



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. **2965**



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

EXPLANATORY NOTE

The Philippines, being a State Party to the United Nations Convention on the Rights of the Child (UNCRC), recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Currently, the legal obligation to provide these basic needs to every child is provided under Executive Order No. 209, s. 1987, also known as The Family Code of the Philippines. However, despite these provisions on child support under the law, it does not provide for a fixed amount. Enforcement of the same also becomes an issue when a parent is not cooperative.

Thus, this bill seeks to establish a National Child Support Program (NCSP), to facilitate efficient collaboration between national and local government units in administering child support services, which will be implemented by a National Child Support Office (NCSO) created under the Department of Social Welfare and Development (DSWD).

Through this bill, LGUs will have more participation in child support services by rendering different types of assistance such as (a) locating non-custodial parents or absentee parents; (b) establishing paternity and filiation; and (c) enforcing and ensuring compliance with Support Orders. Further, this bill seeks to protect the right

of every child to be supported in their basic needs, by enabling different measures for ensuring child support such as wage reduction, property attachment, asset garnishment, license and passport restriction and prevention of fraudulent transfers.

This measure was also filed during the 19th Congress and was primarily referred to the Committee on Rules.

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



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AN ACT
ENSURING CHILD SUPPORT AND PENALIZING PARENTAL REFUSAL
OR NEGLECT THEREOF

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 "*Child Support Responsibility Act.*"

SEC. 2. *Declaration of Policy.* - It is the policy of the State to afford greater protection to Filipino children, recognizing them as one of the most vulnerable sectors of society. The State shall uphold the rights of children and ensure the

provision of their fundamental needs, including nutritious food, adequate shelter, education, and healthcare.

Pursuant to Article II, Section 13 of the 1987 Philippine Constitution, the State shall promote and protect the physical, mental, emotional, and social well-being of all children. As a State Party to the United Nations Convention on the Rights of the Child, the Philippines reaffirms its commitment to exert all appropriate efforts to promote the holistic development and growth of children into responsible and productive members of society.

It shall also be the policy of the State to:

- a) Strengthen marriage as a vital social institution and a foundational element in promoting the best interests of the child;
- b) Promote responsible parenthood as essential to effective child-rearing and development;
- c) Ensure the enforcement of child support obligations in all cases;
- d) Assist families and parents in establishing paternity and filiation; and
- e) Implement preventive measures to ensure children are not left without support, including: securing parents' access to sustainable livelihood and decent wages; providing parenting programs to promote understanding of parental duties in child development and care;

strengthening parent-child relationships through education and awareness; enhancing parental responsiveness to the needs and challenges faced by children; and encouraging active parental participation in family and community-based initiatives.

SEC. 3. *Definition of Terms.* - As used in this Act:

- a) ***Best interests of the child*** refer to the totality of the circumstances and conditions that are most conducive to the survival, protection, and feelings of security of the child and most encouraging to the child's physical, psychological, and emotional development. It also refers to the least detrimental alternative available for safeguarding the growth and development of the child;
- b) ***Child*** refers to a person below eighteen (18) years of age, or persons eighteen (18) years or older who are unable to fully care for or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination due to a physical or mental disability or condition. Existing laws that extend this definition to persons over the age of eighteen (18) shall also be recognized;
- c) ***Child support*** refers to the regular financial contribution provided by the non-custodial parent to the custodial parent or parent-substitute to ensure the adequate support and wellbeing of their common child or children. The amount shall be proportional to the resources or means of the non-custodial parent and the needs of the child, and shall cover maintenance, sustenance, shelter, clothing, medical care, education, and transportation. Child support

shall also include arrears or reimbursements, which may cover related costs and fees, interest, penalties, and attorneys' fees, when applicable;

