of all child support cases and all other new or modified child support cases in their jurisdictions. The registry has to contain specified minimum data elements for all cases. For cases enforced by the program, the registry also has to contain a wide array of information that is to be regularly updated, including the amount of each child support order and a record of payments and arrearages. In the case of orders that included income withholding but are not in the system, the LGU also

has to keep records of payments.

(e) Streamlining and uniformity of procedures. Upon the authority of the Secretary, LGUs are required to follow the procedures as set forth by the program. These actions may include ordering genetic testing; issuing subpoenas; requiring public and private employers and other entities to provide information on employment, compensation, and benefits or be subject to penalties; obtaining access to vital statistics, national and local tax records, real and personal property records, records of occupational and professional licenses, business records, employment security and public assistance records, motor vehicle records, corrections records, customer records of utilities and cable TV companies pursuant to an administrative subpoena, and records of financial institutions; directing the obligor to make payments to the family or order income withholding cases; securing assets to satisfy arrearages, including the seizure of lump sum payments, judgments, and settlements; and increasing the monthly support due to make payments on arrearages.

(f) Implementation of the NCSP upon eventual transfer of core functions to the local governments. By virtue of the Mandanas Ruling (Supreme Court, 2018), it is critical that the core functions of NCSP are devolved to the local governments beginning 2022 or as mandated by the government. Upon its finality, DILG is mandated to work with DSWD in its development and implementation of a transition plan as well as a capacity development program to prepare the local governments.

14.5 Role of the Department of Education (DepEd)

DepEd is required to help improve the level of awareness and education of the young population by including themes/topics related to responsible parenthood, rights of the child (e.g., those covered in UN CRC, RA 7610, RA 9262, etc.), and other relevant laws in the appropriate school curricula.

14.6 Role of the Department of Health (DoH)

DOH is required to mandate and implement hospital-based procedures in support of the NCSP in both public and private hospitals. Such procedures must include a hospital-based system for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child. Qualified/authorized public hospitals are also mandated to provide free services in establishing paternity in child support cases.

14.7 Role of the Department of Labor and Employment (DoLE) and employers

(a) *Wage/salary/professional fee withholding.* DoLE must require employers to send information on new employees to the centralized Register within twenty-two (22) working days or thirty (30) days of the date of hire; employers that report electronically could file twice per month. LGUs have to routinely match the new hire information, which has to be entered into the Register within five (5) working days. In the case of matches, within two (2) working days of entry of data in the Registry, employers have to be notified of the amount to be withheld and where to send the money. Within three (3) working days, new employee information have to be reported by LGUs to the National Directory of New Hires. LGUs are required to have laws clarifying that child support orders not subject to income withholding are to immediately become subject to income withholding without a hearing if arrearages occur. Guidelines on how employers are to accomplish income withholding in inter-LGU cases shall be issued by the NCSP. Employers have to remit withheld income to the NCSP Disbursement Unit or custodian parent (as applicable) within seven (7) days of the normal date of payment to the employee.

(b) *Work and training demonstration programs for non-custodial parents.* DoLE should allow needy custodial and non-custodial parents to participate in any of its job opportunity, education, and skills training program in coordination and cooperation with relevant organizations such as the Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA).

14.8 Role of the Civil Service Commission (CSC)

The CSC shall comply with this Act by implementing wide information dissemination and issuance of orders to Human Resource Managers of all government offices to comply with salary/wage deduction scheme of non-custodian parents.

14.9 Role of the Bureau of Internal Revenue (BIR)

The BIR may collect child support arrearages out of income tax refunds otherwise due to non-custodial parents. An income tax refund offset is not permissible if the relevant child had reached the age of majority, even if the arrearages accrued while the child was still a minor, unless the child (now adult) had a current support order and is disabled, as defined by relevant laws. The BIR offset could be used for child support as included in the support order.

