

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7277



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The Philippines is a nation of close-knit families and natural reverence to the elderly. Our culture is laden with stories, traditions and norms that place them in high esteem. We seek the wisdom of their counsel, appreciate their decades of hard work and invaluable contribution to our society, and in the twilight of their years, we express our respect, love and gratitude to the senior citizens of the country by taking care of them. In the same vein, the State has legislated mechanisms to provide various benefits and assistance to the elderly to ensure that the latter live their remaining years safely, peacefully, and happily.

Statistics reveal that senior citizens, or those aged 60 years old and over, currently comprise 6.8% of the country's total population or around seven million. By 2040, the numbers are expected to reach 13.8% of the population or almost 14 million. This representation has come to the knowledge that more than 10,000 seniors in 46 countries around the world are subject to physical violence every day, according to *World Report on Violence and Health* released by the World Health Organization (WHO) in 2013. On a yearly basis, one million old people are subject to sexual abuse while 29 million are subject to psychological abuse, and about 6 million are subject to financial abuse. This bill is urgently proposed to safeguard the lives, liberty and property of these our senior citizens who are usually physically and mentally frail with age, and unable to defend themselves against any and all forms of abuse that might befall them.

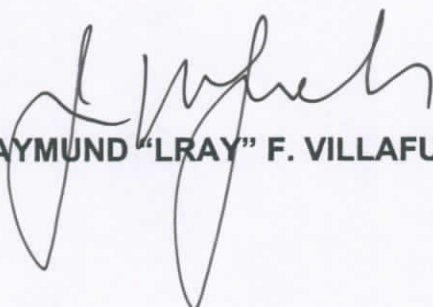
Under this bill, crimes against the elderly shall be specifically identified, and vetted stiffer penalties than those provided for similar acts in the Revised Penal Code (RPC). Additionally, senior citizen abuse shall be categorized as a public crime, and a charge may be instituted against the perpetrator by any person having personal knowledge of the circumstances involving the commission of the crime.

Furthermore, a Senior Citizens Help Desk shall be established in every barangay which shall provide immediate assistance to victims of Senior Citizen Abuse. This is to ensure that representatives of the State are present and ready to extend help to senior citizens in times of dire need and in the face of abuse.

Currently, there are several laws in place for the benefit of Filipino senior citizens. For instance, Republic Act 9994 or the Expanded Senior Citizens Act of 2010 which provides them additional benefits and privileges. However, there is no legislation yet that expressly and specifically for their physical safety, as well as the protection of their property and liberty.

We constantly strive to improve the living conditions and overall welfare of our elderly not only because it is the tradition of our heritage, but also because it is a core tenet of basic morality to care for the weak and defend the vulnerable. Ultimately, this representation believes that our senior citizens still contribute to nation-building, and deserve their dignity upheld.

In consideration of the foregoing premises, the passage of this bill is most urgently sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
DEFINING AND PROHIBITING SENIOR CITIZEN ABUSE,
PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as "Anti-Senior Citizen Abuse Act of 2018."

SEC. 2. *Declaration of Principles.* – It is the policy of the State to protect and promote the rights, dignity, security and welfare of the senior citizens of our society. Towards this end, the State shall work actively for the elimination of all forms of senior citizen abuse. The State shall provide sanctions for the commission of any form of senior citizen abuse and adopt a program for the prevention and deterrence of and crisis intervention in situations of senior citizen abuse.

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

- a) "**Senior Citizen**" refers to a person 60 years old or above;
- b) "**Senior Citizen Abuse**" refers to a single, or repeated act, lack of appropriate action, occurring within any relationship where there is an exception of trust which causes harm or distress to a Senior Citizen. It includes, but is not limited to, the following acts:

A. "**Physical Abuse**" refers to acts that include bodily or physical harm. It includes striking, hitting, beating, pushing, shoving, shaking, slapping,

kicking, pinching, and burning, inappropriate use of drugs and physical restraint, force-feeding, and physical punishment of any kind.

B. **“Sexual Abuse”** refers to non-consensual acts which are sexual in nature. It includes rape, acts of lasciviousness, sodomy, coerced nudity, and sexually explicit photographing and unwanted touching.

C. **“Psychological Abuse”** refers to acts or omissions causing or likely to cause mental or emotional suffering. It includes verbal assaults, insults, threats, intimidation, public ridicule, humiliation, mockery and vilification, harassment, and enforced social isolation.

D. **“Economic Abuse”** refers to acts that make or attempt to make a Senior Citizen financially dependent. It includes withdrawal of financial support, controlling or misusing a Senior Citizen’s own money or properties, cashing a Senior Citizen’s checks without authorization or permission, forging a Senior Citizen’s signature coercing or deceiving a Senior Citizen into signing any document, and the improper use of conservatorship, guardianship, or power of attorney.

