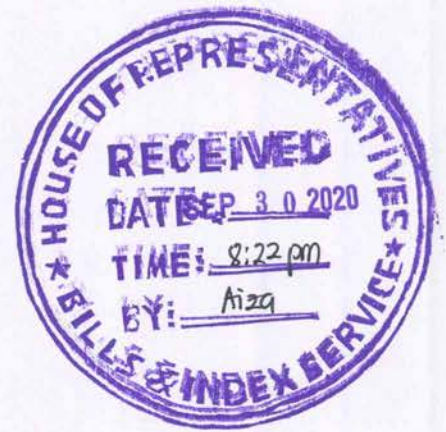


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. - 7803



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

1 The State, under Article II, Section 11 of the 1987 Constitution,
2 proclaims the “value[of] the dignity of every human person,” thereby
3 “guarantee[ing] full respect for human rights.” In connection, under Article
4 XIII, Section 11, the sector of the elderly is one that is entitled to prioritization
5 when it comes to receiving government aid and protection, for their access
6 and enjoyment of “essential goods, health and other social services.” Hence,
7 under Article XV, Section 4, though the family, as a social unit, is entrusted
8 with “the duty to care for its elderly members,” the State is likewise given this
9 responsibility, to be acted upon “through just programs of social security.”

10
11 In March 2020, it was confirmed that we have gotten “closer to having
12 an aging population,” where “at least 7[%] are over 65 years old”:¹

13
14 More than 8 million, or 8.2 percent, of the Philippines’ population of 108.9
15 million are aged 60 and above, per a report of the Commission on Population
16 and Development (PopCom). Of this group, 5 million (or 4.7 percent) are aged
17 65 and older.

18
19 With the rise in the aged population came an increase in the cases of
20 senior citizens who have been subjected to abuse and/or been abandoned
21 outrightly by their families:²

22
23 The Coalition of Services of the Elderly Inc., which advocates better care for
24 senior citizens, warned recently that a crisis looms in elderly care. COSE said
25 the elderly has become the fastest growing sector of the Philippine population.

26
27 COSE, citing figures from the National Statistics Office, reported that the
28 country has 155,200 people aged 65 to 80 who are listed as living alone. Some
29 are widowed; others live alone by choice while others have been listed as

¹ Ador Vincent Mayol, “Number of abandoned elderly rising,” *Inquirer*, March 9, 2020, available at <https://newsinfo.inquirer.net/1238586/number-of-abandoned-elderly-rising#ixzz6VxqjnkLU>.

² “Crisis in elderly case,” *Philippine Star*, July 13, 2003, available at <https://www.philstar.com/opinion/2003/07/13/213451/crisis-elderly-care>.

1 abandoned. About 31,500 who are at least 80 years old have been abandoned
2 or are living alone, COSE reported.

3
4 Elderly abuse has unfortunately become a full-blown social cancer in
5 the Philippines:³

6
7 **Physical abuse** are acts that are committed with intention of causing physical
8 pain and injury. It can be in the form of being hit, sexually assaulted or
9 burned. Any act leading to physical or bodily pain (i.e. bruises, sprains, welts,
10 abrasions and fractures) and injury is classified under this. **Psychological or**
11 **emotional abuse** involves verbal assaults, threats, humiliation, and ridicule.
12 Such abuse is usually accompanied by physical abuse but may happen
13 separately. **Material or financial abuse** includes misuse of property or
14 money, theft, or forced signing of legal documents. **Neglect** may be referred
15 to as passive or unintentional and active or intentional. **Passive or**
16 **unintentional neglect** would mean isolation of the elderly or the elderly are
17 left alone. The family, because of other duties, may not be able to meet the
18 needs of the elderly or the caregiver is incompetent to provide care for the
19 elderly. **Active or intentional neglect** involves the deliberate withholding of
20 items needed for daily living (food, medicine, companionship and care)
21 especially from those who are physically dependent.

