

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

NINETEENTH CONGRESS  
2<sup>nd</sup> Regular Session

House Bill No. 8987



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**Introduced by Representatives ERWIN T. TULFO, EDVIC G. YAP,  
JOCELYN P. TULFO, ERIC G. YAP, and RALPH P. TULFO**

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### EXPLANATORY NOTE

The right of the children to support, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development is given credence by the 1987 Constitution. Article 194 of the Family Code defines support as everything indispensable for sustenance, dwelling, clothing, medical attendance, education, and transportation, the overall maintenance of the financial capacity of the family and the expenses for schooling or training for a profession of the child even if he/she is older than eighteen (18) years old or beyond the age of majority. Fulfilment of the said obligation is primarily tasked to the parents, as provided in Article 195 of the Family Code.

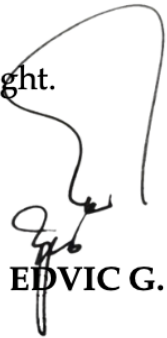
In a recent study by the World Health Organization, it is accounted that 15 million Filipinos are solo parents – ninety-five percent (95%) of which are women. In light that majority of the deadbeat parents are men, there is an imminent necessity to ensure that paternal child support is thoroughly enforced and the neglect of paternal responsibility shall be dealt with stringent penalties. Criminalization of a deadbeat father is already duly provided in Republic Act No. 9262 or the Anti-Violation Against Women and Children (Anti-VAWC) Act, particularly referred to as economic abuse, which includes the withdrawal of child support. However, the comprehensive implementation and enforcement of paternal child support, including all other acts to establish the said legal obligation, is still a legislative priority.

It is in this regard that this proposed measure seeks to establish the amount of paternal child support and streamline the process in establishing paternity which is prerequisite for a child support order, thereby realizing the objectives of Republic Act No. 11861 or the *Expanded Solo Parents Welfare Act* in providing adequate social protection programs to solo parents, which again are mostly mothers, and declogging court dockets which subject matter pertains to child support.

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



HON. ERWIN T. TULFO



HON. EDVIC G. YAP



HON. JOCELYN P. TULFO



HON. ERIC G. YAP



HON. RALPH P. TULFO

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**AN ACT  
PUNISHING THE WILLFUL FAILURE TO PAY PATERNAL CHILD SUPPORT**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the "Paternal Child Support Responsibility Act of 2023."

**SEC. 2. *Declaration of Policy.*** – It is the policy of the state to ensure the right of the children to support, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development through proper enforcement of penal laws against denial of child support and adequate assistance to parents who are tasked by law to fulfill the said responsibility.

**SEC. 3. *Definition of Terms.*** – The following terms as used in this Act shall mean the following:

- 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 the 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 father to the custodial mother 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 medical attendance, education, and transportation,

arrearrages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief;

- c. **Custodian-parent** refers to the parent who is raising a child/person or his/her own in the absence of the co-parent who is otherwise alive;
- d. **Deadbeat parent** refers to a parent who has abandoned his/her parental obligation or is unwilling to pay his/her child support obligation;
- e. **Secretary** refers to the Secretary of the Department of Social Welfare and Development;
- f. **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.

**SEC. 4. Establishing Paternal Child Support Order.** - A paternal child support order legally obligates non-custodial fathers to provide financial support for their children and provides the amount of the obligation (e.g., monthly obligation plus arrearrages, if any) and how it is to be paid. The Department of Social Welfare and Development shall spearhead judicial or administrative process concerning child support obligations.

**SEC 5. Amount of Paternal Child Support.** - The amount of Paternal Child Support per child shall be at least ten percent (10%) of the father's salary. However, this Act mandates that a paternal child support per child shall not be lower than Six Thousand Pesos (Php 6,000.00) per month, which is equivalent to Two Hundred Pesos (Php 200.00) per day.

**SEC. 6. 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 mothers 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 mother. The non-custodian father shall provide for the laboratory costs of these tests.

The 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 procedure, 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.

**SEC. 7. *Willful Failure to Pay Child Support.*** - Violence against women and their children, as defined in Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act of 2004 (“VAWC”), includes the denial of financial support.

Consistent with RA 9262 or the VAWC Act, any person who willfully fails to pay paternal child support, if such an obligation has remained unpaid for one (1) year or has an outstanding amount due of fifty thousand pesos (Php 50,000.00) or more, shall be punished by *prision mayor* and a fine in the amount of not less than One hundred thousand pesos (P100,000.00) but not more than three hundred thousand pesos (300,000.00) at the discretion of the court.

When the offender is a Filipino living overseas, qualifying penalties as provided for in inter-country agreements shall be implemented.

**SEC. 8. *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, despite demand, as alleged in the Complaint or Information creates a disputable presumption that the person has willfully failed to pay child support.

**SEC. 9. *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. 10. *Enforcement of Support Orders Against Paternal Grandparents in case of Minor Father, Death, or Other Special cases.*** - Procedures under which, at the government’s option, any child support order enforced with respect to a child of a minor non-custodial father, if the custodial mother of such child is receiving assistance under the program, shall be enforceable, jointly and severally, against the parents of the non-custodial minor of such child.

Upon death of a non-custodial father or he 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.

**SEC. 11. *Implementing Rules and Regulations.*** - The DSWD, in coordination with the 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.

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.

**SEC. 11. *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.

**SEC. 12. *Repealing Clause.*** - All laws, decrees, letter 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.

**SEC. 13. *Saving Clause.*** - Nothing in this Act shall affect any right of an adoptee acquired by judicial proceedings or otherwise before the commencement of this Act.

**SEC. 14. *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 effort.

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

Approved,