E. **“Neglect”** refers to the failure of those responsible to feed, provide shelter or health care, or protection to the Senior Citizen.

SEC. 4. Prohibited Acts Constituting Senior Citizen Abuse. – The crime of Senior Citizen Abuse is committed through any of the following acts:

- a) Causing physical abuse to a senior citizen;
- b) Threatening to cause physical abuse to a senior citizen;
- c) Attempting to cause a senior citizen physical abuse;
- d) Placing a senior citizen in fear of imminent physical abuse;
- e) Causing or attempting to cause psychological abuse to a senior citizen
- f) Causing or attempting to cause economic abuse to a senior citizen; and
- g) Neglect of a senior citizen.

SEC. 5. Penalties. – The crime of Senior Citizen Abuse under Section 4 hereof shall be punished according to the following rules:

- a) Acts falling under Sec. 4(a) constituting attempted, frustrated or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code;

If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of *prision mayor*, those constituting less serious physical injuries shall be punished by *prision correccional*; and those constituting slight physical injuries shall be punished by *arresto mayor*.

- b) Acts falling under Sec. 4(b) shall be punished by imprisonment of one degree lower than the prescribed penalty for the consummated crime as specified in Sec. 5 (a) but shall in no case be lower than *arresto mayor*;
- c) Acts falling under Sec.4 (c) and 4(d) shall be punished by *arresto mayor*; and
- d) Acts falling under Sec. 4(e), except rape, shall be punished by *prision mayor*.

Rape shall be punished in accordance with the provisions of the Revised Penal Code.

- e) Acts falling under Sec. 4(f) shall be punished by *prision mayor*;
- f) Acts falling under Sec. 4(g) shall be punished by *prision correccional*; and
- g) Acts falling under Sec. 4(h) shall be punished by *arresto mayor*.

The penalty provided shall be imposed in its maximum period if:

- 1) The offender-perpetrator has been previously convicted under this Act;
- 2) The offender is a descendant, collateral relative or family member up to the 2nd degree of consanguinity or affinity;
- 3) The offender is an owner-operator, manager or employee of a privately-operated elderly facility; and

- 4) The offender is a public official, staff or employee of a government-operated elderly residential home; Provided that said public servant or employee can be subjected to suspension and/or termination according to administrative discipline procedures.

The above-mentioned penalties shall not preclude the consequent civil case for damages or administrative charges that may also result in the suspension or revocation of accreditation or license to operate of any institution from the Department of Social Welfare and Development (DSWD).

SEC. 6. *Public Crime.* – Senior Citizen Abuse shall be considered as a public offense which may be prosecuted upon the filing of a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

SEC. 7. *Prohibited Defense.* – Being under the influence of alcohol, any illicit drugs, or any other mind-altering substance shall not be a defense under this Act.

SEC. 8. *Persons Intervening Exempt from Liability.* – Any person or private individual acting in accordance with law, responds or intervenes without using violence or restraint greater than necessary to ensure the safety of the victim, shall not be liable for any criminal, civil, or administrative case resulting therefrom.

SEC. 9. *Confidentiality.* – All cases pertaining to Senior Citizen Abuse cases shall be confidential and all public officers and employees of public or private hospitals and clinics shall respect the right to privacy of the victim. Any person who shall make public any relevant or identifying information about the case or the victim shall be made liable for contempt of court, and shall suffer the penalty of one (1) year imprisonment and a fine of Five Hundred Thousand Pesos (Php 500,000.00).

SEC. 10. *Establishment of a Senior Citizens Help Desk.* – Every barangay shall establish a Senior Citizen Help Desk which shall provide immediate assistance to the victims of Senior Citizen Abuse. The Senior Citizen Help Desk may be manned by representatives of the Senior Citizens who are residents of the barangay or members

of a local Senior Citizen organization designated and authorized by the Barangay Council or Chairperson.

Barangay officials or law enforcers shall respond immediately to a call for help or request for assistance by entering the dwelling, checking on the well-being of the victim, and ensuring the safety of the victim. As immediate respondents, they must also transport or escort the victim to a safe place of their choice or to a clinic or hospital, if and when necessary.