22
23 x x x

24 25 A. Domestic Abuse

26
27 **There has been no major local study of this incident. DSWD admitted**
28 **receiving reports of such circumstances but no record or action has been**
29 **made. Unlike child abuse, to be able to protect abused elderly, the elderly**
30 **themselves should report such incident before any action could be**
31 **taken. Many abuses occur in different forms in their own homes but only**
32 **few would admit such circumstances. The victims are often silent or in**
33 **denial. They are afraid to seek help and guidance from people who can**
34 **help them. Thus, elderly abuse is still unrecognized in our country.**

35
36 Being physically vulnerable, the elderly is one of the most usual preys and
37 victims of abuse. Because of the frailty, such condition is taken advantage of.
38 Moreover being single and widowed is another factor adding to their
39 susceptible condition. Being dependent on the family, unfortunately, in a way
40 has become a disadvantage as well. For some families, they see the state of
41 the elderly as an opportunity to take over whatever wealth the elderly has and
42 deliberately neglecting or ignoring the elderly.

43
44 A radio program called the Senior Citizen hour receives several calls and
45 letters asking for advice regarding elderly abuse. Most of the abusers are the
46 children themselves. Financial abuse is one of the frequent complaints
47 accompanied by physical abuse. The children who still live with their parents,
48 either employed or unemployed are oftentimes the perpetrators or abusers.
49 The abusers extort money from them to support their needs or expenses,
50 failure of the elderly to give money usually leads to physical abuse. There are
51 also cases wherein the working parents would force their elderly parents to
52 take care of their grandchildren even though the elderly have expressed their
53 refusal. There are several cases being reported but do not really fall into any
54 category of elderly abuse but still can be considered to be abusive. For

³ Clarita R. Carlos, "Concerns of the Elderly in the Philippines," *Philippine Social Sciences Review* 56(1-4): 18-22, available at
<https://pdfs.semanticscholar.org/8a6b/2d097fc02065e561553ba2231b04f3a9450d.pdf>.

instance, an elderly couple live together with their four children. The house belongs to the elderly couple, their children ages 27 to 45 are earning for themselves but have never contributed to the household expenses such as food, water and electricity bills. The mother earns through sewing while the father no longer works because of paralysis. Since the mother is earning by herself yet supporting everyone in the family, she has requested financial assistance from the children. The children ignored her request and continued with their own lifestyles. To make things worse, one of the children accepted a bed spacer, yet the mother does not profit from the said arrangement because the rent goes directly to the child. The bed spacer on the other hand uses the house facilities such as water and electricity that the mother shoulders.

Medical workers for a non-government agency also revealed that there are some elderly who would come for treatment of bruises and welts. When asked how they got such injuries, they would explain that they either fell from the stairs or hit themselves accidentally. However, the specialist would speculate that accidental falling or bumping could not cause such injuries. In such cases wherein the elderly do not admit being victims of abuse, the medical workers could only treat, or try to give them unsolicited advice.

x x x (citations omitted, emphasis supplied)

TABLE 6
ELDERLY ABUSE IN THE PHILIPPINES⁴²

FORMS OF ABUSE	No. of Elderly	Percentage
Active Negligence		
Indifference	13	34.2
Forsaking of the frail	11	28.9
Breach of Duty	9	23.7
TOTAL	33	86.8
Psychological Abuse		
Isolation	14	38.8
Verbal assault & name calling	8	21.1
Psychological maltreatment	6	15.8
Provoking fear violence	3	7.9
Blackmail	0	0
TOTAL	31	83.6
Exploitation		
Financial Exploitation	8	21.1
Material Abuse	5	13.2
Theft	5	13.2
Withholding of Income	3	7.9
Misrepresentation	2	5.3
Use of power of attorney	1	2.6
TOTAL	24	63.3
Violation of Rights		
Right to food & clothing	6	15.8
Right to live in a safe place	2	5.3
Right to decide	1	2.6
Right to health and medical services	1	2.6
Right to privacy	0	0
Freedom of Speech	0	0
Access to legal services	0	0
TOTAL	10	26.3
Passive Negligence	10	26.3
Physical Abuse		
Physical cruelty & Maltreatment	2	5.3
Restriction of movements	1	2.6
Sexual Abuse & International harm	0	0
TOTAL	3	7.9