- d) ***Child support register*** refers to the database established under this Act;
- e) ***Complex cases*** refer to child support cases that are extremely difficult for the Department of Social Welfare and Development (DSWD) to resolve administratively, such as questions on paternity and filiation of a child, and the same cannot be established pursuant to Articles 172 and 175 of Executive Order (E.O.) No. 209, as amended, otherwise known as the "Family Code of the Philippines";
- f) ***Custodial parent*** refers to a parent who primarily or solely lives with the child and takes on the responsibility of raising the child on a day-to-day basis in the absence of the co-parent who is otherwise alive;
- g) ***National Child Support Office (NCSO)*** refers to the office established within the DSWD tasked to: (1) implement the National Child Support Program (NCSP) under this Act; (2) administer and resolve child support cases falling within its administrative jurisdiction; (3) supervise and coordinate with Regional Child Support Offices (RCSO) in implementing the NCSP nationwide; (4) formulate and issue guidelines for the effective implementation of the NCSP; and (5) comply with and implement international treaties and conventions on children's rights to which the Philippines is a signatory or State Party, including the United Nations Convention on the Rights of the Child (UNCRC), the Hague Convention of

23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and other relevant international instruments;

- h) ***Non-custodial or absentee parent*** refers to the parent who does not have primary physical custody of the child and who, without justifiable reason, fails or refuses to comply with their child support obligations;
- i) ***Parent Locator Service (PLS)*** refers to the system or integrated mechanisms managed by the NCSO to assist custodial parents or other interested parties in locating non-custodial or absentee parents for purposes of establishing paternity, securing child support, and enforcing or modifying child support orders;
- j) ***Parent-substitute*** refers to a person other than the biological parent who has custody over a child and is primarily responsible for the child's care, and physical, moral, and intellectual development, such as foster care parents, legal guardians, and care providers: Provided, That surrogate parents shall secure a certification from the proper office of the DSWD confirming them as a parent-substitute;
- k) ***Regional Child Support Offices*** refer to offices established within the DSWD Regional Offices that handle administrative child support cases, perform functions under this Act, and administer and maintain the child support register established under this Act;

l) ***Simple cases*** refer to child support cases that may be resolved administratively by the DSWD when: (a) the non-custodial parent is identified as the child's parent in the birth certificate or in a final court judgment; or (b) the non-custodial parent has voluntarily acknowledged the child in a public instrument or a private handwritten instrument signed by the parent, consistent with Title VI of E.O. No. 209; and

m) ***Support order*** refers to a provisional or final order issued by the RCSO in connection with the administrative proceedings for obtaining child support under this Act. It imposes a legal obligation on the non-custodial parent to provide monthly financial support to their children in an amount proportionate to the resources or means of the non-custodial parent and the needs of the children, as determined during the administrative proceedings.

SEC. 4. *Establishment of the National Child Support Program.* - There is hereby established a NCSP to facilitate efficient collaboration between national and local government units in administering child support services. The NCSP shall provide the following services: (a) assist in locating non-custodial or absentee parents; (b) assist in establishing paternity and filiation; (c) issue Child Support Orders after an administrative proceeding involving simple cases as defined under this Act; (d) determine, review, and modify Child Support Orders; (e) enforce and monitor compliance of Child Support Orders issued pursuant to this Act; (f) promulgate necessary rules and regulations; and (g) comply with and implement international treaties and conventions on children's rights to which the Philippines is a signatory or State Party, including the UNCRC, the Hague Convention of 23 November 2007

on the International Recovery of Child Support and Other Forms of Family Maintenance, and other relevant international instruments.

The NCSP shall be implemented by the NCSO created under the DSWD, in coordination with relevant national government agencies (NGAs) and local government units (LGUs).

To support implementation at the regional level, a RCSO shall be established within each DSWD Regional Office. Each RCSO shall: (a) handle administrative child support cases; (b) administer and update the Regional Child Support Register; (c) coordinate with NGAs and LGUs to assist in establishing paternity, locating non-custodial parents, and ensuring compliance with Support Orders.

The NCSO shall supervise, monitor, and provide technical and operational support to the RCSOs to ensure uniform implementation of the Program nationwide.

SEC. 5. *Participation of Local Government Units.* - The LGUs shall, upon request, assist the RCSOs in the following: (a) locating the non-custodial parents or absentee parents; (b) establishing paternity and filiation; and (c) enforcing and ensuring compliance with Support Orders issued under this Act.

LGUs shall likewise cooperate with concerned NGAs and other LGUs in supporting the RCSOs in handling administrative child support cases.

