Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HB NO. 1404

Introduced by **Rep. Roseller L. Barinaga**

EXPLANATORY NOTE

This bill seeks to provide for a Magna Carta for the Older Persons.

The bill intends to complement Republic Act No. 7432, otherwise known as the "Senior Citizens Act", as amended by Republic Act No. 9257 which is popularly known as the "Expanded Senior Citizens Act of 2003".

Although some of the provisions herein are overlapping with those already stipulated in the two preceding laws, it is incumbent upon the State to reiterate such commitments toward the full protection of the interest and welfare of the elderly. Hence, the filing of this proposed measure.

Specifically, the proposed Magna Carta for the Older Persons emphasize, among others, the following: stipulation and reiteration of the sector's rights and privileges in employment, health benefits, social services (including accessibility of public transport, etc.); provisions on their political rights; prohibitions against any form of discrimination; provision on housing; role of the LGUs and NGOs; tax benefits; and many others.

The proposed measure also seeks to establish the National Council for the Welfare of Older Persons which shall be under the supervision and control of the Office of the President. The envisioned Council shall serve as the central authority and advisory body that will direct, coordinate and integrate the planning, management and implementation of all activities, national and local, public and private, pertaining to the welfare of older persons, in a manner which will ensure maximum and efficient utilization of human and natural resources for the attainment of this national goal.

Passage of this bill is sought.

ROSELLER L. BARINAGA
Representative
2nd District, Zamboanga del Norte

Congress of the Philippines)
Thirteenth Congress)
First Regular Session)

HOUSE OF REPRESENTATIVES

HB NO. 1404

Introduced by **Rep. Roseller L. Barinaga**

AN ACT
TO PROVIDE FOR THE MAGNA CARTA FOR THE OLDER PERSONS

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

TITLE I
GENERAL PROVISIONS

Chapter I
Title and Declaration of Policy

SECTION 1. *Title.* This Act shall be known and cited as the "Magna Carta for the Older Persons".

SEC. 2. *Declaration of Policy.* It is hereby declared the policy of the State to give full support to the improvement of the total well being of the elderly and their full participation in society. Toward this end, the State shall, among others: adopt policies ensuring the health, rehabilitation and self-reliance of older persons and recognize the important role of private sector in the improvement of the welfare of older persons and actively seeks their partnership.

Chapter II
Coverage

SEC. 3. *Coverage*. This Act shall cover all older persons, and to the extent herein provided, departments, offices and agencies of the national government, local government units, non-government organizations and people's organizations involved in the attainment of the objectives of this Act.

SEC. 4. *Definition of Terms*. For purposes of this Act, these terms are defined as follows:

(a) "Older persons" or "elderly" shall refer to resident citizens of the Philippines, aged 60 years and above.

(b) "Impairment" shall mean any loss, diminution or aberration of psychological, physiological or anatomical structure of function.

(c) "Disability" shall mean: (1) physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.

(d) "Rehabilitation" shall refer to an integrated approach to physical, social, cultural, spiritual, educational, and vocational measures that restore older persons to a useful and constructive place in society, through some form of correctional or therapeutic re-training or through relief, financial aid or other constructive means.

(e) "Geriatric" shall refer to the study of the biological and physical changes and diseases of old age.

(f) "Sheltered employment" shall refer to the provision of productive work for older persons through workshops providing special facilities, income –producing projects or homework schemes, with a view to giving them the opportunity to earn a living, thus enabling them to acquire a working capacity required in open industry.

TITLE II
RIGHTS AND PRIVILEGES OF OLDER PERSONS

Chapter I
Employment

SEC. 5. *Opportunity for Employment and Re-Employment.* Older persons who have the capacity to work, as well as which to work or be re-employed, should be provided information and matching services to enable them to be productive members of society. Terms of employment shall conform to the provisions of the Labor Code, as amended, or as prescribed by the Secretary of the Department of Labor and Employment (DOLE).

SEC. 6. *Sheltered Employment.* If suitable employment for older persons who wish to work cannot be found through open employment, the State shall endeavor to provide it by means of sheltered employment.

SEC. 7. *Re-Training Programs.* Older persons should be afforded with opportunities to retain their dignity and not to be totally dependent as they grow old. The DOLE shall design and implement re-training programs that will provide skills and welfare or livelihood support programs for older persons which may also be incorporated or established in the Government Service Insurance System (GSIS) or Social Security System (SSS) retirement benefit programs.