1 This bill is offered as a solution to this growing problem. As part of the
2 various measures to be proposed, this Bill aims to: 1) penalize the various
3 forms of elder abuse; 2) secure the rights of elders, especially during the
4 pendency of abuse suits; and 3) institutionalizes the various protective
5 mechanisms for elders.

6
7 It is for the foregoing premises that the approval of this Bill is earnestly
8 sought.
9
10



11 **ALFRED C. DELOS SANTOS**
12

Representative, Ang Probinsyano Party-List

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

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7803

Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

AN ACT
PROTECTING SENIOR CITIZENS FROM VIOLENCE, DEFINING ELDER
ABUSE, AND PRESCRIBING PENALTIES THEREOF

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Anti-Elder
2 Abuse Act.”
3

4 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of
5 the State to value the dignity of senior citizens and thereby guarantee full
6 respect for human rights. This State also recognizes the need to protect the
7 family and its members, particularly the senior citizens from all forms of
8 violence, abuse, neglect, exploitation, and coercion, especially acts deleterious
9 to their personal safety and security.
10

11 Towards this end, the State shall exert efforts to address all forms of
12 violence, abuse, neglect, exploitation, and coercion, especially acts deleterious
13 to their personal safety, security, dignity, or any discriminatory act committed
14 against senior citizens in keeping with the fundamental freedom guaranteed
15 under the Constitution and the provisions of the universal Declaration of
16 Human Rights.
17

18 SECTION 3. *Definition of Terms.* – As used in this Act.
19

- 20 a) *Domestic violence* refers to acts or threat of violence on a senior citizen,
21 to exclude an act of self-defense, committed by any of the following:
22 1) Current or former spouse of the victim;
23 2) A person related by blood or marriage to the victim;
24 3) A person who is cohabiting with or has cohabited with the victim;
25 4) A person with whom the victim shares a child in common;
26 5) A person who is or has been in a social relationship of romantic or
27 intimate nature with the victim; or

1 6) A person similarly situated to a spouse of the victim, or by an other
2 person, if the domestic or family violence laws of the jurisdiction of
3 the victim provide for legal protection of the victim;
4

5 b) *Elder abuse* refers to a single or repeated act, or lack of appropriate
6 action, occurring within any relationship or interaction by any person
7 which causes harm or distress to a senior citizen. It includes any act or
8 series of acts committed by any person against a senior citizen, within
9 or outside the family abode, which result or is likely to result in physical
10 violence, psychological or emotional, economic, or domestic violence,
11 and neglect or abandonment;
12

13 c) *Emotional abuse* refers to acts that include shouting, swearing, scaring,
14 or humiliating a senior citizen through name-calling, ridicule, constant
15 criticism, accusing, blaming, showing disrespect, ignoring, or giving
16 them the silent treatment;
17

18 d) *Safe place or shelter* refers to any home or institution maintained or
19 managed by the Department of Social Welfare and Development
20 (DSWD) or by any other suitable place that is willing to accommodate
21 the aggrieved senior citizen; and
22

23 e) *Senior citizen* refers to any resident citizen of the Philippines at least
24 sixty (60) years old as defined under Republic Act No. 9994, otherwise
25 known as the "Expanded Senior Citizen Act of 2010."
26

27 SECTION 4. *Acts of Violence Against a Senior Citizen.* – Acts of violence
28 against a senior citizen are acts that cause harm or distress committed once
29 or repeatedly through any of the following:
30

31 a) Physical abuse or infliction of pain or injury with the use of physical
32 force or resulting in bodily injury, physical harm, pain or impairment,
33 suffering or distress;
34

