

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 6891



Introduced by Representative Milagros Aquino-Magsaysay

EXPLANATORY NOTE

This bill seeks to prescribe penalties for offenders of elder abuse and establish institutional mechanisms for the protection and support of victims thereof.

Section 4, Article XV of the 1987 Constitution provides:

"It is the duty of the family to care for its elderly members but the State may also do so through just programs of social security."

The foregoing constitutional provision requires the collaborative efforts of the family and the State in providing care for the elderly, implementing initiatives to address their concerns, and promoting and protecting their rights.

With the country's traditional standard of providing care for the elderly by their respective family and relatives, elder abuse, for many years, remained a private matter and was an unspoken issue in the society. Elder abuse has remained under-reported and poorly addressed by public policy. But due to the growing concern about human rights, gender equality, domestic violence and population ageing, elder abuse is now being taken more seriously.

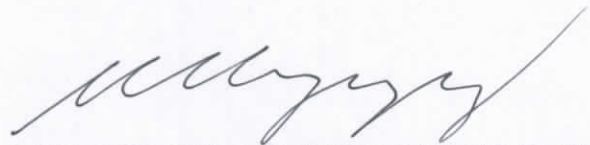
There are many cases of elder abuse which are not reported to the authorities by the victims themselves because they do not know where and whom to report to or they fear retaliation from the abuser. Or if the perpetrator is a member of the family or a caregiver, or a person who provides special care they worry that no one else will take care of them.

As the lead agency for the concerns of the elderly, the Department of Social Welfare and Development implemented in March 2016 its pilot program entitled, "*Reporting System and Prevention Program for Elder Abuse Cases (ReSPPEC)*," in Regions I, VI, IX and NCR. According to its report on the activities conducted and the accomplishments of the ReSPPEC Program, it has already served 38 elder abuse victims as of January 2017 and majority of the cases involved neglect of the elderly.

This bill seeks to increase awareness on the prevalence of elder abuse cases; the need to properly report and document these cases; provide guidance for community service front liners on how to respond to any elder abuse cases; to whom they can turn for help through the use of procedures and protocols on reporting and referring suspected and actual cases of elder abuse; and punish any perpetrator in accordance with law after observance of due process.

This proposed measure recognizes the concerns of the ageing population in the country with regard to elder abuse as well as the need to promote the well-being of the elderly. The elderly, who are in the twilight of their lives and who selflessly contributed to the society during their prime, deserve the support of the State in preventing and protecting them from abuse.

In view of the foregoing, passage of this bill is earnestly recommended



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1 **AN ACT**
2 **PRESCRIBING PENALTIES FOR ELDER ABUSE AND**
3 **ESTABLISHING INSTITUTIONAL MECHANISMS FOR THE**
4 **PROTECTION AND SUPPORT OF THE VICTIMS THEREOF**
5

6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*
8

9 SECTION 1. **Short Title.** – This Act shall be known as the “*Elderly*
10 *Protection and Abuse Prevention Act.*”

11 SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the
12 State to value the dignity of the elderly and guarantee full respect for their
13 rights against various forms of elder abuse. The State shall also recognize the
14 need to encourage families, communities, and institutions whose work may
15 bring them in contact with the elderly to reaffirm the valued Filipino tradition of
16 caring for the elderly to foster their capacity to attain a healthy, more active,
17 meaningful and productive ageing in an enabling and supportive environment.

18 Towards this end, the State shall exert efforts to address abuse against the
19 elderly consistent with the Kuala Lumpur Declaration on Ageing (KLDA):
20 Empowering Older Persons in ASEAN, Article 3 of the Universal Declaration
21 of Human Rights (UDHR), United Nations Principles for Older Persons
22 (UNPOP); and other relevant and universally accepted human rights and
23 instruments for the elderly, of which the Philippines is a signatory, that promote

1 the rights of the elderly and help assure their safety and protect them fully from
2 any form of elder abuse.