Entrepreneurship programs that would develop, utilize or tap the skills and experiences of older persons who may want to start small business through acquisition of

necessary skills and assistance in the availment of credit from government and private lending institutions.

SEC. 8. *Self-Employment.* The State shall endeavor to provide the necessary assistance to older persons who may want to start small businesses through acquisition of necessary skills and assistance in the availment of credit from government and private lending institutions.

SEC. 9. *Incentives for Employers.* Private entities that employ older persons as employees shall be entitled to an additional deduction, from their gross income, equivalent to twenty-five percent (25%) of the total amount paid as salaries and wages to older persons: *Provided, however*, That such entities present proof as certified by the DOLE, that the older persons are under their employ.

SEC. 10. *Access to Formal Education.* If viable and needed, the State shall ensure that older persons are provided with adequate access to formal education and ample opportunities to develop their skills. It shall be unlawful for any learning institution to deny an older person admission to any course it offers by reason of age.

SEC. 11. *Non-Formal Education.* The State shall provide adequate resources for non-formal programs and projects that cater to the expressed needs of older persons and provide them opportunities to share their wisdom and skills (i.e. language, cultural, arts and/or industrial skills) formally or informally. The Department of Education (Dep. Ed.) and the Commission on Higher Education (CHED), in consultation with associations, non-government organizations and people's organizations for older persons, shall be responsible for the implementation of this provision.

Chapter II
Health

SEC. 12. *National Health Program.* The Department of Health (DOH), in coordination with local government units, non-government organizations and people's organizations for older persons, shall institute a national health program which shall aim to attain the following:

a) Prevention of impairment disability and handicap;

b) Recognition and early diagnosis of disease and disability.

c) Early rehabilitation; and

d) Health and geriatric care, including reproductive health of older women.

SEC. 13. *Health and Education Services.*- The national government shall provide an integrated health service for older persons which shall include, but not limited to:

a) Prevention of impairment, disability and handicap through immunizations, nutrition, physical fitness, environmental assessment and modification, early detection of

disease through screening tests, early detection of disability and timely intervention to arrest disabling conditions.

b) Affordable medical treatment through community-based health care programs as well as institutional care in secondary and tertiary hospitals when needed;

c) Rehabilitation services through community-based rehabilitation programs and referral to institution-based rehabilitation, when needed;

d) Provisions for aids in daily living, technical aids, prosthetic and orthotic appliances, whether conventional or made from indigenous materials, to disabled older persons.

e) Education and counseling services to address the emotional and physical difficulties of the elderly, particularly women, attributed to old age.

f) Clinical researches on prevalent geriatric diseases of Filipinos and in particular, problems and needs of elderly women spearheaded by government and private hospitals and the National Institute on Aging.

The Department of Health shall train community-based health workers among older persons and appropriate health personnel to specialize in the geriatric care and health problems of older persons. It shall also provide the establishment of geriatric wards in all secondary and tertiary hospitals which it operates, partly or wholly, within two (2) years after the enactment of this Act.

Chapter III
Social Services

SEC. 14. *Social Services.* The State shall ensure that older persons are provided with the necessary social services that will restore their social functioning and participation in community affairs.

The Department of Social Welfare and Development (DSWD), in cooperation with the Office of Senior Citizen's Affairs (OSCA) and the local government units (LGUs), non-government organizations (NGOs) and people's organizations (POs) for older persons, shall develop and implement programs on social services for older persons, the components of which are:

(a) "Self and social enhancement services" providing older persons opportunities for socializing, organizing, creative expression and improvement of self.

(b) "Senior Citizens' Center" as a focal point where services are delivered to older persons. The establishment and operation of senior citizens' centers are governed by the provisions of Republic Act No. 7876, known as the "Senior Citizens' Center Act of the Philippines."

(c) "Substitute Family Care" in the form of residential care/group homes for the abandoned, neglected, unattached, or homeless older persons and those incapable of self-care.

(d) "After-care and follow-up service" for the benefit of the older persons who are discharged from the homes for the aged/institutions, especially those who have problems of reintegration with family and community. Both the older persons and their families are provided with counseling.