35 b) Psychological, mental, or emotional abuse causing mental or emotional
36 suffering or distress;
37

38 c) Material exploitation through illegal or improper use of funds or
39 resources of the senior citizen; and economic or financial abuse through
40 acts that make the senior citizen financially dependent or cause financial
41 damage to them; and
42

43 d) Abandonment or desertion by leaving a senior citizen unattended at a
44 place for such a considerable length of time, as may be likely to
45 endanger the health and welfare of a senior citizen, by an individual
46 who has assumed responsibility for providing care for the senior citizen,
47 or by a person with custody of the senior citizen.
48

1 SECTION 5. *Rights of a Senior Citizen.* – During the pendency of the
2 case involving violence against a senior citizen, in addition to those provided
3 under existing law, a senior citizen shall have the following rights:
4

- 5 a) To avail of protection and legal assistance from the Public Attorney's
6 Office (PAO) of the Department of Justice (DOJ) or any public legal
7 assistance office;
8
- 9 b) To be entitled to support services from the DSWD and the Local
10 Government Unit (LGU) concerned;
11
- 12 c) To be entitled to all legal remedies as provided for under the Family
13 Code;
14
- 15 d) To be informed through the Senior Citizen Help Desk established
16 hereunder of the senior citizen's rights and services available, including
17 the right to apply for a protection order; and
18
- 19 e) To be entitled to actual, compensatory, moral, and exemplary damages.
20

21 SECTION 6. *Mandatory Programs and Services for a Senior Citizen who*
22 *is a Victim of Violence.* – The DSWD, in coordination with the LGUs, shall
23 provide a senior citizen who is a victim of violence and similar acts the
24 following services:
25

- 26 a) A safe place or temporary shelter, such as senior housing or nursing
27 home or other suitable facility or service, when appropriate, as
28 emergency short-term shelters. This safe place or temporary shelter
29 shall provide counselling, psycho-social, recovery or rehabilitation
30 programs and livelihood assistance;
31
- 32 b) Counselling, healing, recovery, and rehabilitation services; and
33
- 34 c) The appropriate programs to ensure the personal safety and security of
35 a senior citizen who are victims or survivors of violence and similar acts.
36

37 SECTION 7. *Response to a Request for Assistance.* – In responding to a
38 request for assistance, a barangay official or law enforcer shall have the
39 following duties:
40

- 41 a) Respond immediately to a call for help or request for protection of the
42 victim by entering the senior citizen victim's dwelling, if necessary,
43 whether or not a perpetrator or one which is within plain view;
44
- 45 b) Confiscate any harmful object in the possession of the perpetrator, or
46 one which is within plain view;
47
- 48 c) Transport the victim to a barangay hall, or to a clinic or hospital;
49

- d) Assist the victim in removing personal belongings from the dwelling;
- e) Ensure the enforcement of the Protection Order (PO) issued by the *Lupong Tagapamayapa*, the *Punong Barangay* or Barangay Chairman and the Court;
- f) Arrest the suspected even without a warrant when any of the acts of violence defined in this Act is occurring, or on a personal knowledge, an act of violence has been committed, and there is imminent danger to the life or limb of the senior citizen as defined in this Act; and
- g) Immediately report the call for assistance to the DSWD, the LGU or accredited Non-Government Organization (NGO).

SECTION 8. *Philippine National Police (PNP) Protocol in Responding to Violence Committed Against a Senior Citizen.* – The Philippine National Police (PNP) is hereby directed to adopt a written protocol establishing written guidelines and procedures to be followed by police officers in responding to request for assistance and calls related to violence against senior citizens.

