

Fifteenth Congress  
First Regular Session

HOUSE BILL NO. 2929

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

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EXPLANATORY NOTE

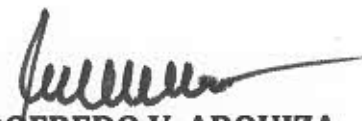
Elder abuse is a term used to describe types of harm done to senior citizens. This term is synonymous with "elder mistreatment", "senior abuse", "abuse of older adults", "abuse of older women", and "abuse of older men".

Abuse of elderly refers to single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person. Thus, these are to older people by people whom they know or with whom they have relationship, such as spouse, partner or family member, a friend or neighbor, or people that a senior citizen relies on for services.

As elders become more physically frail, they're less able to stand up to bullying and or fight back if attacked. They may not see or hear as well or think as clearly as they used to, leaving openings for unscrupulous people to take advantage of them. Mental or physical ailments may make them more trying companions for the people who live with them.

Elder abuse tends to take place where the senior lives: most often in the home where abusers are apt to be adult children; other family members such as grandchildren; or spouses/partners of elders. Institutional settings especially long-term care facilities can also be sources of elder abuse.

This bill seeks to institute protection and care for victims of elderly abuse and to ensure their total well-being.

  
GODOFREDO V. ARQUIZA

  
DAVID L. KHO

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**AN ACT DEFINING ELDER ABUSE, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES**

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

**SECTION 1. Short Title.**- This Act shall be known as the "**Anti-Elderly Abuse Act of 2010**".

**SECTION 2. Declaration of Policy.**- It is hereby declared that the State values the dignity of elderly and guarantees full respect for human rights. The State also recognizes the need to protect elderly from abuse and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address abuse committed against the elderly in keeping with the fundamental freedom guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights.

**SECTION 3. Definition of Terms.**- As used in this Act,

- (a) **Elder.**--The term "elder" means an individual age 50 or older.
- (b) **Elder abuse.**--The term "elder abuse" shall mean a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.
- (c) **Elderly individual.**--The term "elderly individual" means an individual who is age 50 or older.

**SECTION 4. Acts of Elderly Abuse.-** Elderly Abuse is committed through any of the following acts:

- (a) **Psychological / Emotional Abuse** - shouting, swearing, frightening or humiliating a person and may take verbal forms such as name-calling, ridiculing, constantly criticizing, accusations, blaming, and general disrespect, or non verbal forms such as ignoring, silence or shunning;
- (b) **Financial abuse** - also known as financial exploitation such as illegal or unauthorized use of a person's property, money, pension book or other valuables (including changing the person's will to name the abuser as heir). It may be obtained by deception, coercion, misrepresentation, or theft. The term includes fraudulently obtaining or use of a power of attorney, other forms may include deprivation of money or other property, or by eviction from own home;
- (c) **Neglect** - is the deprivation of food, clothing of comfort, essential medication, needed services, financial and otherwise. The deprivation may be intentional (active neglect) or happen out of lack of knowledge or resources (passive neglect);
- (d) **Rights abuse** - denying the civil and constitutional rights of a person who is old, but not declared by court to be mentally incapacitated;
- (e) **Abandonment** - deserting a dependent person with the intent to abandon them or leave them unattended at a place for such a time period as may be likely to endanger their health or welfare

**SECTION 5. Penalties.-** Elderly abuse, under Section 4 hereof shall be punished according to the following rules:

- (a) Acts falling under Section 4(a) constituting psychological/emotional abuse shall undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

(b) Acts falling under Section 4(b) shall be punished by prison correccional;

(c) Acts falling under Section 4(c), 4(d), and 4(e) shall undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

In addition to imprisonment, the perpetrator shall pay a fine in the amount of not less than Fifty Thousand Pesos (P50,000.00) but not more than One Hundred Thousand Pesos (100,000.00)

**SECTION 6. *Mandatory Programs and Services for Victims of Elderly Abuse.*** – The Office of the Soliticitor General (OSG), Department of Social Welfare and Delvelopment (DSWD), and Local Government Units (LGU's) shall provide the victims temporary shelters, provide counseling, psycho-social services and /or recovery, rehabilitation programs and livelihood assistance. The Department of Health (DOH) shall provide medical assistance to victims of elderly abuse.

**SECTION 7. *Counseling and Treatment of Offenders.*** – The DSWD shall provide rehabilitative counseling and treatment to perpetrators towards learning constructive ways of coping with anger and emotional outbursts and reforming their ways. When necessary, the offender shall be ordered by the Court to submit to psychiatric treatment or confinement.

**SECTION 8. *Training of Persons Involved in Responding to Elderly Abuse Cases.*** – All agencies involved in responding to elderly abuse cases shall be required to undergo education and training to acquaint them with:

- (a) the nature, extend and causes of elderly abuse;
- (b) the legal rights of, and remedies available to, victims of elderly abuse;
- (c) the services and facilities available to victims of abuse;
- (d) the legal duties imposed on police officers to make arrest and to offer protection and assistance; and
- (e) techniques for handling incidents of elderly abuse that promote the safety of the victims of abuse.

The PNP, in coordination with LGU's shall establish an education and training program for police officers and barangay officials to enable them to properly handle cases of elderly abuse.

**SECTION 9. Confidentiality.** – All records pertaining to cases of elderly abuse including those in the barangay shall be confidential and all public officers and employees and public or private clinics to hospitals shall respect the right to privacy of the victim. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent, shall be liable to the contempt power of the court.

Any person who violates this provision shall suffer the penalty of six (6) months imprisonment and a fine of not more than Fifty Thousand Pesos (P50,000.00).

**SECTION 10. Funding** – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

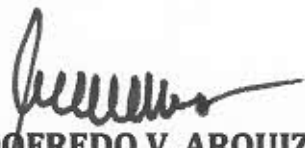
**SECTION 11. Implementing Rules and Regulations.** – Within six (6) months from the approval of this Act, the OSG, DOJ, , the DSWD, the DILG, the DOH, and the PNP, and three (3) representatives from NGOs to be identified by the OSG, shall promulgate the Implementing Rules and Regulations (IRR) of this Act.

**SECTION 12. 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 13. 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 14. 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