3 SEC. 3. **Definition of Terms.** – As used in this Act:

4 (a) *Abandonment* refers to a desertion of an elderly by an individual
5 who has assumed the responsibility to provide care for the elderly, or by a
6 person with physical custody of the elderly;

7 (b) *Elderly* refers to any resident citizen of the Philippines who is at
8 least sixty (60) years old;

9 (c) *Elder abuse* refers to a single or repeated act of lack of appropriate
10 action, occurring within any relationship, causing harm or distress to an
11 elderly;

12 (d) *Emotional abuse* refers to actions involving defamatory language
13 to an elderly, verbal assault, harassment, threat of abuse and institutionalization,
14 enforced social isolation, humiliating statements, false accusation, blackmailing
15 or threats of intimidation; isolating an elderly from family or friends; and giving
16 an elderly the silent treatment;

17 (e) *Financial abuse* refers to the misuse or exploitation, or withholding
18 of the resources or property of an elderly by another such as theft, coercion to
19 deprive an elderly the use of the elderly's assets; unauthorized selling of
20 properties; and extortion and control of pension money;

21 (f) *Neglect* refers to refusal or failure to fulfill a caregiving obligation
22 and loss of respect for an elderly, withholding of affection, and lack of interest
23 in the elderly's well-being which may be intentional or unintentional.

24 Intentional neglect is when an elderly is abandoned or not provided with
25 adequate food, clothing, shelter, medical treatment, and leaving an injured
26 elderly unsupervised, or where the personal needs are not met which include
27 improper use of medication, poor hygiene or personal care, or the refusal to
28 allow other people to provide adequate care.

1 Unintentional neglect occurs when a caregiver does not have the skills or
2 knowledge to care for the elderly, may not be aware of the types of support
3 available, or may be ill and unable to meet the needs of the elderly;

4 (g) *Physical abuse* refers to the infliction of physical pain or injury
5 upon an elderly which can lead to physical injuries ranging from minor
6 scratches and bruises to broken bones and head injuries leading to disability,
7 permanent change, long-lasting psychological consequences including anxiety,
8 depression, or even death; and

9 (h) *Sexual abuse* refers to the non-consensual sexual contact of any
10 kind with the elderly which includes physical acts such as suggestive talk,
11 forced sexual activity, unwanted intimacy, fondling, and touching in sexual
12 way.

13 SEC. 4. ***Elder Abuse***. – Elder abuse which can take various forms such
14 as financial, physical, psychological, emotional and sexual abuse;
15 abandonment; neglect; and serious loss of dignity and respect is committed
16 through any of the following acts:

- 17 (a) Causing physical harm to the elderly;
18 (b) Threatening to cause the elderly any form of physical harm;
19 (c) Attempting to cause the elderly any form of physical harm;
20 (d) Placing the elderly in fear of imminent physical harm; and
21 (e) Attempting to compel or compelling the elderly to engage in
22 conduct which the elderly has the right to desist from or to desist from conduct
23 which the elderly has the right to engage in, or attempting to restrict or
24 restricting the freedom of movement or conduct by force or threat of force,
25 physical or other harm or threat of physical or other harm, or intimidation
26 directed against the elderly. This includes the following acts committed with
27 the purpose or effect of controlling or restricting the movement or conduct of
28 the elderly:

1 (1) Threatening to deprive or actually depriving the elderly of
2 the right to a family's visit or access;

3 (2) Depriving or threatening to deprive the elderly of financial
4 support or other forms of financial abuse;

5 (3) Depriving or threatening to deprive the elderly of a legal
6 right;

7 (4) Preventing the elderly to engage in any legitimate
8 profession, occupation, business or activity or controlling the money or
9 properties of the elderly except in cases wherein the objection is on valid,
10 serious and moral grounds;

11 (f) Causing or attempting to cause the elderly to engage in any sexual
12 activity which does not constitute rape, by force or threat of force, physical
13 harm, or through intimidation;

14 (g) Engaging in purposeful or reckless conduct, personally or through
15 another that alarms or causes substantial emotional or psychological stress to
16 the elderly which includes the following:

17 (1) Entering or remaining in the dwelling or on the property
18 owned by the elderly;

19 (2) Destroying the property or personal belongings of the
20 elderly;

21 (3) Depriving the elderly of financial resources or the right to
22 use and enjoy the property owned; and

23 (h) Causing mental or emotional anguish, public ridicule or
24 humiliation to the elderly including repeated verbal and emotional abuse.