SEC. 6. *Participation of National Government Agencies.* - The concerned NGAs shall, upon request, assist the RCSOs in (a) locating the non-custodial parents or

absentee parents; (b) assisting in the establishment of paternity and filiation; and (c) enforcing and ensuring compliance with Support Orders issued under this Act.

To support the enforcement of Orders, the Department of Foreign Affairs, Department of Labor and Employment (DOLE), Land Transportation Office, Professional Regulation Commission, and other concerned NGAs shall cooperate with the RCSOs through the following measures, subject to applicable laws and due process:

1. **Wage Deduction** - Facilitating the deduction of child support amounts from the salary or payroll of the non-custodial parent;
2. **Property Attachment** - Imposing liens, encumbrances, or attachments on the personal or real properties of the non-custodial parent;
3. **Asset Garnishment** - Withholding or garnishing salaries, wages, bank deposits, loan proceeds, tax refunds, monetary prizes, insurance claims, or any similar sources of income of the non-custodial parent;
4. **License and Passport Restriction** - Withholding issuance, or suspending or restricting the use of driver's licenses, professional or occupational licenses, and passports of the non-custodial parent, unless said parent executes an undertaking under oath to settle or update unpaid child support within six (6) months; and

5. Fraudulent Transfers - Declaring void any transfer of property intended to defraud or avoid compliance with a Support Order, subject to existing laws.

To further support compliance, the DOLE, Technical Education and Skills Development Authority, and DSWD shall prioritize eligible non-custodial parents in appropriate government employment, livelihood, financial assistance, and skills training programs to enhance their capacity to fulfill their child support obligations under this Act.

No enforcement action under this section shall be implemented without observance of due process and compliance with existing laws.

SEC. 7. *Composition of the NCSO.* - The NCSO shall be headed by the Secretary of the DSWD, who shall serve as Chairperson. Each RCSO shall be headed by the Regional Director of the corresponding DSWD Field Office.

The Secretary of the DSWD shall determine the organizational structure and staffing pattern for the purpose in accordance with the revised compensation and position classification system subject to the evaluation and approval of the Department of Budget and Management and in compliance with the civil service laws, rules and regulations.

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Department of Budget and Management and in compliance with the civil service laws, rules and regulations.

SEC. 8. *Functions of the National Child Support Office.* - The NCSO, through the RCSOs, shall perform the following key functions:

- a) ***Assist in locating non-custodial or absentee parent.*** - Subject to compliance with Republic Act (R.A.) No. 10173, otherwise known as the "Data Privacy Act of 2012," and other applicable laws, the RCSO may obtain necessary information from the custodial parent, parent-substitute, or relatives, or through the DSWD's PLS. This includes the name, address, identification number of the non-custodial parent, the child's birth certificate or equivalent documents establishing paternity and filiation, court decrees, and information on the non-custodial parent's employment or sources of income. The RCSO shall ensure confidentiality of information that may come to their knowledge and possession.

If the non-custodial parent cannot be located, the RCSO may request assistance from relevant government agencies and LGUs.

- b) ***Assist in establishing paternity and filiation.*** - Establishing paternity and filiation is a prerequisite to issuing a Support Order under this Act. It may be proven through: (a) the child's record of birth appearing in the civil register or a final court judgment; or (b) an admission of legitimate filiation in a public document or a private handwritten instrument and signed by the parent concerned, as provided under the Family Code.

If the non-custodial parent acknowledges paternity during the administrative proceedings, the RCSO shall facilitate the execution and proper registration of the acknowledgment in the Local Civil Registry Office. If the non-custodial parent denies paternity, the RCSO shall require a sworn affidavit of denial. A false denial may be prosecuted under Act No. 3&15, as amended, otherwise known as "The Revised Penal Code."

If paternity cannot be established administratively, the case must be referred to the proper court for judicial determination, subject to existing laws.

