



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

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5479



Introduced by **HONORABLE ERNESTO "ERNIX" M. DIONISIO, JR.**

**AN ACT
PROVIDING FOR SPOUSAL AND CHILD SUPPORT AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

There is a continuing need for the State to provide protection to women and children against errant spouses who unjustifiably refuse to provide support to their families.

Section 3(2), Article XV of the 1987 Constitution states: "The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. "

In line with this, this bill seeks to introduce measures designed to make the mechanism for the demand of support less strenuous. Likewise, this bill seeks to provide a harsher punishment for economic abuse, to further deter spouses or fathers from withholding their support.

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

ERNESTO "ERNIX" M. DIONISIO, JR.
Assistant Majority Floor Leader
Congressman
First Congressional District of Manila



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

SECTION 1. Declaration of Policy. - Pursuant to Article 15, Section 1 of the 1987 Constitution, it is the declared policy of the State to promote the family as the foundation of the nation, strengthen its solidarity, and ensure its total development. Article 15, Section 3 (2) of the 1987 Constitution further mandates the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. Article 70 of the Family Code provides that the spouses are jointly responsible for the support of the family, which comprises everything indispensable for sustenance, dwelling, clothing, medical attendance, education, and transportation, in keeping with the financial capacity of the family. Towards this end, the State shall institutionalize mechanisms and provide necessary assistance to protect and enforce the rights of spouses and children to receive, among others, financial support.

SECTION 2. Coverage - This Act is limited to the legal obligation to provide financial support for spouses and/or children and does not include the provision involving financial support for other entitled persons as provided in the Family Code.

SECTION 3. Spouse and/or Child's Right to Support. – In accordance with the Family Code, spouses and children shall continuously receive support, which is indispensable for their sustenance, dwelling, clothing, medical attendance, education and transportation, in keeping with the financial capacity of the family. The education of the person entitled to be supported shall include his or her schooling or training for profession, trade, or vocation. Transportation shall include expenses in going to and from school, or to and from place of work: *Provided*, That child support shall be given even beyond the age of majority, depending on the needs of the child and in keeping

with the financial capacity of the person legally obligated to provide the same: *Provided* Further, That in all cases, the best interest of the child shall be considered when agreeing on or determining the terms of the support, which includes the amount that should be provided.

SECTION 4. Voluntary Spousal and/or Child Support. – Notwithstanding the provisions of the Family Code, the following persons may enter into a written agreement setting forth the specific terms for spousal and/or child support, in accordance with Section 4 of this Act and other relevant laws, including the Family Code:

a.) The spouses;

b.) The parents of the child; or

c.) A parent or the parents of the child and the guardian of the child: *Provided*, That for purposes of this Act, "guardian" shall refer to persons exercising substitute parental authority over the child as provided under Article 216 of the Family Code.

SECTION 5. Enforcement of Written Agreement – The written agreement under Section 5 of this Act, if not repudiated by any party within ten (10) days from the date of the agreement, has the force and effect of a final judgment of a court. The written agreement may be enforced by:

a.) Execution by the lupon of the barangay within six (6) months from the date of the settlement.

b.) After the lapse of 6 months, the written agreement may be enforced by action in the appropriate city or municipal court.

SECTION 6. Appropriations. – The amount necessary for the proper and full implementation of the provisions of this Act shall be incorporated in the annual General Appropriations Act.

SECTION 7. Separability Clause. - If any provision or part of this Act shall be declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SECTION 8. Repealing Clause. - All laws, decrees, executive orders, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,