

SIXTEENTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

House Bill No. 408



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

The Constitution, Article 11, Section 5, provides:

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.

This bill seeks 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. It likewise aims to strengthen existing services being accorded to senior citizens by the government.

The bill tasks the Department of Justice (DOJ) through the National Bureau of Investigation (NBI), as well as the Department of Interior and Local Government (DILG) through the Philippine National Police (PNP), to conduct a study relating to crimes against seniors in order to assist in developing new strategies to prevent or reduce the incidence of these crimes.

Also, the bill provides for strengthening of government service and support mechanisms for seniors through agencies of the government including local government units (LGUs) and government-owned and controlled corporations (GOCCs).

To afford greater protection to our senior citizens, passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Susan A. Yap".

SUSAN A. YAP

Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 408

Introduced by Representative Susan A. Yap

AN ACT
TO COMBAT ABUSE AND ENHANCE PENALTIES FOR CRIMES AGAINST
AND TO STRENGTHEN GOVERNMENT SERVICE AND SUPPORT
MECHANISMS FOR SENIORS

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 "Seniors Safety and Service Act of 2013".

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. It likewise seeks to strengthen existing services being accorded to senior citizens by the government.

SECTION 3. *Definition.* As used in this Act. -

- (1) "Crime" means any criminal offense under the Revised Penal Code and special laws; and
- (2) "Senior" means an individual who is at least 60 years of age.

SECTION 4. *Study of Crimes Against Seniors.*

- (a) *In General* - The Department of Justice (DOJ), through the National Bureau of Investigation (NBI) and the Department of Interior and Local Government (DILG), through the Philippine National Police (PNP), shall conduct a study relating to crimes against seniors in order to assist in developing new strategies to prevent and otherwise reduce the incidence of these crimes.
- (b) *Issues addressed* - The study conducted under this section shall include an analysis of -
 - (1) the nature and type of crimes perpetrated against seniors with special focus on:
 - (A) the most common type of crimes that affect seniors;
 - (B) the nature and extent of elder abuse inflicted upon seniors; and
 - (C) the nature and extent of health care fraud and abuse targeting seniors.
 - (2) the risk factors associated with seniors who have been victimized;
 - (3) the manner in which the criminal justice systems respond to crimes against seniors;
 - (4) the feasibility of establishing and maintaining a centralized computer

database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

- (5) crimes targeting or disproportionately affecting seniors;
- (6) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur;
- (7) specific characteristics of the victims of crimes who are seniors including age, gender, race or ethnicity and socio-economic status;
- (8) the nature and extent of crimes targeting seniors such as health care fraud; and
- (9) other effective ways to prevent or reduce the occurrence of crimes against seniors.

- (c) *Report.* - Not later than one (1) year after the effectivity of this Act, the DOJ and the DILG shall submit to the House of Representatives and the Senate a report describing the results of the study under this section. Thereafter, the study and report shall be had on an annual basis.

SECTION 5. *Enhanced Sentencing Penalties Based on Age of Victim.* The DOJ, in coordination with agencies of government concerned, shall:

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

Not later than one (1) year after the effectivity of this Act, the DOJ shall submit to Congress a report on issues relating to the age of crime victims, which shall include any recommendations of the DOJ relating to any revision or modification of penalty levels, including statutory penalty, for offenses involving seniors.

SECTION 6. *Strengthening Government Service and Support Mechanisms.* All agencies of government, including local government units (LGUs) and government-owned and controlled corporations (GOCCs) shall endeavor to strengthen all present and existing service and support mechanisms to seniors. As such, the establishment and enhancement of senior's desk in all government offices shall be mandatory by utilizing similar facilities or resources devoted by such offices for the same purpose.

SECTION 7. *Appropriations.* The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the DOJ. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the General Appropriations Act.

SECTION 8. *Separability Clause.* If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 9. *Repealing Clause.* All laws, orders, decrees, rules and regulations, and other parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 10. *Effectivity.* This Act shall take effect fifteen (15) days following its publication in the Official Gazette or at least (2) newspapers of general circulation.

Approved,