25 SEC. 5. **Penalties.** – Any person who commits any of the acts
26 constituting elder abuse as provided under Section 4 of this Act shall be
27 punished, as follows:

28 (a) In accordance with the Revised Penal Code for acts falling under
29 Section 4 (a) constituting attempted, frustrated and consummated murder or

1 homicide. Likewise, if any person's commission of these acts resulted in
2 mutilation, the perpetrator shall be punished in accordance with the Revised
3 Penal Code.

4 (b) Imprisonment of not less than six (6) years but not more than
5 twelve (12) years for acts falling under Section 4 (a) constituting serious
6 physical injuries and those acts falling under Section 4 (f) to 4 (h).

7 (c) Imprisonment of not less than six (6) months but not more than six
8 (6) years for acts falling under Section 4 (a) constituting less serious physical
9 injuries and those acts falling under Section 4 (e).

10 (d) Imprisonment of one (1) month but not more than six (6) months
11 for acts falling under Section 4 (a) constituting slight physical injuries and those
12 acts falling under Sections 4 (b) to 4 (d).

13 In addition to imprisonment, a person found guilty of committing elder
14 abuse shall pay a fine in the amount of not less than One hundred thousand
15 pesos (P100,000.00) but not more than Three hundred thousand pesos
16 (P300,000.00) and shall undergo mandatory psychological counseling or
17 psychiatric treatment and shall report compliance to the court.

18 SEC. 6. **Public Crime.** – Elder abuse shall be considered a public offense
19 which may be prosecuted upon the filing of a complaint by the victim or any
20 citizen having personal knowledge of the circumstances involving the
21 commission of the crime.

22 SEC. 7. **Who May File a Complaint.** – A complaint for elder abuse may
23 be filed by any of the following:

24 (a) The offended elderly;

25 (b) Ascendants, descendants or collateral relatives within the fourth
26 civil degree of consanguinity or affinity of the offended elderly;

27 (c) Officers or social workers of the Department of Social Welfare and
28 Development or social workers of local government units (LGUs);

29 (d) Police officers;

1 (e) Punong barangay or barangay kagawad; or

2 (f) Lawyer, counselor, therapist or healthcare provider of the elderly.

3 Those enumerated under subsections (b) to (f) must have personal
4 knowledge of the offense committed while the punong barangay or barangay
5 kagawad must be officials of the barangay where the offense being complained
6 of was committed.

7 SEC. 8. **Immunity.** – Any person or private individual acting in
8 accordance with law, who reports or intervenes without using violence or
9 restraint greater than necessary to ensure the safety of the victim of elder abuse,
10 shall not be liable for any criminal, civil, or administrative case resulting
11 therefrom.

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

20 Any person who violates this provision on confidentiality shall suffer the
21 penalty of imprisonment of six (6) months and one (1) day to two (2) years or a
22 fine of not less than One hundred thousand pesos (P100,000.00) but not more
23 than Five hundred thousand pesos (P500,000.00), or both, at the discretion of
24 the court.

25 SEC. 10. **Duties of Government Agencies.** – The government shall
26 establish and implement preventive, protective and rehabilitative programs for
27 victims of elder abuse. For this purpose, the following agencies shall
28 implement the following:

29 (a) *Department of Social Welfare and Development (DSWD)*

1 (1) Strengthen the operation and maintenance of the senior
2 citizen centers in all cities and municipalities under its supervision in
3 coordination with the local government units (LGUs) to cater to the
4 socialization needs of the elderly as well as other valuable activities of the
5 elderly;

6 (2) Ensure the gender responsiveness of its programs and
7 projects to eliminate or prevent elder abuse;

8 (3) Spearhead the reporting system for elder abuse by
9 formulating and implementing a community-based reporting system aimed
10 at strengthening partnership and networks between and among the elderly
11 sector, stakeholders and partners to ensure holistic and efficient delivery of
12 services to respond to elder abuse cases;