14.10 Role of the Bangko Sentral ng Pilipinas (BSP)

The *Bangko Sentral ng Pilipinas* is required to support the NCSP by working with banks and lending institutions and the Credit Information Corporation regarding periodic monitoring and

reporting of the names of debtor parents who have child support overdue payments. Parents who failed to pay child support are ineligible for personal and consumer loans.

14.11 Role of the Land Transportation Office (LTO)

(a) Sharing of information. Authorized agencies shall have access to the motor vehicle and law enforcement locator systems of all LGUs. This Act allows authorized agencies to use such information in establishing parentage; setting, modifying or enforcing support orders; and enforcing custody or visitation orders.

(b) Suspension of licenses. The government, through the LTO, shall exercise authority to withhold or suspend, or to restrict the use of driver's licenses of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

14.12 Role of the Department of Foreign Affairs (DFA)

(a) Withholding or non-issuance of passports. If the DFA receives a certification by DSWD or family court in accordance with the requirements of this Act that an individual owes arrearages of child support, it shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual. The individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination.

(b) International support enforcement. The government, through the DFA Secretary, is authorized to declare any foreign country (or a political subdivision thereof) to be a foreign reciprocating country if the foreign country has established, or undertakes to establish, procedures for the establishment and enforcement of duties of support owed to obligees who are residents of the Philippines, and such procedures are substantially in conformity with the standards prescribed in their own country.

Support enforcement procedures of a foreign country which may be the subject of a declaration pursuant to this Act may include the following elements: (i) the foreign country (or political subdivision thereof) has in effect procedures, available to residents of the Philippines; (ii) for establishment of paternity, and for establishment of orders of support for children and custodial parents; and (iii) for enforcement of orders to provide support to children and custodial parents, including procedures for collection and appropriate distribution of support payments under such orders.

14.13 Role of Other Relevant Government Agencies

Other government agencies are mandated to comply with the provision of this Act. These include:

- (i) Philippine Statistics Authority—which shall provide full support to the implementation of the NCSP by integrating relevant data and profiles through which the government can track individuals with child support cases. This can be done through but not limited to the Philippine Identification System Act as provided for by Republic Act 11055.
- (ii) National Economic and Development Authority—which shall provide full support to the implementation of the NCSP by assisting DSWD in establishing a child support schedule subject to the country's economic indices and income classification as provided for in this Act.
- (iii) Department of Trade and Industry (DTI) and Securities and Exchange Commission (SEC)—which shall provide full support to the implementation of the NCSP by withholding the issuance of business permits or business registration for individuals with pending child support cases;
- (iv) Bureau of Immigration and Deportation (BID)—which shall provide full support to the implementation of the NCSP through issuance of a *Hold Departure Order* for a departing traveler who has a pending child support case;
- (v) National Bureau of Investigation (NBI)—which shall provide full support to the implementation of the NCSP particularly but not limited through its Violence Against Women and Children Desk and in coordination with the Department of Justice. It shall also work with CSC, DILG, DOJ, and PNP in establishing and enforcing standards and procedures to ensure against program fraud and abuses.
- (vi) Philippine National Police (PNP)—which shall provide full support to the implementation of the NCSP particularly but not limited through its Women and Children Protection Center and in coordination with DILG. It shall also work with CSC, DILG, DOJ, and NBI in establishing and enforcing standards and procedures to ensure against program fraud and abuses.
- (vii) Insurance Commission—which shall provide full support to the implementation of the NCSP by ensuring that every child of individuals with child support cases shall not experience discrimination when it comes to insurance coverage including but not limited to health insurance availments; and

- (viii) Credit Information Corporation—which is mandated to provide full support to the implementation of the NCSP particularly by working with banks and lending institutions through its database of credit profiles, which could in turn be used in evaluating and declining loan applications of individuals with child support cases.
- (ix) Commission on Higher Education and Technical Education and Skills Development Authority—which are mandated to provide full support to the implementation of the NCSP through the development of an adult education system where qualified individuals—whether custodian or non-custodian parents—shall be assisted in accessing quality tertiary, higher education, and technical education at zero or minimal costs.
- (x) Other relevant government agencies—DSWD shall have authority to enlist the support of other agencies as provided for in this Section.