SEC. 11. *Healthcare Provider Response to Abuse.* – Any healthcare provider, including but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist, social worker or counselor who suspects abuse or has been informed by the victim of Senior Citizen Abuse shall:

- a) Properly document any of the victim's physical, emotional or psychological injuries;
- b) Properly record any of the victim's suspicions, observations and circumstances of the examination or visit;
- c) Automatically provide the victim, free of charge, a medical certificate concerning the examination or visit;
- d) Safeguard the records and make them available to the victim upon request at actual cost; and
- e) Provide the victim immediate and adequate notice of right and remedies provided under this Act, and services available to them.

SEC. 12. *Rights of Victims.* – In addition to their rights under existing laws, victims of Senior Citizen Abuse shall have the following rights:

- a) To be treated with respect and dignity;

- b) To avail of legal assistance from the Public Attorney's Office (PAO);
- c) To be entitled to support services from the DSWD and Local Government Units (LGUs);
- d) To be entitled to all legal remedies and support as provided for under the Family Code; and
- e) To be informed of their rights and the services available to them including their right to apply for a protection order.

SEC. 13. *Barangay Protection Order.* – Barangay Protection Orders (BPOs) refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing acts under Section 4 of this Act. A Punong Barangay who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the Punong Barangay is unavailable to act on the application for a BPO, the application shall be acted upon by any available Barangay Kagawad. If the BPO is issued by a Barangay Kagawad, the order must be accompanied by an attestation by the Barangay Kagawad that the Punong Barangay was unavailable at the time for the issuance of the BPO. BPOs shall be effective for thirty (30) days. Immediately after the issuance of an *ex parte* BPO, the Punong Barangay or the Barangay Kagawad shall personally serve a copy of the same on the respondent, or direct any barangay official to effect his personal service.

The parties may be accompanied by a non-lawyer advocate in any proceeding before the Punong Barangay.

SEC. 14. *Mandatory Programs and Services for Victims.* —The DSWD and the LGUs shall provide the victims temporary shelters, provide counseling, psycho-social services and/or recovery, rehabilitation programs and livelihood assistance.

The Office for Senior Citizens Affairs (OSCA) shall include services addressing Senior Citizen Abuse. All suspected cases of Senior Citizen Abuse must be reported

in accordance with existing laws. The OSCA, in coordination with the Local Social Welfare and Development Office (LSWDO), shall maintain a Senior Citizen Abuse documentation and case monitoring system, and set up a databank to keep up an accurate and reliable record of instances of abuse and violence committed against the Senior Citizens.

SEC. 15. *Formulation of the Program.* – There shall be a comprehensive program to be formulated, by the Department of Justice (DOJ) and the DSWD in coordination with other government agencies and private sector concerned, within one (1) year from the effectivity of the Act, to protect the Senior Citizen against Senior Citizen Abuse.

SEC. 16. *Duties of Other Government Agencies and LGUs.* – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of Senior Citizen Abuse particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGUs to ensure the sustained education and training of their officers and personnel on the prevention of the Senior Citizen Abuse under the Act.

SEC. 17. *Trainings and Capacity-Building for Intervenors.* – All government agencies involved in responding to Senior Citizen Abuse cases shall be required to undergo education and training to be conducted by the DSWD to acquaint them with:

- a) the nature, extent, causes and risk factors of Senior Citizen Abuse;
- b) the legal rights and remedies of victims of Senior Citizen Abuse;
- c) legal duties of barangay officials, OSCA Heads, LSWDOs, police officers and court authorities in offering assistance and protection;
- d) the available services and facilities for victims of Senior Citizen Abuse;

- e) specific techniques in handling Senior Citizen Abuse Cases to minimize injury and promote the safety and ensure the well-being of the victim.

The Department of Health (DOH) and other concerned institutions shall provide capacity-building on the prevention, detection, and management of psycho-social problems and other geriatric concerns of Senior Citizens such as dementia and Alzheimer's Disease, among healthcare providers, home caregivers, and staff and employees of nursing homes and/or elderly residential facilities, especially on handling Senior Citizen Abuse.

SEC. 18. *Counseling and Rehabilitation of Offenders-Perpetrators.* – The DSWD shall provide rehabilitative counseling and treatment of perpetrators towards learning constructive ways of coping with their anger, emotional outburst, or stress and reforming their ways. Psychiatric treatment or confinement may also be recommended by the responsible authorities if necessary.

SEC. 19. *Funding.* – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 20. *Implementing Rules and Regulations.* – Within six (6) months from the approval of this Act, the DOJ, the Department of Interior and Local Government, and the Philippine National Police, and three (3) representatives from non-government organizations to be identified by the DSWD shall promulgate the Implementing Rules and Regulations of this Act.

SEC. 21. *Suppletory Application.* – For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

SEC. 22. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions shall not be affected.

SEC. 23. *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.

SEC. 24. *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,