

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

TWENTIETH CONGRESS
1st Regular Session

House Bill No. 4962



Introduced by Representatives EDVIC G. YAP and ERIC G. YAP

EXPLANATORY NOTE

Every child deserves the assurance that their basic needs such as food, shelter, healthcare, and education, will be met, regardless of the circumstances of their parents. Yet, for millions of Filipino children, this right is compromised when a parent refuses or fails to provide support. This impact is felt most by solo parents, who shoulder the dual responsibility of caregiving and providing income. A World Health Organization study estimates that there are about 15 million solo parents in the Philippines, ninety-five percent of whom are women. For many of these families, the absence of regular child support pushes them closer to poverty and limits their children's opportunities for healthy development.

Existing laws such as Republic Act No. 9262 or the Anti-Violence Against Women and Their Children Act address the withdrawal of child support as a form of economic abuse. However, current remedies often require lengthy court proceedings, making it difficult for custodial parents and children to secure timely relief.

This bill proposes the establishment of a National Child Support Program (NCSP) and the creation of a Child Support Register under the Department of Social Welfare and Development, designed to provide a clear and efficient process for securing child support. The proposed measure also strengthens compliance through coordinated mechanisms with other government agencies and local governments.

The goal of this measure is not only to compel financial support but to create a reliable system that upholds a child's right, alleviates the economic strain on solo-parent households, and ensures that neglecting parental obligations has clear and enforceable consequences. It affirms that child support is not a privilege granted at a parent's discretion, but a legal and moral responsibility essential to the well-being of children.

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



HON. EDVIC G. YAP



HON. ERIC G. YAP

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

TWENTIETH CONGRESS
1st Regular Session

House Bill No. **4962**

Introduced by Representatives EDVIC G. YAP and ERIC G. YAP

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 of 2025.*”

SEC. 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:

- a. Strengthen marriage as the foundation and an essential institution of a successful society, which promotes the interests of children.
- b. 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.
- c. Mandate child support in all circumstances including cases of couples who decide not to get married or decide to separate (whether legally or otherwise) or parents who refuse to or fail to give child support.

- d. Support families/parents to establish paternity in cases when it is not certain.
- e. Mandate the government through its agencies and instrumentalities to withhold or refuse servicing of request (e.g., driver's license, passport, etc.) of deadbeat parents or those with unresolved child support cases.
- f. End/minimize the dependence of needy parents on government benefits by promoting job preparation, work, marriage, and responsible parenthood.
- g. Establish job opportunities where non-custodial parents may be assisted so they may continue to support their children.

SEC 3. *Definition of Terms.* – 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 support themselves due to mental or physical disability, or 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 medical attendance, education, and transportation, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorney's fees, and other reliefs;
- 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 or 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 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, 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 the 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) 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 non-custodial parents, putative fathers, and custodial parties for the establishment of paternity and 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 1 (one) month except in rare cases (e.g., for overseas non-custodial 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 a 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 DSWD;
- 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 development office which serves as the frontline of the local government unit in the delivery of the 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 organizations) which are designed to enable individual, groups and communities to meet their needs and to solve the problems of adjustment to changing pattern of society and, through coordinated action, to improve 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 RA 8972 otherwise known as the Solo Parent Act of 2000 is:
 - 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 the mother keeps and raises the child.
 - 2. Parent left solo or alone with the responsibility of parenthood due to any of 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; or
 - 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.

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.
 4. Any other person who solely provides parental care and support to a child or children.
 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 authorized administrative tribunal (e.g., DSWD) 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 arrangements, payments of annuities, payments of superannuation benefits, payments for termination of employment, payments for unused leave, benefits payments, compensation payments, payments specified by regulations, alienated personal services payments, and other similar salaries, wages, commissions, compensation, and payments.

SEC 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.

SEC 5. *Compliance of Local Government Units (LGUs).* - 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.