13 (4) Formulate the procedures and protocols to formally report,
14 refer, document and monitor incidents of elder abuse at the community
15 level;

16 (5) Initiate an information campaign on understanding elder
17 abuse, how to detect elder abuse, how to utilize proper procedures and
18 protocols of reporting and referring suspected and actual cases of elder
19 abuse and how to determine appropriate intervention for both the victims
20 and the perpetrators or abusers;

21 (6) Conduct series of consultation dialogues with partners,
22 representatives of the elderly sector, and non-government organizations
23 (NGOs) for the purpose of implementing programs and services for the
24 elderly, linking effectively the burdened elderly to existing support
25 services such as access to day care facilities, and other institutions as
26 havens for those who are not safe in their own family;

27 (7) Implement a program for values formation and rehabilitation
28 of perpetrators to stop the cycle of elder abuse; and

1 (8) Formulate intergenerational services for those wanting
2 temporary respite from rearing responsibilities and provision of
3 corresponding livelihood and capital assistance for those who are still
4 supporting their grandchildren.

5 (b) *Department of the Interior and Local Government (DILG)*

6 (1) Provide technical assistance to LGUs on operating a
7 reporting or responding system on elder abuse;

8 (2) Provide resource persons during orientations and trainings
9 related to the systems that LGUs implement to protect the elderly against
10 different forms of abuse; and

11 (3) Utilize its trainings and education arms such as the Local
12 Government Academy as well as the Philippine Public Safety College for
13 the continuity of their trainings and capacity building on countering elder
14 abuse.

15 (b) *Department of Health (DOH)*

16 (1) Provide health services to victims of elder abuse as well as
17 medical-psychological assistance to suspected abusers especially to those
18 who are assessed to be in need of psychological intervention;

19 (2) Act as or provide resource persons during orientations and
20 trainings related to proper care of the elderly and in coping with their
21 needs; and

22 (3) Provide capacity building orientations to healthcare
23 providers and other individuals who provide health support to the elderly
24 on the prevention, detection and management of psycho-social problems
25 and other geriatric concerns of the elderly, especially on handling elder
26 abuse.

27 (d) *Commission on Higher Education (CHED)*

1 (1) Integrate gender and development perspective, including the
2 core messages on the prevention and elimination of elder abuse in school
3 curricula and its accreditation system; and

4 (2) Encourage state colleges, universities and private institutions
5 to conduct capacity building initiatives for administrators, professors and
6 school personnel to detect, protect, prevent and eliminate elder abuse.

7 (e) *Department of Education (DepEd)*

8 (1) Conduct trainings for teachers to help them teach their
9 students on how to treat with respect and dignity the elderly and more
10 particularly those who are victim-survivors of elder abuse;

11 (2) Conduct gender sensitivity trainings and seminars on the
12 prevention and elimination of elder abuse; and

13 (3) Establish school-based intervention programs for prevention
14 and elimination of elder abuse.

15 (f) *Commission on Human Rights (CHR)*

16 (1) Ensure the integration of the core messages against elder
17 abuse in its programs and projects including in the Barangay Human
18 Rights Action Center;

19 (2) Conduct trainings in gender sensitivity relating to addressing
20 elder abuse for all sectors including the police, military and other members
21 of investigating agencies;

22 (3) Develop gender responsive procedures in handling elder
23 abuse cases including the preparation of applications for protection orders;

24 (4) Develop, produce and disseminate information and
25 education materials on gender sensitivity;

26 (5) Provide legal assistance on victims of elder abuse and other
27 assistance under the human rights protection services including assistance
28 in applying for barangay protection order and protection orders in court;

1 (6) Investigate and recommend for prosecution violations of this
2 Act;

3 (7) Monitor government compliance with international human
4 rights treaty obligations related to the protection, prevention and
5 elimination of elder abuse, particularly the provisions of the Kuala
6 Lumpur Declaration on Ageing (KLDA): Empowering Older Persons in
7 ASEAN, Article 3 of the Universal Declaration of Human Rights
8 (UDHR), Article 6 of the International Covenant on Civil and Political
9 Rights (ICCPR), United Nations Principles for Older Persons (UNPOP)
10 and other international human rights and instruments for the elderly of
11 which the Philippines is a signatory.