Chapter IV
Telecommunications

SEC. 15. *Free Postal Charges for Older Persons.* Postal charges shall be free for aids and orthopedic devices for older persons, sent abroad by mail or for repair. *Provided*, That the older person has a national identification card as certified by the OSCA.

Chapter V
Accessibility

SEC. 16. *Barrier-Free Environment.* The State shall ensure the attainment of safe, secure and barrier-free environment that will enable older persons, especially the disabled elderly, to have access to public and private buildings and establishments and such another places mentioned in BP Blg. 334, also know as the "Accessibility Law."

SEC. 17. *Access to Public Transport Facilities* The Department of Transportation and Communications (DOTC) shall develop a program to assist older persons to fully gain access in the use of public transport facilities, seeing to it that the rules and regulations of pertinent provisions of Republic Act No. 7432 are fully implemented.

SEC. 18. *Implementing Rules and Regulations.* The DOTC shall formulate the rules and regulations necessary to implement the provisions of this Chapter.

Chapter VI
Political and Civil Rights

SEC. 19. *Protection from Neglect, Abandonment, and Abuse.* The State shall protect older persons from neglect, abandonment and abuse. For this purpose the older persons protective services shall be created in the National Council for the Welfare of the Older Persons.

SEC. 20. *System of Voting.* Elderly disabled persons shall be allowed to be assisted by a person of his/her choice in voting in the national or local elections. The person thus chosen shall prepare the ballot for the elderly disabled voter inside the voting booth. The person assisting shall bind himself/herself in a formal document under oath to fill out the ballot strictly in accordance with the instructions of the voter and not to reveal the contents of the ballot prepared by him/her. Violation of this provision shall constitute an election offense.

Polling places should be made accessible to older persons during national or local elections.

SEC. 21. *Right to Assemble*. Consistent with the provisions of the Constitution, the State shall recognize the right of older persons to participate in the processions, rallies, parades, demonstrations, public meetings, and assemblages or other forms of mass or concerted action held in public.

SEC. 22. *Right to Organize.* The State recognizes the right of older persons to form organizations or associations that promote their welfare and advance or safeguard their interests. The national government, through its agencies, instrumentalities and subdivisions, shall assist older persons in establishing self-help organizations by providing them with the necessary technical and financial assistance.

Concerned government agencies and offices shall establish close linkages with organizations of older persons in order to respond expeditiously to the needs of the elderly. National line agencies and local government units shall assist older persons in setting up specific projects that will be managed like business propositions.

To ensure the active participation of older persons in the social and economic development of the country, their organizations shall be encouraged to participate in the planning, organization and management of government programs and projects for older persons.

Organizations of the elderly shall participate in the identification and preparation of programs that shall serve to develop employment opportunities for older persons.

TITLE III
PROHIBITION ON DISCRIMINATION AGAINST OLDER PERSONS.

Chapter I
Discrimination on Transportation

SEC. 23. *Public Transportation.* – It shall be considered discrimination for the franchisees or operators and personnel of sea, land and air transportation facilities to charge higher fare or to refuse to convey a passenger, his/her orthopedic devices, personal effects and merchandise by reason of his/her age and disability.

Chapter II
Discrimination on the Use of Public Accommodation

SEC. 24. No person shall be discriminated on the basis of age and age-related disability in the full and equal enjoyment on the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation, particularly by:

a) Denying an older person, directly or indirectly, the opportunity to avail of undergraduate, graduate, and post-graduate education in public or private schools.

b) Denying an older person, directly or indirectly, the opportunity to avail of the services of recreational, cultural, and lodging establishments.

Chapter III
Discrimination on the Availment of Financial Assistance for Livelihood Activities

SEC. 25. *Prohibition against Age Discrimination.* No person shall be discriminated on the basis of age and age-related disability in the full and equal availment of credit for livelihood activities: Provided, that the older person fulfills all the requirements to qualify for such loan.

TITLE IV
INCENTIVES AND BENEFITS FOR OLDER PERSONS

SEC. 26. *Housing Program.* The national government shall take into consideration in its national shelter program the special housing needs of older persons, such as establishment of housing units for the elderly in close proximity to sources of family support.

SEC. 27. *Partnership of the National and LGUs.* The national government and the LGUs shall coordinate with each other in exploring livelihood opportunities and other undertakings to enhance the well-being of older persons. They shall encourage the establishment of grassroots organizations for the elderly in their respective territorial jurisdictions.

