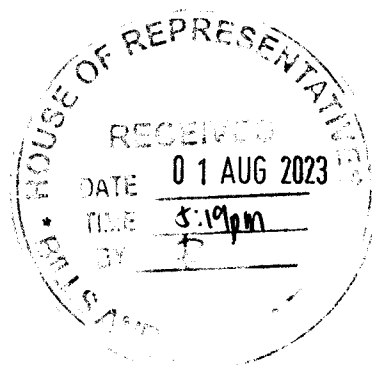




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH (19th) CONGRESS
Second Regular Session

House Bill No. 8697

Introduced by: Hon. Ma. Victoria Co – Pilar

EXPLANATORY NOTE

Filipino children are one of the vulnerable sectors of our country. They are not capable of taking care of themselves or provide for their own basic needs due to their physical and mental weakness, lack of knowledge, or skills. This is precisely the rationale that under Article II Section 13 of the 1987 Constitution, the State is mandated to promote and protect Filipino youths' physical, moral, spiritual, intellectual, and social well-being.

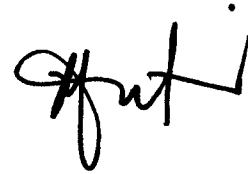
Moreover, the State as *parens patriae* shall make sure that parents or other persons obliged to give financial support are fulfilling their duties to take care of them and provide them with proper shelter, adequate nutritious food, education, health and medical needs to ensure their safety and development of their physical, mental and social well-being to enable them to fulfill their vital role in nation building in the future.

In the event that one or both of the parents or other persons obliged to provide financial support to the child/children fail, unable, or refuse to fulfill their obligation to provide the child's basic needs, the State shall intervene to take the necessary steps.

A step toward this end is to make the failure or refusal to give financial support without justifiable reason a criminal offense, grant provisional remedy to the offended party and provide corresponding penalties therefor in order to compel the parents or

other persons obliged to give financial support to fulfill their moral and legal obligation to the child/children.

In this way, the State not only ensures children's access to proper care and nutrition, but afforded them special protection from all forms of neglect and other conditions prejudicial to their development.

A handwritten signature in black ink, appearing to be 'Guti' with a dot above the 'i'.



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NINETEENTH (19th) CONGRESS
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House Bill No. **8697**

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**AN ACT DEFINING NON-FINANCIAL SUPPORT OF CHILD/CHILDREN,
PROVIDING PROVISIONAL REMEDY, AND PRESCRIBING PENALTIES
THEREFOR**

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

1 **SECTION 1.** *Short Title* – This Act shall be known as the “the “*Anti-NonFinancial*
2 *Support of Children Act*”.

3
4 **TITLE I**

5 **INTRODUCTORY PROVISIONS**

6
7 **SECTION 2.** *Declaration of Policy* It is established policy of the State to give greater
8 protection to one of the vulnerable sectors of our society, the children. The State shall
9 protect the rights of the children and guarantee that they are provided of their basic
10 needs such as nutritious foods, adequate shelter, education, health and medical needs,
11
12 The said State policy is in harmony with Article II Section 13 of the 1987 Constitution
13 which makes it a mandate of the State to promote and protect the physical, moral,
14 spiritual, intellectual and social well- being of Filipino youths.

1 Lastly, the Philippines as a party to the United Nations Convention of the Rights of
2 the Child must fulfill its commitment to exert best efforts to promote the physical,
3 mental, and social well-being of children in order for them to become productive
4 members of the society in the future.

5
6 **SECTION 3. *Definition of Terms*** – As used in this Act, the following terms are defined
7 as follows:

- 8
9 a. *Children* refers to those persons below eighteen (18) years of age or older
10 but are incapable of taking care of themselves or protect themselves due to
11 physical or mental disability or condition;
12
13 b. *Financial Support* – An amount of money necessary for child’s sustenance,
14 shelter, clothing, education, medical attendance and transportation based
15 on the financial capacity of the obligor and social status of the family;
16
17 c. *Support Pendente Lite* – a financial support that may be demanded from the
18 erring parent/parents or other persons obliged to give financial support
19 during the pendency of the criminal proceedings.
20

21 **SECTION 4. *Construction*** – This Act shall be liberally construed to ensure prompt
22 delivery of the basic needs of the children which are necessary to promote their well-
23 being and protect their rights and safety.
24

25 **TITLE II**
26 **FINANCIAL SUPPORT**

27
28 **SECTION 5. *Persons Entitled to Financial Support*** - the following persons are entitled
29 to financial support:--
30

- 31 a. Legitimate child/children
32 b. Legitimated child/children
33 c. Adopted child/children
34 d. Illegitimate child/children
35

SECTION 6. *Persons obliged to give financial support* – the legal responsibility to give financial support shall pass upon the following persons in the order herein provided:

--

1. Father and mother, whether legitimate, legitimated, adopted, or illegitimate, are jointly and mutually obliged to give financial support to their child/children;
2. Surviving grandparents;
3. The oldest brother or sister above twenty-one years of age, unless unfit or disqualified;
4. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

SECTION 7. *Bases for determining the monthly financial support* - the amount of monthly support of a child/children shall be determined by the following factors:-- (a) financial resources or means of the obligor; (b) the necessities of a recipient child, and (c) social status of the family.

