

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 6697



Introduced by: **REPRESENTATIVE MARISOL C. PANOTES**

EXPLANATORY NOTE

The senior citizens in our country have been enjoying certain privileges and benefits due to certain number of laws passed by Congress, which explicitly grant discounts in medicines, transportation fares and other privileges. It is sad to note however, that these laws will become meaningless to the poor simply for the reason that they cannot enjoy the discount granted as they do not have money to purchase medicines or dine in restaurants or even ride in any mode of transportation to be able to enjoy such discounts.

It is worthy to mention that Section 4, Article XV of the Constitution specifically provides that "[T]he family has the duty to care for its elderly members but the State may also do so through just programs of social security. "

The mandate of the Constitution with respect to the care of the elderly, especially addressed to the family, is crystal clear and unequivocal. While the granting of discounts has greatly benefited many senior citizens in the middle and upper echelon of our society, there should be another way by which the government could let our unfortunate senior citizens feel that they have not been abandoned or neglected.

There is an urgent need also to address some more pressing social problems like the abandoned, disadvantaged, disabled, deprived and sometimes abused senior citizens, who continue to wander in most conspicuous places, particularly in Metro Manila and other urban centers, as they have gotten less attention from the government.

In the Philippines, there are a lot of elderly parents, who had been neglected or abandoned by their children or relatives due to the deteriorating economic conditions. In fact, they often consider those living with the family as burden which is the exact opposite of those who belong to affluent families, that they are even quarreling over the custody of their elderly parents in order to preserve their inheritance.

The time has come when the moral obligation of children to look after their parents in their twilight years has to be backed by a legal obligation by imposing penalty for not taking care of their parents.

This bill therefore seeks to implement the Elderly Care and Protection Act, by penalizing the children, who will abandon or neglect their parents, allowing their parents to roam or wander aimlessly without any place to go. Once implemented, the law will ensure that maintenance of older persons by their family will become a matter of right for the parents. Likewise, the government is mandated to establish home for the elderly in every region in order to ensure that no elderly is neglected or abandoned and that the government is properly taking care of them.

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


MARISOL C. PANOTES
Representative

Second District, Camarines Norte

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HOUSE BILL No. 6697

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AN ACT
INSTITUTING MECHANISMS TO PROTECT THE ELDERLY AGAINST
ABUSE, EXPLOITATION AND ABANDONMENT OR NEGLECT,
ESTABLISHING A HOME FOR THE ELDERLY IN EVERY REGION,
PROVIDING PENALTIES FOR ANY VIOLATION THEREOF AND
APPROPRIATING FUNDS THEREFOR

*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 "*Elderly
Care and Protection Act.*"

SEC. 2. Declaration of Policy. - It is the policy of the State to value the dignity of the elderly persons by according adequate measures for their care, protection and welfare. Toward this end, the State shall impose a legal obligation for children to provide compulsory maintenance and support to the elderly parents.

SEC. 3. Definition of Terms. - As used in this Act, the following terms shall mean:

a) **Elderly** refers to any person who is 60 year old and above and may be used interchangeably in this Act as a senior citizen;

b) **Abuse** refers to any willful and unjustified act directed towards an elderly;

c) **Neglect** occurs when basic needs of the elderly have been deliberately unattended or inadequately attended or when the he or she is ill clad, without proper shelter and left by himself without provisions for his needs;

c) **Exploitation** refers to an act committed by any person to take advantage of the elderly;

d) a **dependent elderly** is one who is without a child, or one whose child or children for good cause desires to be relieved of his care or custody and is dependent upon the public for support;

e) An **abandoned elderly** is one who has no proper child care or whose child or children have deserted him for a period of at least three (3) continuous months;

f) A **neglected elderly** is one whose basic needs have been deliberately unattended or inadequately attended. Neglected may occur when the senior citizen is ill clad and without proper shelter, left by himself without provisions for his needs and/or without proper supervision or when maltreated, or made to work under conditions not conducive to good health, or are made to beg in the streets or public places or when the elderly are in moral danger, or exposed to gambling, prostitution and other vices.

SEC. 4. Prohibited Acts of Abuse, Exploitation and Abandonment or Neglect. - It shall be unlawful for any person to commit the following acts against an elderly, to wit:

- a) To obtain control over money, assets or property of the elderly through undue influence or deceitful machinations with the intention to deprive the elderly of its ownership, use and benefit;
- b) To cause mental or emotional distress through verbal abuse, intimidation, harassment, public humiliation and pillory;
- c) To inflict or threaten to inflict any physical harm or injury, including any form of sexual harassment;
- d) To prevent from engaging in any legitimate profession, occupation or business in the absence of any harm or threat of abuse on the person of an elderly; and
- e) To willfully neglect to provide food, medicines, shelter, clothing or services necessary for the physical and mental health.

SEC. 5. Establishment of the Home for the Elderly. - There shall be established in every region a Home for the Elderly under the supervision of the Department of Social Welfare and Development (DSWD) to provide the necessary food, shelter and clothing, and care for the abandoned and neglected elderly.

SEC. 6. Appropriations. - The amount necessary for the implementation of this Act shall be charged against the appropriations of the DSWD under the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 7. *Penalties.* – Any person found guilty of violating the provisions of this Act shall be punished with imprisonment for not less than six (6) months nor more than one (1) year or a fine of fifty thousand pesos (P50,000.00) or both at the discretion of the court.

SEC. 8. *Implementing Rules and Regulations.* – The DSWD shall issue the necessary rules and regulations to implement this Act.

SEC. 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,