SEC. 28. *Support for Nongovernment Organizations.* Non-government organizations (NGOs) or private volunteer organizations dedicated to the purpose of promoting and enhancing the welfare of older persons are hereby encouraged to become partners of government in the implementation of programs and projects for the elderly. Accordingly, government should recognize the vital role of NGOs in complementing government in the delivery of services to the elderly, by;

(a) Simplifying and standardizing the legal procedures concerning incorporation, regulation and licensing of NGOs for older persons so as to enable them to exist as legal entities with all the corresponding rights, privileges and immunities such entities should enjoy in the conduct of their affairs and the discharge of their duties.

(b) Encouraging NGOs for older persons to develop innovative service models and pilot projects and assist in the duplication of successful examples of these models elsewhere in the country through financial and logistical support.

SEC. 29. *Tax Incentives.* (a) Any donation, bequest, subsidy financial aid which may be made to government agencies engaged in the activities related to the promotion of the well-being of older persons and to organizations of the elderly, shall be exempt from the donor's tax subject to the provisions of Section 101 (a) (2) and (3) of the National Internal Revenue Code (NIRC), as amended, and shall be allowed as deductions from the donor's

(d) Family home owned and where an older person resides shall be exempt from real property tax as provided for under Article 324 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 and from the additional levy on real property for the Special Education Fund (SEF) as provided under Article 326 of the same Code.

(e) Older persons shall be treated as dependents provided for in the NIRC, as amended, and such, individual taxpayers caring for them, be they relatives or not shall be accorded the privileges granted by the Code insofar as having dependents are concerned.

TITLE V
NATIONAL COUNCIL FOR THE WELFARE OF OLDER PERSONS

SEC. 30. *Creation of a National Council for the Welfare of Older Persons.* There is hereby created a National Council for the Welfare of Older Persons (NCWOP), hereinafter referred to as the "Council" which shall be under the supervision and control of the Office of the President.

The Council shall serve as the central authority and advisory body that will direct, coordinate and integrate the planning, management and implementation of all activities, national and local, public and private, pertaining to the welfare of older persons, in a manner which will ensure maximum and efficient utilization of human and natural resources for the attainment of this national goal.

SEC. 31. *Objectives of the Council.* The Council shall have the following objectives:

(a) To prepare and adopt an integrated and comprehensive long-term National Geriatric and Rehabilitation Plan to ensure the protection of the rights of older persons and provide them adequate health, geriatric, rehabilitative and socioeconomic care and services

(b) To ensure that all programs and services for the welfare of older persons are universal and accessible to all segments of society.

(c) To conduct comprehensive and continuing studies on the care and rehabilitation services for older persons, covering all major areas of concern: health, medical, economic, social, political, educational, vocational and spiritual – and to make corresponding recommendations on the basis of its findings;

(d) To propose new policies and new legislation, or amendments to existing ones, that will ensure the attainment of its objectives.

(e) To act as an overall coordinating body, to rationalize the functions and activities of government agencies, NGOs, people's organizations, private organizations operating in the Philippines, and the enforcement of laws related to and affecting older persons.

(f) To act as a national consultative and advisory body to the President on matters within its competence.

(g) To establish, maintain and expand contacts with the international public and private organizations concerned with older persons and to keep abreast with international

gross income for purposes of computing the taxable income subject to the provisions of SEC. 34 (h) of the Senate Code.

(b) Donations from foreign countries and other importation such as essential machinery and equipment, including spare parts and accessories thereof, and other goods acquired through donations in favor of government offices/agencies and/or NGOs for older persons , related to the promotion of the well-being of older persons, shall be exempt from customs duties on importation, subject to the provisions of Section. 105 of the Tariff and Customs Code of the Philippines, as amended.

