

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10390



Introduced by **HON. JOY MYRA R. SALVADOR-TAMBUNTING**

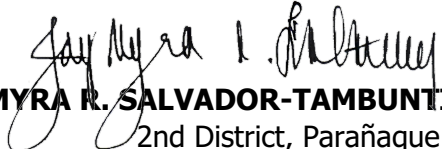
EXPLANATORY NOTE

The Family Code of the Philippines in Section 194 defines SUPPORT as that of "comprises everything indispensable for sustenance, dwelling, clothing, medical assistance, education, and transportation, in keeping with the financial capacity of the family." This bill gives importance to the right of each child to be supported by their parents until such time that they become self-sustaining. Our nation is afflicted by children who may be ignored or willfully neglected to be brought up by their parents for their own reasons. Each one of us may even have experienced personal hardships growing up and suffered silently brought about by the absence or insufficient support of a parent. This is a wounding truth, however, the willful neglect to pay child support is not a penal act in our State. Hence, this filing.

This proposed legislation is proof of our strong advocacy and belief that our nation cares for the best interests of a child. This bill seeks to penalize the willful neglect of parents to pay child support that is already adjudged by a court of justice in a decision, decree or in any order for the benefit of a child. To bear a child is a choice made by the parents and the formative years of a child is solely based on the quality of life that the parents will offer. It but right to highlight the morals of accountability and culpability of parents in rearing a child.

The passing of this bill is urgently sought because thousands of babies are born everyday and as public servants, we ought to protect them in accordance with the time-honored principle of *parens patriae*.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


JOY MYRA R. SALVADOR-TAMBUNTING
2nd District, Parañaque City

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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:

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

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

SEC 3. Willful Failure to Pay Child Support. – Any person who willfully fails to pay child support, if such an obligation has remained unpaid for at least one (1) year or has an outstanding amount due of fifty thousand pesos (Php 50,000.00) or more, shall be punished by prison correctional under the Revised Penal Code.

SEC 4. Presumption. – The existence of a child support obligation that has remained unpaid for at least one (1) year or has an outstanding amount due of fifty thousand pesos (Php 50,000.00) or more, in spite of demand, as alleged in the Complaint or Information creates a disputable presumption that the person has willfully failed to pay child support.

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

SEC. 6. Repealing Clause. – All laws, Decrees, orders, rules, and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. Separability Clause. – If any part or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 11. Effectivity. – This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,