The monthly financial support shall be reduced or increased in proportion to the reduction and increase of the necessities of the recipient child and the financial resources or means of the person obliged to give support, as provided by Article 202 of the Family Code.

SECTION 8. *Options of Persons Obligated to Give Support* – Persons obliged to give support mentioned in Section 6 of this Act shall have the following options of fulfilling his/her obligation in order herein provided—

- a) Pay the amount of monthly financial support agreed upon by the parties or fixed by the court;
- b) Deliver the basic necessities of the child which includes but not limited to food, shelter, clothing, education, health and medical needs equivalent to amount of the monthly financial support agreed upon by the parties or fixed by the court;
- c) Receiving and maintaining the child/children on the family dwelling. *Provided*, That this option cannot be availed of if there is moral or legal obstacle. *Provided further*, That in exercising the options herein provided, the obligor must take into consideration the best interest of the child/children.

1 TITLE III

2 PROHIBITIVE ACTS AND PENALTIES

3
4 SECTION 9. The criminal offense of non-financial support of child/children
5 committed by the persons obliged to give them support under Section 6 of this Act
6 shall be punished according to the following rules:
7

- 8 a) If the offended party is three between (3) years and seventeen (17) years of age,
9 the penalty of imprisonment shall be one (1) day to thirty (30) days;
10 b) If the offended party is three (3) years old and below or eighteen (18) years old
11 and above but with disability or special needs, the penalty of imprisonment
12 shall be one (1) month and one (1) day to six (6) months;
13 c) If the offended party is three (3) years old and below with disability or special
14 needs, the penalty shall be six (6) months and one (1) day to six (6) years.

15 SECTION 10. *Venue* - The Regional Trial Court designated as a Family Court shall
16 have original and exclusive jurisdiction over violation against failure or refusal to
17 provide financial support to child/children under this Act. In the absence of the said
18 court, the criminal case shall be filed in the Regional Trial Court in the place where
19 the crime is committed.

20 SECTION 11. *Who may file for Criminal Offense for Failure or Refusal to Give Monthly*
21 *Financial Support* - A criminal complaint may be filed by in behalf of the
22 child/children by the following persons who have a personal knowledge in the order
23 herein provided, to wit: --

- 24 a. innocent parent of the offended party;
25 b. legal guardian of the offended party;
26 c. ascendants, descendants or collateral relatives within fourth civil degree of
27 consanguinity or affinity of the offended party;
28 d. officers or social workers of DSWD or social worker of local government units
29 (LGUs);
30 e. lawyer of the offended party;
31 f. At least two (2) responsible residents of the barangay where the offended
32 party is residing.

33 SECTION 12. *Exemption from Fees and Other Legal Expenses* - If the offended party or
34 the persons authorized to file a criminal complaint under Section 11 of this Act are

1 indigent, upon filing of the criminal case by the City Prosecutor and/or the court shall
2 accept such case without payment of fees and transcript of stenographic notes.

3
4 **TITLE IV**
5 **PROVISIONAL REMEDY**
6

7 **SECTION 13.** The child or offended party may avail of the provisional remedy of
8 *Support Pendente Lite* under Rule 61 of the Rules of Court.
9

10
11 **TITLE V**
12 **FINAL PROVISIONS**
13

14 **SECTION 13.** *Implementing Rules and Regulations* – The Department of Justice, in close
15 coordination with the Department of Social Welfare and Development shall
16 promulgate rules and regulations of the efficient and effective implementation of this
17 Act.
18

19 **SECTION 14.** *Supplementary Provisions* – The Family Code, the Revised Penal Code and
20 the Rules of Court shall have a supplementary application for the purpose of this Act.
21

22 **SECTION 15.** *Separability Clause* – If any portion or provision of this Act is declared
23 unconstitutional or invalid, the remaining provisions not affected thereby shall
24 continue to be in full force and effect.
25

26 **SECTION 16.** *Repealing Clause* – All laws, executive orders, proclamations, rules,
27 regulations and other issuances or parts thereof which are inconsistent with the
28 provisions of this Act are hereby repealed, amended or modified accordingly.
29

30 **SECTION 17.** *Effectivity* – This Act shall take effect fifteen (15) days after its complete
31 publication in the Official Gazette or in a newspaper of general circulation.

Approved,