ARTICLE V

VIOLATION AND PENALTIES

SECTION 15. Willful Failure to Pay Child Support.—Any person who willfully fails to pay child support, if such an obligation has remained unpaid for two (2) months or has an outstanding amount due of thirty thousand pesos (PhP 30,000.00) or more, shall be liable. When the offender is a Filipino living overseas, qualifying penalties as provided for in inter-country agreements shall be implemented.

Probation may be granted to a first offender. For succeeding offenses, the penalty is imprisonment of not less than two (2) years and not more than four (4) years and a fine of not less than One Hundred Thousand Pesos (PhP100,000.00) or not more than Three Hundred Thousand Pesos (PhP 300,000.00) at the discretion of the court.

SECTION 16. Other violations.—The penalty of imprisonment ranging from one (1) day to twelve (12) years and/or a fine not less than One Hundred Thousand Pesos (PhP 100,000.00), but not more than Three Hundred Thousand Pesos (P300,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

- (i) obtaining confidential information through coercion, undue influence, fraud, improper material inducement, or other similar acts;
- (ii) non-compliance with the procedures and safeguards provided for in this Act including but not limited to refusal of employers to remit the amounts withheld as child support; or
- (iii) subjecting or exposing any child or his /her custodial parent to danger, abuse, or exploitation.

Any person who shall cause the fictitious registration of the birth of a child under the name(s) of a person(s) who is not his/her biological parent(s) shall be guilty of simulation of birth, and shall be punished by *prison mayor* in its medium period and a fine not less than Fifty Thousand Pesos (PhP 50,000.00), but not exceeding Two Hundred Thousand Pesos (P200,000.00).

Any physician, midwife or nurse or hospital personnel who, in violation of his/her oath of office, shall cooperate in the execution of the above-mentioned crime shall suffer the penalties herein prescribed as well as the penalty of permanent disqualification from the practice of profession following relevant prescriptions of the law and governing authorities (e.g., Professional Regulation Commission).

Any person who shall violate established regulations relating to the confidentiality and integrity of records, documents, and communications of adoption applications, cases, and processes shall suffer the penalty of imprisonment ranging from one (1) year and one (1) day to two (2) years, and/or a fine of not less than Twenty Thousand Pesos (PhP20,000.00) but not more than One Hundred Thousand Pesos (P100,000.00), at the discretion of the court.

Any government official, employee or functionary who shall be found guilty of violating any of the provisions of this Act, or who shall conspire with private individuals shall, in addition to the above-prescribed penalties, be penalized in accordance with existing civil service laws, rules and regulations: *Provided*, That upon the filing of a case, either administrative or criminal, said government official, employee, or functionary concerned shall automatically be suspended until the resolution of the case.

ARTICLE VI

FINAL PROVISIONS

Section 17. *Information Dissemination.* - The DSWD, in coordination with relevant organizations such as the Department of the Interior and Local Government (DILG), the DepEd, DOJ, DOH, CHED, Philippine Information Agency, and Council for the Welfare of Children (CWC) shall disseminate information regarding this Act and its implementation to the public.

Section 18. *Implementing Rules and Regulations.* - The Secretary, after due consultation with participating organizations as well as other agencies such as the Department of Budget and Management, National Bureau of Investigation, Philippine National Police, Office of the Solicitor General, and relevant civil society organization/s, shall formulate the necessary Implementing Rules and Regulations and operating guidelines to make the provisions of this Act operative.

Section 19. *Appropriations.* – Such sum as may be necessary for the implementation of the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 20. *Repealing Clause.* – All laws, decrees, letters of instruction, executive issuances, resolutions, orders or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

Section 21. *Saving Clause.* – Nothing in this Act shall affect any right of an adoptee acquired by judicial proceeding or otherwise before the commencement of this Act.

Section 22. *Separability Clause.* – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

Section 23. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,