SEC 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:

- a. Imposing liens against real and personal property for amounts of overdue child support;
- b. Withholding tax refunds payable to a parent who is delinquent in child support payments;
- c. Reporting the amount of overdue support to a consumer credit bureau upon request;
- d. 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;
- e. 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, judgements, settlements, lotteries, assets held in financial institutions, and public and private retirement funds;
- f. 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;
- g. Denying passports to person with past-due child support unless he or she has appeared in a family court or DSWD and complied with requirements for travel;
- h. 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;
- i. Performing quarterly data matches with financial institutions; and
- j. Voiding fraudulent transfers of assets to avoid payment of child support.

ARTICLE II ELIGIBILITY

SEC 7. *Solo Parents.* - All qualified individuals ("solo parents") as provided for in this Act may avail of the NCSP.

SEC. 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, a formerly deadbeat parent who had successfully

completed a case filed and committed to pay child support are qualified to seek government support as provided for in this Act in meritorious cases such as, but not limited to, unemployment, loss of business and bankruptcy.

ARTICLE III PROCEDURES

SEC 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.

- a. **Locating parents.** In pursuing cases, designated NCSP staff/officials shall obtain information and several documents for 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 issued child support order; the annulment/divorce decree or separation agreement; the name and address of the current or most recent employer of 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 the 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 (PSA), Land Transportation Office (LTO), or any relevant agency involved in the program.
- b. **Establishing paternity.** Paternity establishment is a prerequisite for obtaining a child support order. Without established paternity, 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 custodial 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 custodial

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 (DOH); (ii) Department of Justice (DOJ) ; and the PSA. 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.

- c. **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 whether monthly or otherwise, plus arrearages, if any, and manner of payment. DSWD may establish child support obligations either by judicial or administrative process.

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 children's rights generally conclude 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 obligations 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 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's fees. DSWD shall issue guidelines for cases when administrative procedure is better adopted.
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 such as 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 (Php 6,000.00) per month, which is equivalent to Two Hundred Pesos (Php 200.00) per day. The child support obligation, with an agreed schedule subject to the country's economic indices and income classification and revisions or deviations, is that which is 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.

- d. **Reviewing and modifying order.** 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 fifteen (15) to eighteen (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 thirty-six (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 thirty (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 thirty (30) days after notification to initiate proceedings to challenge the proposed adjustment or determination.
- e. **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-custodial 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.

- f. **Collecting and issuing support.** To the extent possible, the non-custodial parent should make the payment of child support directly to the custodial parent. Family courts or the NCSP shall collect child support when the non-custodial parent does not pay or refuses to pay the custodial parent directly. The most important custodial 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.
- g. **Enforcing child support orders across all LGUs.** When non-custodial parents move to or live in another LGU such as in another 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 or his/her representative seeking support to go to the LGU in which the non-custodial parents reside. This Act shall be used to establish paternity, locate an absent parent, and establish, modify, or enforce a support order across all LGU borderlines.

ARTICLE IV ADMINISTRATION

SEC 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 Registrar shall be kept in such form, whether documentary or otherwise, as the Secretary and Registrar consider appropriate.

SEC 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.

SEC 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 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. RA 10173 and other prevailing laws on data privacy shall apply.

SEC 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.

- a. 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.
- b. 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 the custodial parent concerned.
- c. The Registrar may in writing approve a form of application or notice of election for the purposes of a particular section of this Act.

SEC 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:

- a. Department of Social Welfare and Development (DSWD)
- b. The Judiciary specifically the Family Courts and assigned family courts
- b. Department of Justice (DOJ)
- c. Social Security System (SSS)
- d. Government Service and Insurance System (GSIS)
- e. Department of Interior and Local Government (DILG) and Local Government Units (LGUs)
- f. Department of Education (DepEd)
- g. Department of Health (DOH)
- h. Department of Labor and Employment (DOLE)
- i. Civil Service Commission (CSC)
- j. Bureau of Internal Revenue (BIR)
- k. Bangko Sentral ng Pilipinas (BSP)

- l. Land Transportation Office (LTO)
- m. Department of Foreign Affairs (DFA)
- n. Bureau of Immigration and Deportation (BID)
- o. Securities and Exchange Commission (SEC)
- p. Philippine Statistics Authority (PSA)
- q. National Economic and Development Authority (NEDA)
- r. Department of Trade and Industry (DTI)
- s. National Bureau of Investigation (NBI)
- t. Philippine National Police (PNP)
- u. Insurance Commission (IC)
- v. Credit Information Corporation (CIC)
- w. Commission on Higher Education (CHED)
- x. 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.