12 (g) *Philippine National Police (PNP)*

13 (1) Develop and implement a nationwide community-based
14 crime detection, protection and prevention program dealing with issues on
15 elder abuse;

16 (2) Ensure the gender-responsiveness of the PNP's procedures
17 and protocols in handling elder abuse cases;

18 (3) Establish an education and training program for police
19 officers to properly handle cases of elder abuse;

20 (4) Collaborate closely with the other government agencies
21 including barangay officials, NGOs, church and civil organizations in
22 preventing and eliminating elder abuse; and

23 (5) Formulate and provide regular issuances on institutional
24 policies relevant to strengthening the law enforcement responses to cases
25 as well as the PNP's development as gender-sensitive law enforcement
26 institution.

27 (h) *National Bureau of Investigation (NBI)*

1 (1) Formulate plans and programs for the detection, protection
2 and prevention of elder abuse including the arrest and prosecution of
3 offenders;

4 (2) Adopt procedures and protocols in handling elder abuse
5 cases;

6 (3) Provide one-stop shop for all the needed legal and medical
7 services for victim-survivors of elder abuse in all its city, provincial and
8 regional centers;

9 (4) Conduct regular inspection in setting-up one-stop facilities to
10 ensure that procedures, protocols, and NBI personnel, are gender-sensitive
11 and gender-supportive;

12 (5) Conduct trainings that will raise gender-sensitivity among its
13 agents or investigators and other personnel; and

14 (6) Coordinate closely with other government agencies for the
15 effective detection and investigation of suspected perpetrators of elder
16 abuse.

17 (i) *Philippine Information Agency (PIA)*

18 (1) Coordinate closely with government agencies and other
19 stakeholders on public information campaigns on the detection, prevention
20 and elimination of elder abuse;

21 (2) Develop procedures and protocols in handling elder abuse
22 cases taking into consideration the privacy of the victim-survivors; and

23 (3) Enhance public awareness on elder abuse, pertinent laws and
24 possible doable actions to prevent victimization and re-victimization of the
25 elderly through the implementation of public advocacy programs including
26 the printing and distribution of information materials in vernacular form.

27 SEC. 11. ***Reporting System for Elder Abuse.*** – The DSWD, DILG, and
28 DOH shall jointly formulate and implement a community-based reporting
29 system for elder abuse with the following objectives:

1 (a) Strengthen partnership and networks between and among the
2 elderly sector, stakeholders and partners to ensure holistic and efficient delivery
3 of services to respond to elder abuse cases;

4 (b) Develop a holistic system that puts into place mechanisms
5 necessary procedures and protocols to report, investigate, intervene, document,
6 monitor and provide follow-up services to victim-survivors of elder abuse in the
7 community;

8 (c) Involve case management including assessing of problems and
9 needs of victims of elder abuse, planning and implement interventions, referral,
10 monitoring and evaluating their progress towards successful recovery and
11 rehabilitation with their family and community; and

12 (d) Capacitate barangay officials, senior citizens' organizations, law
13 enforcement officers, health care providers and other professionals on how to
14 recognize and respond to elder abuse, support outreach and education
15 campaigns to increase public awareness to prevent it.

16 SEC. 12. ***Protective Committee for the Elderly.*** – A Protective
17 Committee for the Elderly shall be established in every barangay and is tasked
18 to manage reported cases of elder abuse at the barangay level. It shall be
19 composed of the punong barangay, president of the barangay senior citizens
20 association, chairperson of the barangay's Committee on Social Services and
21 Peace and Order, and the Elderly Help Desk officer.