(c) Local manufacturing of technical aids and appliances used by older persons shall be considered aids for daily living, and such, shall enjoy the rights, privileges and incentives as provided fir in Executive Order No. 226, otherwise known as the "Omnibus Investment Code of 1987", such as, but not limited, to the following:

(1) Repatriation of Investments

(2) Remittance of Earnings

(3) Remittance of Payments on Foreign Contracts

(4) Freedom form Expropriations

(5) Freedom from requisition of Investment

(6) Income ax holiday

(7) Additional deduction for labor expense

(8) Tax and duty exemption on imported capital equipment

(9) Tax credit on domestic capital equipment

(10)Employment of foreign nationals

(11)Tax credit for taxes and duties on raw materials

(12)Unrestricted use of consigned equipment

(13)Employment of foreign nationals

(14)Tax credit for taxes and duties on raw materials

(15)Access to bonded manufacturing/trading warehouse system

(16)Exemption from taxes and duties on imported spare parts

(17)Exemption from wharfage dues and any export tax, duty, impost and fee.

standards and the latest developments in the international geriatric and rehabilitation community;

(h) To ensure the fullest participation and involvement of older persons in the geriatric and rehabilitation process; and

(i) To educate and re-orient the general public in its attitude and thinking towards older persons.

SEC. 32. *Powers and Functions of the Council.* (a) To monitor and evaluate all projects, programs and activities pertaining to the welfare of older persons and to take appropriate steps to ensure that they comply with established priorities, standards and guidelines;

(b) To formulate and implement guidelines and mechanisms as may be necessary to enable it to perform its role as the national coordinating body for all agencies and organizations concerned with older persons;

(c) To establish standards and guidelines in the organization and management of geriatric and rehabilitation facilities and programs;

(d) To maintain continuing educational training and information to promote its objectives.

(e) To undertake continuing research studies or surveys on pertinent issues concerning geriatric and rehabilitative care and services for older persons;

(f) To conduct public hearings, conferences or meetings on any issue related to its areas of responsibility, as it deems appropriate.

(g) To seek assistance of or to commission any department, bureau, office, agency state university or college, and other government and non-government instrumentalities in the form of personnel facilities and other resources when such assistance/commission is necessary for the attainment of its objectives;

(h) To supervise in coordination with line agencies pilot demonstration projects and programs;

(i) To make recommendations which would guarantee the establishment of a data banking system, to compile the latest information, statistics and materials pertaining to geriatric and rehabilitation care and services and related disciplines;

(j) To encourage the setting up of an office or disseminate information and relevant materials;

(k) To encourage the setting up of a Central Reference Office for older persons in need of assistance and to establish linkages or maintain an effective referral system; and

(l) To prepare periodic reports to the President on the status of its activities;

SEC. 33. *Composition of the Council.* All functions and powers of the Council shall be vested in a Board which shall be chaired by the Secretary of the DSWD and composed of the following members;

(a) The Secretary of Health

(b) The Secretary of Interior and Local Government

(c) The Secretary of Education, Culture And Sports

(d) The Secretary of Transportation and Communications

(e) The Secretary of Labor and Employment

(f) The Secretary of Justice

(g) The Commission on Human Rights

(h) The Executive Director of the Coalition of Services for the Elderly, Inc. (COSE)

(i) The President of the National Federation of Senior Citizens' Association of the Philippines.

(j) Two (2) older persons to be appointed by the Council; and

(k) Two (2) representatives from the private sector to be appointed by the Council:

Provided, That at least one (1) of the two (2) appointed representatives from older persons under (j) and from the private sector under (k), should be a woman.

SEC. 34. *Duties of the Chairperson.* The Chairperson shall perform the following duties:

(a) To call and preside over the meeting of the Board;

(b) To disburse, administer and obligate funds of the Council, subject to the approval of the Board;

(c) To conduct and manage the affairs of the Council;

(d) To ensure that the decisions and policies of the Board are implemented;

(e) To sign for and represent the Council;

(f) To accept on behalf of the Council, gifts, grants or donations and to administer, obligate and disburse the same in accordance with policies and regulations promulgated by the Board; and

(g) To organize permanent or ad hoc committees, consisting of the members of the Board or such other experts are as deemed necessary for the discharge of the functions of the Council.

SEC. 35. *Meetings*. The Board shall meet every month or oftener at the call of the Chairperson.

The members of the Board shall receive no compensation, but shall be entitled to traveling, representation and other allowances as approved by the Council.

SEC. 36. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 37. *Donations*. The Council shall be authorized to receive grants, donations, contributions or gifts in whatever form and from whatever sources, which will then be administered, obligated or disbursed in accordance with the terms thereof, or, in the absence of such terms, in such manner as the Board may determine. All such grants, donations, contributions or gifts to the Council shall be exempt from the donor's tax and such shall be deductible in full on the part of the donor and shall be included for purposes of computing the taxable income, subject to the provision under Section. 34 (h) of the NIRC, as amended.