1. Role of the DSWD

- 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, as the case may be, 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 a central location for the collection and dissemination of information about the program. It shall work with the Integrated Bar of the Philippines, or any Bar Association, 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 adult in the family; (viii) whether the family receives subsidized housing, medical assistance under the program, amount received, 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 children and those expecting 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 twenty-four (24) months, whether consecutive or not, 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 case of minor parents, death, or other special*

cases (eg., 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 parent or next of kin shall be 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 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. 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, the offending parent 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 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 in 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, the DSWD is mandated to develop and implement a transition plan as well as a capacity development program to prepare the local governments.

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 DOJ-through the Committee for the Special Protection of Children (CSPC)-shall assist in

coordinating and monitoring the investigation and prosecution of complex cases involving violation 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, non-profit, and governmental employers, to provide promptly, in response to a request by the government or any other entity administering the NCSP, such information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contactor, 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 databases, 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 subjected to due process safeguards, including requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal, as appropriate.
- 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 Conventions 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.

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 availment 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.

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 non-custodial parent resided. DILG and LGUs are required to comply with this Act and provide the necessary information or assistance 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 owe 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, correction 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, judgements 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 2018 Mandanas Ruling, it is critical that the core functions of NCSP are devolved to the LGUs 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.

5. Role of the Department of Education

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 such as those covered in the United Nations Convention on the Rights of a Child (UN CRC), RA 7610, RA 9262 and other relevant laws in the appropriate school curricula.

6. Role of the Department of Health

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 acknowledgement 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.

7. Role of the Department of Labor and Employment and employers

- a. *Wage/salary/professional fee withholding.* The 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 has 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 opportunities, education, and skills training programs in coordination and cooperation with relevant organizations such as CHED and TESDA.

8. Role of the Civil Service Commission

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-custodial parents.

9. Role of the Bureau of Internal Revenue

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 an 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.

10. Role of the Bangko Sentral ng Pilipinas

The BSP 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 fail to pay child support are ineligible for personal and consumers loans.

11. Role of the Land Transportation Office

- 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 percentage, setting, modifying or enforcing support orders and enforcing custody or visitations 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.

12. Role of the Department of Foreign Affairs

- 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) 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

children and custodial parents, including procedures for collection and appropriate distribution of support payments under such orders.

13. Role of Other Relevant Government Agencies

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

- a. PSA - 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.
- b. NEDA - 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.
- c. DTI and 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;
- d. 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 pending child support case;
- e. 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.
- f. 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 work with CSC, DILG, DOJ and PNP in establishing and enforcing standards and procedures to ensure against program fraud and abuses.
- g. IC - 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;

- h. CIC - 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.
- i. CHED and TESDA - which is 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.
- j. 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 amounting to at least Thirty Thousand Pesos (Php 30,000.00) 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 (Php 100,000.00) but not more than Three Hundred Thousand (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 (Php 300,000.00) at the discretion of the court shall be imposed on any person who shall commit any of the following acts:

- a. obtaining confidential information through coercion, undue influence, fraud, improper material inducement, or other similar acts;
- b. 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

- c. subjecting or exposing any child 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 of a person who is not his/her biological parent shall be guilty of simulation of birth, and shall be punished by prison mayor in its medium period and fine not less than Fifty Thousand Pesos (Php 50,000.00), but not exceeding Two Hundred Thousand Pesos (Php 200,000.00).

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 such as the PRC.

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 (Php 20,000.00) but not more than One Hundred Thousand Pesos (Php 100,000.00), at the discretion of the court.

Any government official, employee or functionary who shall be found guilty of violating any of the provision 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

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

SEC. 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 (DBM), NBI, PNP, Office of the Solicitor General (OSG), and relevant civil society organization/s (CSOs), shall formulate the necessary Implementing Rules and Regulations (IRR) and operating guidelines to make the provisions of this Act operative.

SEC. 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.

SEC. 20. *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. 21. *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. 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 effort.

SEC. 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,