- c) ***Determine the amount of child support.*** - The RCSO shall determine the amount of child support based on the needs of the child and the ability, resources, or means of the non-custodial parent to provide support. The DSWD, in coordination with the National Economic and Development Authority, shall issue guidelines adopting a fixed percentage of income, which may be adjusted for factors such as disability, number of children, or substantial changes in financial capacity.
- d) ***Issue Support Orders.*** -The RCSO shall issue provisional or final Support Orders pursuant to administrative proceedings conducted under this Act for the purpose of establishing child support. Such orders shall impose a legal obligation on the noncustodial parent to provide monthly financial support to their children in an amount proportionate to the parent's resources or means and the needs of the children, as determined during said proceedings. Financial support shall likewise be extended to a child over eighteen (18)

years of age to cover expenses related to tertiary education. Support Orders shall be immediately executory.

In case of disagreement with the Support Order or the amount of support, a parent may file a request for reconsideration before the RCSO. However, the filing of such a request shall not stay the execution of the Support Order. In the absence of any order modifying or revising the amount of support, the non-custodial parent shall be required to comply with the Support Order without delay.

Willful refusal to comply with a Support Order shall subject the non-custodial parent to penalties under Section 14 of this Act.

- e) ***Review and modify Support Order.*** - The RCSO shall review and modify Support Orders upon proof of a substantial change in circumstances, in accordance with the prescribed guidelines. A request for review may be filed before the RCSO by either parent, a parent-substitute, a relative, or by the child who is at least fifteen (15) years of age.
- f) ***Monitor compliance with Support Order.*** —The RCSO shall monitor compliance with the Support Order and may require the custodial parent, parent-substitute, or relative to provide periodic reports to ensure that funds are used for the child's welfare. The NCSO shall establish secure and efficient remittance mechanisms, including banks, financial institutions, and digital payment systems, and other existing technologies to facilitate the receipt of child support.

- g) ***Enforce Support Orders.*** - Upon willful noncompliance, the RCSO may enforce the Support Order through measures including wage withholding, garnishment of assets, attachment of property, imposition of liens, or other lawful means to satisfy outstanding obligations. The enforcement of the Support Order shall be without prejudice to the filing of a separate criminal case for willful failure to pay child support under Section 14 of this Act;
- h) ***Promulgate rules and regulations.*** - The NCSO shall promulgate implementing rules and internal procedures to carry out the intent and provisions of this Act; and
- i) ***Comply and implement relevant international instruments.*** - The NCSO and RCSOs shall comply with and implement international treaties and conventions on children's rights to which the Philippines is a signatory or State Party, including the UNCRC, the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and other relevant international instruments. They shall also facilitate access to cross-border remedies in the best interests of the child.

SEC. 9. *Who May File a Petition for Administrative Child Support.* - A Petition for Administrative Child Support may be filed by any of the following: (1) the custodial parent; (2) parent-substitute; or (3) relative within the fourth (4th) degree of consanguinity or affinity, who has actual custody of the child and is raising the child in the absence of the non-custodial parent or parents.

The DSWD, through the RCSO, shall screen and assess the eligibility of the parent-substitute or relative to determine whether such person indeed has actual custody and is actively raising the child.

The petition shall state the relevant facts necessary to establish entitlement to child support and shall be in the form of a sworn affidavit executed by the petitioner and subscribed before any person authorized by law to administer oaths.

SEC. 10. *Where to File the Petition.* - The Petition for Administrative Child Support, together with complete and original supporting documents, shall be filed with the RCSO having jurisdiction over the city or municipality where the child, custodial parent, parent-substitute, or relatives within the fourth (4th) degree of consanguinity or affinity raising a child on their own, reside. In the absence of a local RCSO, the petition may be filed with the nearest DSWD field office, satellite office, or extension unit.

SEC. 11. *Administrative Child Support Process.* - The NCSO shall formulate and adopt rules governing the administrative child support process to ensure its fair, expeditious, and non-adversarial disposition. All proceedings shall observe administrative due process and be guided by the principles of simplicity and accessibility.

Upon receipt of the complete petition and supporting documents, the RCSO shall evaluate the evidence and render a decision within twenty-one (21) calendar days. No adversarial hearing shall be required, but the RCSO may call for

clarificatory conferences or require the submission of additional documents to ensure the best interests of the child are upheld.