Likewise, same donations, contributions or gifts to the Council shall be exempt from customs duties, subject to the provision under Section. 105 of the Tariff and Customs Code of the Philippines, as amended.

SEC. 38. *Implementing Rules and Regulations*. The Council shall have authority to promulgate the implementing rules and regulations for the purpose of carrying into effect the provisions of this Act, in consultation and coordination with the following agencies and offices.

(a) The Department of Social Welfare and Development

(b) The Department of Health

(c) The Department of Labor and Employment

(d) The Department of Education, Culture and Sports

(e) The Department of Transportation and Communications

(f) The Department of Justice

(g) The Department of the Interior and Local Government

(h) The Department of Trade and Industry

(i) The Commission on Human Rights

(j) The Coalition of Services for the Elderly

(k) The National Federation of Senior Citizens' Association of the Philippines; and

(l) Any other non-government organization or people's organization for the elderly accredited with the DSWD that the Council may deem imperative to consult with.

TITLE VI
FINAL PROVISIONS

SEC. 39. *Special Privileges and Grant Benefits*. To maximize the contribution of the elderly to nation-building, older persons shall be entitled to special discount privileges, exemption from the payment of individual income taxes, exemption from training fees for socio-economic programs undertaken by the Office for Senior Citizens' Affairs (OSCA), free medical and dental services in government establishment anywhere in the country, the continuance of the same benefits and privileges given by the GSIS and Pag-ibig, retirement benefits from both the government and the private sectors, in accordance with the provisions of Sections 4 and 6 of Republic Act No. 7432.

SEC. 40. *Continuity Clause*. Should any department or agency tasked with the enforcement of formulation of rules and regulations and guidelines for implementation of any provision of this Act is abolished, merged with another department or agency or modified, such shall not affect the enforcement or formulation of rules, regulations and guidelines for implementation of this Act to the effect that:

(a) In case of abolition, the department or agency established to replace the abolished department or agency shall take over the functions under this Act of the abolished department or agency.

(b) In case of the department or agency tasked with the enforcement or formulation of rules, regulations and guidelines for implementation of this Act is merged with another department or agency, the former shall continue the functions under this Act of the department or agency that has undergone modification.

SEC. 41. *Enforcement by the Secretary of Justice*. The Secretary of Justice shall investigate alleged violations of this Act, and shall undertake periodic reviews of compliance of covered entities under this Act.

If the Secretary of Justice has reasonable cause to believe that: (1) any person or group of person is engaged in a pattern or practice of discrimination under this Act, or (2) any person or group of persons has been discriminated against under this Act and such discrimination raises an issue of general public importance, the Secretary of Justice may commence a legal action in any appropriate court.

SEC. 42. *Authority of Court*. The Court may grant any equitable relief that such court considers to be appropriate, including to the extent required by this Act:

a) Granting temporary, preliminary or permanent relief;

b) Providing auxiliary aid or service, modification of policy, practice or procedure, or alternative method, and

c) Making facilities readily accessible to and usable by individuals with disabilities.

SEC. 43. *Penal Clause.* (a) Any person who violates any provision of this Act shall suffer the following penalties:

a) For the first violation, a fine of not less than Fifty thousand pesos (P50,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than 6 months but not more than two (2) years, or both at the discretion of the Court; and

b) For any subsequent violation, a fine of not less that One hundred thousand pesos (P100,000.00) but not exceeding to Two hundred thousand pesos (P200,000.00) or imprisonment for not less that two (2) years but not more than six (6) months or a fine of not less than Five thousand Pesos (P5,000.00), or both, at the discretion of the Court.

c) If the violator is a corporation, organization or any similar entity, the official thereof directly involved shall be liable therefore.

d) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

SEC. 44. *Separability Clause.* If any provision of this Act is subsequently declared to be unconstitutional, the remaining provisions shall remain in full force and effect.

SEC. 45. *Repealing Clause.* All laws, presidential decrees, executive orders and rules and regulations or parts thereof, contrary to, or inconsistent with the provisions of this Act, are hereby repealed or modified accordingly.

SEC. 46. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in any two (2) national newspapers of general circulation.

Approved.