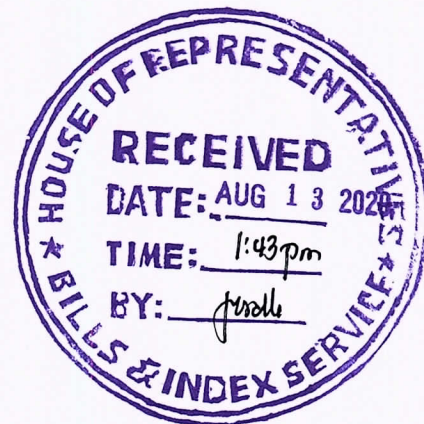


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 7376



Introduced by Representative JAKE VINCENT S. VILLA

AN ACT
DEFINING AND PENALIZING THE CRIME OF CRIMINAL NEGLECT OF A
VULNERABLE ELDERLY PERSON OR A PERSON WITH DISABILITY

EXPLANATORY NOTE

Article II, Section 11 of the 1987 Philippine Constitution, provides:

The State values the dignity of every human person and guarantees full respect for human rights.

Further, Article XV, Section 4, provides:

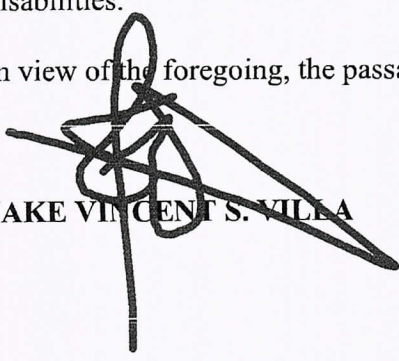
The family has the duty to care for its elderly members but the State may also do so through just programs of social security.

The Revised Penal Code punishes various forms of abandonment or neglect. It bears emphasis that there is no punishment for abandoning or neglecting elderly people and people with disability.

Our culture is inherent with caring for our elders and our family members most importantly those family members who have disabilities. With scarce resources the government currently cannot provide for said vulnerable sector of the population. Primary care are still primordial duties of immediate family members or next of kin.

This measure aims to deter the neglect of vulnerable elderly persons and persons with disabilities.

In view of the foregoing, the passage of this measure is earnestly sought.


JAKE VINCENT S. VILLA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 7376

Introduced by Representative JAKE VINCENT S. VILLA

AN ACT
DEFINING AND PENALIZING THE CRIME OF CRIMINAL NEGLECT OF A
VULNERABLE ELDERLY PERSON OR A PERSON WITH DISABILITY

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

SECTION 1. *Short Title.* – This Act shall be known as “Care for the Elderly and the Disabled Act”.

SECTION 2. *Declaration of Policy.* – The State values the dignity of every person and guarantees full respect for human rights. To this end, the State will penalize the neglect of a vulnerable elderly person.

SECTION 3. *Definition of Terms.* – For purposes of this Act:

- (1) “Abandon” means to desert a vulnerable elderly person with intent to wholly abandon him or her.
- (2) “Caregiver” means a person who provides for the health, welfare, and personal care of a vulnerable elderly person or a person with a disability, at such person’s place of residence, including but not limited to: food and nutrition, shelter, hygiene, prescribed medication and medical care treatment. The term caregiver shall also include:
 - (a) a parent, spouse, adult, child or other relative by blood or marriage who resides with or resides in the same building with and who regularly visits the vulnerable elderly person or the person with a disability, and who knows or reasonable should know that such person is unable to adequately provide for his or her own health and personal care;
 - (b) a person employed by the vulnerable elderly person or a person with a disability or by another to reside with or regularly visit the vulnerable elderly person or the person with a disability and provide for such

person's health and personal care;

- (c) a person who has agreed for consideration to reside with or regularly visit the vulnerable elderly person or the person with a disability and provide for such person's health and personal care;
- (d) a person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the health and personal care of the vulnerable elderly person or the person with a disability; and
- (e) a person who holds a power of attorney or other legal or fiduciary relationship that requires such person to provide for the health and personal care of the vulnerable elderly person or the person with a disability.

The term caregiver shall not include a long-term health care facility licensed or certified under the provisions of public health laws or any administrative, medical or other personnel of such a facility, or a health care provider who is licensed under the law and renders care in the ordinary course of his or her profession.

- (3) "Person with a disability" refers to any person who is suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being.
- (4) "Vulnerable elderly person" refers to any resident of the Philippines at least sixty (60) years old who is suffering from a disease or infirmity associated with advanced age.

SECTION 4. *Criminal Neglect of a Vulnerable Elderly Person or a Person with a Disability.* – A person is guilty of criminal neglect of a vulnerable elderly person or a person with a disability when he or she is caregiver and;

- (1) knowingly acts in a manner likely to cause the vulnerable elderly person or the person with a disability's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate; or
- (2) fails to perform acts which he or she knows or reasonably should know are necessary to maintain or preserve the life or health of the vulnerable elderly person or the person with disability and such failure causes said person's life to be endangered, health to be injured or pre-existing physical or mental condition to deteriorate; or
- (3) abandons the vulnerable elderly person or the person with a disability.

SECTION 5. *Exceptions.* – No provision of this Act shall be deemed to impose criminal liability upon any person who has made a good faith effort to provide for the health and

personal care of the vulnerable elderly person or the person with a disability but through no fault of his or her own has been unable to provide such care. In addition, no provision of this Act shall be construed as prohibiting a person from providing treatment by spiritual means through prayer alone and care consistent therewith in lieu of medical care and treatment in accordance with the tenets and practices of any church or religious denomination of which the vulnerable elderly person or the person with a disability is a member.

SECTION 6. *Penalty.* – Any person found guilty of committing the acts punished in this Act shall be punished by imprisonment of not less than one (1) year but not exceeding five (5) years and a fine not less than Ten Thousand Pesos (P10,000.00) but not exceeding One hundred Pesos (P100,000.00).

SECTION 7. *Other Remedies.* – No provision of this Act shall be construed to limit the remedies available to the vulnerable elderly person or the person with a disability under any other provision of law.

SECTION 8. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 9. *Repealing Clause.* – Any law, decrees, orders, and issuance, or portions thereof, which are 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 after its publication in the *Official Gazette* or in two (2) newspaper of general circulation.

Approved.