

Child Support In The Philippines

Support in the law is described as everything indispensable for sustenance, dwelling, clothing, medical attendance, education, and transportation, in keeping with the financial capacity of the family.

The law emphasizes that this support should include schooling or training for some profession, even beyond the age of majority.

[Art 194, Family Code of the Philippines]

A child is entitled to support from both parents

A baby is expensive!

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[Art 194, Family Code of the Philippines]

Those who are obliged to support each other are enumerated in Art 195:

The spouses;

Legitimate ascendants and descendants;

Parents and their legitimate children and the legitimate and illegitimate children of the latter;

Parents and their illegitimate children and the legitimate and illegitimate children of the latter; and

Legitimate brothers and sisters, whether of full or half-blood

You'll immediately see that regardless of whether the child is legitimate or illegitimate, support is an obligation from both parents.

How much support can I expect?

You might think there is some support calculator to define exactly how much support you can expect for your child.

You'll be surprised to know that how much support really differs from case to case.

The amount of support, in the cases referred to in Articles 195 and 196, shall be in proportion to the resources or means of the giver and to the necessities of the recipient.

[Art 201, Family Code of the Philippines]

A scale showing the balance between support needed and the support that can be given.

The needs of the child is balanced with the income generated by the parent.

What this means is that support really depends on the capacity of the giver.

Does he or she have good investments?

Does he or she have a good job?

If that is the case, support can be drawn from these sources. If not however, there is no possible way that support can be received even if there is a court order for it.

If you are preparing to negotiate with your ex-partner, it would be helpful to create an accounting of the child's expenses for schooling and maintenance.

This can help guide the discussion and set realistic expectations.

You might think that after receiving a court order, support will automatically be sent to your account

from your ex-partner's.

It is a little more complicated than that.

As the Philippines has no uniform infrastructure to ensure support is actually given, the options for receiving support can be very specific:

* You might be able to request the deduction of support from your ex-partner's payroll.

* You might be able to receive support by asking the court to garnish his assets such as by taking his cars or other properties.

These court orders can then help ensure that the court's decision translates into actual financial support for the child.

R.A. 9262 puts pressure on a father to provide for his child by threatening him with criminal action if he does not provide support.

Section 5 e (2) in particular discusses Child Support:

Depriving or threatening to deprive the woman or her children of financial support legally due to her or her family, or deliberately providing the woman's children insufficient financial support.

Meanwhile, Sec 6 (c) discusses the penalty as punishable by prison correctional or jail.

In successful support cases, however, it is when there is true cooperation and trust that the child's welfare is of primary importance that support is consistent and regular.

It is when a father is involved in the discussion and that he trusts that the money is truly going to his child that support cases achieve their goal.