

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2928

Introduced by Rep. Godofredo V. Arquiza and Rep. David L. Kho

EXPLANATORY NOTE

This bill seeks to give special protection to the Senior Citizens and the Persons with Disabilities (PWDs) from all forms of violence.

Section 11, Article II of the 1987 Constitution provides that:

“The State values the dignity of every human person and guarantees full respect for human rights.”

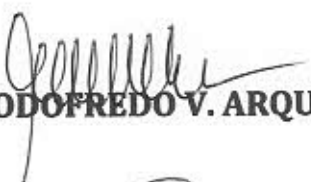
The State shall recognizes respect for human rights and the dignity of every human person. Laws have been passed providing protection to women and children but no law has been passed to provide special protection to the Senior Citizens and Persons with Disabilities in all forms of violence and other conditions prejudicial to their development.

It is the duty of the State to enact measures to promote human dignity and safeguard the rights of the Senior Citizens and Persons with Disabilities from any form of violence, or use of force and cruelty. It is about time that we provide sanctions for the commission of these unlawful acts and carry out a program for prevention and deterrence in situations of these nature.

The State shall intervene on behalf of the Senior Citizens and Persons with Disabilities when the immediate family members or person having care or custody of the Senior Citizens and Persons with Disabilities fails or is unable to protect them against violence, and cruelty or when such acts are committed by their children, guardian or person having care and custody of the Senior Citizens and Persons with Disabilities.

The best interest of the Senior Citizens and Persons with Disabilities shall be the paramount consideration of the State. Every effort shall be exerted to protect the welfare of the elderly so they may live peacefully in the remaining years of their life.

In view of the foregoing considerations, approval of this bill is earnestly sought.



GODOFREDO V. ARQUIZA



DAVID L. KHO

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2928

Introduced by Rep. Godofredo V. Arquiza and Rep. David L. Kho

**AN ACT UPGRADING PENALTY ON VIOLENCE AGAINST SENIOR
CITIZENS AND PERSONS WITH DISABILITIES, PRESCRIBING
PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

*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 "Anti-Violence
Against Senior Citizens and Persons with Disabilities Act of 2010".

SECTION 2. Declaration of Policy.- It is hereby declared that the State
values the dignity of Senior Citizens and Persons with Disabilities and
guarantees full respect for human rights. The State also recognizes the need
to protect the family and its members, particularly Senior Citizens and
Persons with Disabilities, from violence, use of force and cruelty to their
personal safety and security.

Towards this end, the State shall exert efforts to address all forms of
violence committed against Senior Citizens and Persons with Disabilities in
keeping with the fundamental freedoms guaranteed under the
Constitution.

SECTION 3. Definition of Terms – As used in these Rules, the term:

(a) "*Senior Citizen*" shall mean any resident citizen of the Philippines at
least sixty (60) years old or older as defined in Republic Act No. 9994,
otherwise known as the "*Expanded Senior Citizens Act of 2010*."

(b) "*Persons with Disabilities*" refers to individuals with impairments,
activity limitations, and participation restrictions where impairment is a
problem in body function or structure; an activity limitation is a difficulty
encountered by an individual in executing a task or action; while a

participation restriction is a problem experienced by an individual in involvement in life situations.

(c) "*Violence against Senior Citizens and Persons with Disabilities*" refers to physical violence or any act or series of acts committed by any person against a Senior Citizen or Persons with Disabilities, within or without the family abode, which result in or is likely to result in physical, including threats of such acts, battery, assault, coercion or arbitrary deprivation of liberty.

SECTION 4. *Acts of Violence Against Senior Citizens and the Elderly and Penalties imposable.* - The crime of violence against Senior Citizens and the Persons with Disabilities are committed through the following act:

(a) Any person who shall commit any of the Crimes under the Revised Penal Code, or any attempt or frustration thereof, shall be punished in accordance with the provisions of the Revised Penal Code, in the **maximum period**, the state of being a "senior citizen" and "person with disability" being considered as an ***aggravating circumstance***;

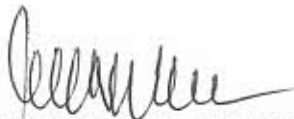
SECTION 5. *Suppletory Application* - For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

SECTION 6. *Separability Clause.* - If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SECTION 7. *Repealing Clause* - All laws, Presidential decrees, executive orders and rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. *Effectivity* - This Act shall take effect fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation.

Approved,


GODOFREDO V. ARQUIZA


DAVID L. KHO