

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

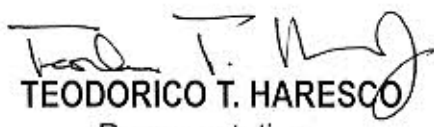
HOUSE OF REPRESENTATIVES
H. No. 2135

Introduced by **Representative Teodorico T. Haresco**

EXPLANATORY NOTE

Our Constitution, under Article II, Section 5 provides that the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. In the Declaration of Principles and State Policies in Article II, Sections 10 and 11, it is further declared that the State shall provide social justice in all phases of national development and that the State values the dignity of every human person and guarantees full respect for human rights.

Senior Citizens are more vulnerable to domestic crimes. They are almost twice as likely as younger victims to be abused, robbed, or assaulted at or in their own homes. As the number of older Filipinos is growing both numerically and proportionally in the country, this bill seeks to develop strategies for preventing crimes against senior citizens and increase the penalties to for persons convicted of offenses in which the victim was a senior citizen.


TEODORICO T. HARESCO
Representative

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H. No. 2135

Introduced by Representative Teodorico T. Haresco

AN ACT
TO COMBAT ABUSE AND INCREASE PENALTIES FOR CRIMES AGAINST
SENIOR CITIZENS

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 “Senior Citizen's Safety Act of 2010.

SECTION 2. Purpose. – The purpose of this Act is to develop strategies for preventing and punishing crimes that target or otherwise disproportionately affect seniors by collecting appropriate data to measure the extent of crimes committed against seniors and determine the extent of domestic and elder abuse of seniors.

SECTION 3. Definition of Terms. – For the purpose of this Act, the term:

(A) “Crime” means any criminal offense under the Penal Code and special laws; and

(B) “Senior Citizen” means any resident citizen of the Philippines at least sixty (60) years old.

SECTION 4. Study of Crimes against Senior Citizens.

(A) *In General.* – The Secretary of Justice shall conduct a study relating to crimes against senior citizens in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(B) *Issues Addressed.* – The study conducted under this section shall include an analysis of –

a. The nature and type of crimes perpetrated against senior citizens, with special focus on –

i. The most common types of crimes that affect senior citizens;

ii. The nature and extent of elder abuse inflicted upon senior citizens;

- iii. The nature and extent of health care fraud and abuse targeting senior citizens
- b. The risk factors associated with senior citizens who have been victimized;
- c. The manner in which the criminal justice systems respond to crimes against senior citizens;
- d. The feasibility of establishing and maintaining a centralized computer database on the incidence of crimes against senior citizens that will promote the uniform identification and reporting of such crimes;
- e. Crimes targeting or disproportionately affecting senior citizens;
- f. Crime risk factors for seniors, including the times and locations at which crimes victimizing senior citizens are most likely to occur;
- g. Specific characteristics of the victims of crimes who are senior citizens, including age, gender, race or ethnicity and socio-economic status;
- h. The nature and extent of crimes targeting senior citizens, such as health care fraud; and
- i. Other effective ways to prevent or reduce the occurrence of crimes against senior citizens.

(C) *Report.* Not later than eighteen (18) months after the date of enactment of this Act, the Secretary of Justice shall submit to the House of Representatives and the Senate a report describing the results of the study under this section.

SECTION 5. *Increased Penalties Based on the Age of the Victim.* - The Department of Justice shall. –

- (A) Review existing sentencing guidelines and recommend the possibility of increased penalties for persons convicted of offenses in which the victim was a senior citizen in appropriate circumstances, given the serious economic and physical harms associated with criminal activity targeted at senior citizens due to their particular vulnerability;
- (B) Consult with individuals or groups representing senior citizens, law enforcement agencies, victims organizations, and the judiciary, as part of the review described in this section;
- (C) Account for any aggravating or mitigating circumstances that may justify exceptions in order to provide sentencing enhancements;

1 Not later than one (1) year after the promulgation of this Act, the department shall
2 submit to Congress a report on issues relating to the age of crime victims, which
3 shall include any recommendations of the department relating to any revision or
4 modification of penalty levels, including statutory penalty, for offenses involving
5 senior citizens.

6 **SECTION 6. – Separability Clause.** If any provision or part hereof, is held invalid or
7 unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

8 **SECTION 7. – Repealing Clause.** Any law, presidential decree or issuance,
9 executive order, letter of instruction, administrative order, rule or regulations contrary to or
10 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
11 accordingly.

12 **SECTION 8. – Effectivity Clause.** This Act shall take effect fifteen (15) days after its
13 publication in at least two (2) newspapers of general circulation.

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15 *Approved,*