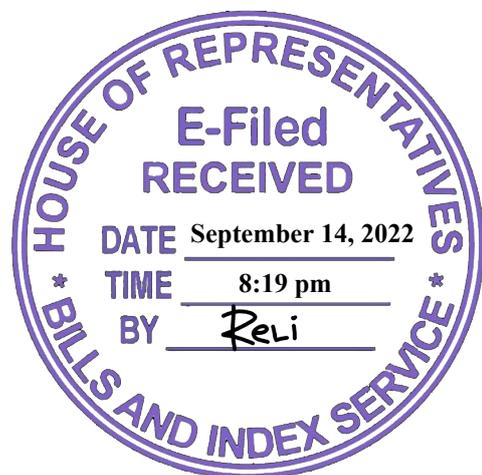


Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
First Regular Session

House Bill No. 4798



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**INTRODUCED BY REP. PM VARGAS**

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

**EXPLANATORY NOTE**

As indicated in the 1987 Philippine Constitution, it is the duty of the State to defend a child's right to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other condition prejudicial to their development.

This is further enshrined in several laws, including the Presidential Decree No.603 or the Child and Youth Welfare Code, the Republic Act No. 7610 or the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and the Republic Act.No.9262 or the Anti-Violence against Women and Children Act.

Every child, whether legitimate or illegitimate, has the right to receive support from their parents. Support, as defined in Section 194 of the Family Code of the Philippines, comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education, and transportation, in keeping with the financial capacity of the family.

On February 18, 2022, the Philippines signed the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (known as the Child Support Convention), which was negotiated under the authority of the Hague Conference on Private International Law. This convention is but one of the affirmation of the country's commitment to protecting children's rights by ensuring child support.

While the State have enacted and implemented several laws that protect a child's right to support, these laws do not penalize parents' who willfully fails to provide child support.

This bill seeks to penalize any person who willfully fails to pay child support for at least one year or has an outstanding amount due of Fifty Thousand Pesos (Php 50,000.00) or more. It is the hope of this measure to protect children's rights and ensure child support growing up by penalizing parental refusal or neglect of child support.

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



**REP. PM VARGAS**

Fifth District, Quezon City

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

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

**SECTION 1. Short Title.** – This Act shall be known as the "*Ensuring Child Support Act*".

**SECTION 2. Declaration of Policy.** - It is the policy of the State to promote the best interests of children and to protect and defend the right of children to child support.

**SECTION 3. Definition of Child Support.** – For the purpose of this Act, “child support” refers to any amount determined by a court in judgment, decree, or order to be due from a person for the support and maintenance of a child. It includes a permanent or temporary order and an initial order or a modification of an order for child support.

**SECTION 4. Willful Refusal or Neglect to Pay Child Support.** – Any person who willfully refuses or neglects to pay child support, if such an obligation has remained unpaid for at least one (1) year or has an outstanding amount due of fifty thousand pesos (Php50,000.00) or more, shall be punished by *prison correctional* under the Revised Penal Code.

**SECTION 5. 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 (Php50,000.00) or more, in spite of demand, as alleged in the Complaint or Information creates a disputable presumption that the person has willfully refused or neglected to pay child support.

**SECTION 6. 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.

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

**SECTION 8. Repealing Clause.** – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

**SECTION 9. Effectivity.** – This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*