SEC. 12. *Child Support Register.* - The NCSO shall establish and maintain a centralized Child Support Register containing official records and statistics of all child support cases processed under this Act. The Register shall be managed by a Child Support Registrar, who shall be appointed by the Secretary of the DSWD from among qualified DSWD personnel.

The format, content, and manner of maintenance of the Register shall be prescribed by the DSWD Secretary, in consultation with the Child Support Registrar and relevant DSWD offices.

LGUs, through their City or Municipal Social Welfare and Development Offices, shall likewise maintain a local registry of child support cases within their jurisdiction and regularly transmit reports to the NCSO for consolidation.

SEC. 13. *Confidentiality.* - All records pertaining to child support cases, accessed, handled, or processed in all settings, shall be kept confidential. No person shall disclose any personally identifiable information, including the name, address, or circumstances of the child or the child's immediate family, unless such disclosure is expressly authorized by law; required by a lawful order of a court or competent authority; or necessary to protect the best interests of the child. Any unauthorized disclosure of confidential information shall be penalized in accordance with existing laws, including RA 10173.

All persons, agencies, or institutions involved in accessing, handling, reporting, or processing personal data under this Act shall observe the principles of legitimate purpose, proportionality, and transparency, and shall discharge their obligations in accordance with applicable laws and regulations.

In cases of doubt, any provision of this Act shall be interpreted in a manner that favors the protection of the right to privacy and the best interests of the child.

SEC. 14. *Willful Failure to Pay Child Support.* - Any person who, without justifiable cause, willfully fails to comply with a Support Order issued under this Act despite having gainful employment, business, property, or any other source of income shall be guilty of willful failure to pay child support and shall suffer the penalty of six (6) months, and one (1) day to two (2) years and four (4) months imprisonment: Provided, That if the offender is a public officer or employee, the penalty of four (4) years, two (2) months and one (1) day to six (6) years imprisonment shall be imposed.

A first-time offender may have the criminal complaint provisionally dismissed by fully paying the total overdue and outstanding child support within thirty (30) calendar days from official notice of the filing of the criminal complaint: Provided, That an interest of six percent (6%) per annum or the prevailing legal interest rate, whichever is higher, shall be imposed and collected on the unpaid child support computed from the date the Support Order was issued by the RCSO until full payment.

The filing of a criminal complaint under this provision shall be without prejudice to the filing of other civil, administrative, or criminal cases under existing laws, including but not limited to RA 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004", or RA 7610, as amended, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

SEC. 15. *Information Dissemination.* - The NCSO shall, in coordination with the Philippine Information Agency, the Council for the Welfare of Children, and other concerned government agencies, LGUs, nongovernmental organizations (NGOs), and civil society organizations (CSOs), undertake a nationwide campaign to promote public awareness and understanding of the provisions, mechanisms, and objectives of this Act. Such campaign shall ensure that the general public are informed of the right to child support, the process of administrative child support, and the penalties for non-compliance. Materials shall be made available in major Filipino languages and dialects, and disseminated through both traditional and digital media, schools, barangays, and community-based programs.

SEC. 16. *Annual Report.* - The NCSO shall, on or before June 30 of each calendar year, submit an annual report to Congress, giving a detailed account of its proceedings and accomplishments during the year and making recommendations for modifications or improvements to enhance the effectiveness of this Act.

SEC. 17. *Appropriations.* - The amount necessary for the initial implementation of this act shall be charged against the current year's appropriations of the

departments/agencies concerned. Thereafter, such amount shall be included in the annual General Appropriations Act.

LGUs shall include in their respective local funds the amounts necessary for the implementation of this act.

SEC. 18. *Implementing Rules and Regulations.* - The DSWD shall, in coordination with the concerned government agencies, and upon consultation with NGOs, CSOs, and all relevant sectors, promulgate the necessary implementing rules and regulations within six (6) months from the approval of this Act.

SEC. 19. *Separability Clause.* - If any provision or part of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall continue to be in full force and effect.

SEC. 20. *Repealing Clause.* - All laws, decrees, orders, and rules and regulations contrary to or inconsistent with the provisions of this Act are deemed amended, modified, or repealed accordingly.

SEC. 21. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,