22 The Protective Committee for the Elderly shall:

23 (1) Spearhead the investigation, assessment, management and
24 documentation of any detected or reported case of elder abuse;

25 (2) Implement fully the reporting system for elder abuse cases in the
26 barangay;

27 (3) Launch an awareness campaign;

28 (4) Help people understand the symptoms of elder abuse;

1 (5) Study and disseminate best practices for incorporating elder abuse
2 session screening into senior development service programs and barangay plans
3 on ageing;

4 (6) Determine the validity of any reported elder abuse case and the
5 need for protective services;

6 (7) Assist the case manager or social worker in managing reported
7 cases of elder abuse at the local level; and

8 (8) Make a report to the proper authorities such as the PNP, NBI and
9 DOJ.

10 SEC. 13. ***Elder Abuse Help Desk.*** – There shall be established an Elder
11 Abuse Help Desk in every barangay. The Elder Abuse Help Desk shall be
12 responsible for the following:

13 (a) Accept complaints and issues of a victim-survivor or other
14 reporting party on elder abuse;

15 (b) Record the number of gender-based violence in the elder abuse
16 database system handled by the barangay and submit a quarterly report on all
17 cases of elder abuse to the DILG city or municipal field office and the city or
18 municipal social welfare development office;

19 (c) Keep elder abuse case records confidential and secured, and ensure
20 that only authorized personnel may access them;

21 (d) Coordinate with and refer cases to the Protective Committee for the
22 Elderly, government agencies, NGOs, institutions, and other service providers
23 as necessary;

24 (e) Develop and disseminate various education, information and
25 campaign materials pertaining to the rights of the elderly;

26 (f) Establish or maintain a hotline for the reporting of elder abuse and
27 other complaints on the rights of the elderly;

28 (g) Follow up and monitor the development of reported cases; and

1 (h) Perform other functions as may be assigned by the punong
2 barangay.

3 SEC. 14. ***Mandatory Services to Victims.*** – To ensure recovery,
4 rehabilitation and reintegration into the mainstream of society, the DSWD,
5 DOH, DOJ and other concerned government agencies shall make available the
6 following services to victims of elder abuse:

7 (a) Emergency shelter or appropriate housing;

8 (b) Counselling;

9 (c) Free legal services which include information about the victims'
10 rights and the procedure for filing complaints, claiming compensation and such
11 other legal remedies available to them, in a language understood by the victims;

12 (d) Medical or psychological services; and

13 (e) Livelihood and skills training.

14 SEC. 15. ***Counselling and Treatment of Perpetrators.*** – The DSWD
15 shall provide rehabilitative counseling and treatment of perpetrators towards
16 learning constructive ways of coping with their anger, emotional outbursts, or
17 stress and reforming their ways.

18 SEC. 16. ***Reporting Requirements.*** – The Secretaries of Social Welfare
19 and Development, Interior and Local Government, Health, and Justice shall
20 jointly submit to the President and the Congress of the Philippines an annual
21 report detailing the protection, prevention and enforcement actions relative to
22 the implementation of this Act.

23 SEC. 17. ***Appropriations.*** – The amount necessary to implement the
24 provisions of this Act shall be included in the annual General Appropriations
25 Act.

26 The Gender and Development budgets of the concerned agencies shall be
27 used to implement services for victims of elder abuse.

28 SEC. 18. ***Bar to Another Prosecution.*** – When a person has been
29 prosecuted under a provision of this Act, upon a valid complaint or information

1 or other formal charge sufficient in form and substance to sustain a conviction
2 and after the accused had pleaded to the charge, the acquittal of the accused or
3 the dismissal of the case shall be a bar to another prosecution for any offense or
4 felony, under the Revised Penal Code or any special penal laws, which is
5 necessarily included in the offense charged under this Act.

6 SEC. 19. ***Implementing Rules and Regulations.*** – Within ninety (90)
7 days from the approval of this Act, the Secretary of Social Welfare and
8 Development shall, in coordination with the Secretaries of the Interior and
9 Local Government, Health, and Justice promulgate the necessary rules and
10 regulations for the effective implementation of this Act.

11 SEC. 20. ***Effectivity.*** – This Act shall take effect fifteen (15) days after
12 its publication in the *Official Gazette* or in a newspaper of general circulation.

13 Approved,