SECTION 9. *Education and Training Programs for Law Enforcement Officers and Persons Involved in Responding to Cases of Violence Against a Senior Citizen.* – All persons involved in responding to cases on all forms of abuse, violence, threats to personal safety and security or any discriminatory act committed against a senior citizen, shall be required to undergo education and training. The PNP, in coordination with the LGU concerned and the DSWD shall establish education and training programs to assist law enforcement officers and barangay officials to enable them to properly handle cases of violence against senior citizens and acquaint them with:

- a) The nature, extent, causes of violence;
- b) The legal rights of, and remedies available to, victims of violence;
- c) The services and facilities available to victims or survivors;
- d) The duties imposed on police officers in making lawful arrest and to offer protection and assistance; and
- e) The necessary techniques to be employed in handling incidents of violence to minimize the likelihood of inquiry to the officer and promote the safety of the victim or survivor.

SECTION 10. *Mandatory reporting of Domestic Violence.* – A public officer who receives a complaint of violence committed against a senior citizen or the head of a public or private hospital, medical clinic, or similar institutions, as well as the attending physician or nurse, clinician, barangay health worker, therapist, or counsellor who examined or rendered treatment

1 to a senior citizen victim shall make a report of the complaint, examination or
2 treatment to the nearest police station.

3
4 All public workers and medical professionals who have knowledge of
5 the incident involving domestic violence and to whom said abuse or violence
6 was reported or revealed in the course of the performance of official duty, shall
7 immediately report the incident to the proper authorities.

8
9 In all cases, a report shall be made to any law enforcement agency
10 within forty-eight (48) hours from knowledge of the same. Whereupon,
11 investigation shall immediately follow. The DSWD shall assign a social worker
12 to verify incidents of violence and file a petition for PO, if warranted.

13
14 SECTION 11. *Establishment of Senior Citizen Help Desk.* – Every
15 barangay shall establish a Senior Citizen Help Desk which shall provide
16 immediate assistance to victim-survivors of abuse. Besides barangay officials,
17 it may be manned by representatives of the senior citizen sector or by
18 members of a local senior citizen organization designated and authorized by
19 the Barangay Council or Chairperson.

20
21 SECTION 12. *Special Prosecution Unit.* – The DOJ is hereby directed to
22 establish special units that shall handle complaints of violence against senior
23 citizens as defined in this Act, and the prosecution thereof.

24
25 SECTION 13. *Venue.* – The Regional Trial Court (RTC) designated as a
26 Family Court shall have original and exclusive jurisdiction over cases of
27 violence against senior citizens as provided in this Act. In the absence of such
28 court in the place where the offense was committed at the option of the
29 complainant.

30
31 SECTION 14. *Protection Order (PO).* – A Protection Order (PO) is an
32 injunction under this Act that may be requested or issued for the purpose of
33 preventing further acts of abuse or violence against senior citizens as specified
34 in Section 4 of this Act and granting other necessary relief. The provisions of
35 the PO shall be enforced by law enforcement agencies.

36
37 The types of PO that may be issued under this Act are as follows:

- 38
39 a) Barangay Protection Order (BPO);
40
41 b) Temporary Protection Order (TPO); and
42
43 c) Permanent Protection Order (PPO).

44
45 The PO that may be issued under this Act shall include any or all of the
46 following reliefs:
47

- 1 a) Prohibition of the respondent or offender from threatening to commit,
2 personally or through another, any of the acts of violence as defined in
3 Section 4 hereof;
4
5 b) Whenever applicable, issuance of an order to the respondent or offender
6 to immediately leave the domicile or residence of the petitioner. If
7 personal effects must be removed from the residence, the Court shall
8 direct a law enforcement officer to accompany the respondent to the
9 residence until such time that respondent has gathered all belongings,
10 and to escort the respondent from the residence: *Provided*, that the
11 victim or the aggrieved party shall likewise be accorded the same
12 protection contemplated herein;
13
14 c) Issuance of an Order to the respondent to stay away from the petitioner
15 within a distance to be determined by the Court: *Provided*, that the
16 order shall ensure the physical safety of the petitioner in the residence,
17 place of work, school, and such other places frequented by the offended
18 party;
19
20 d) Prohibition of the respondent from directly or indirectly communicating
21 or contacting the petitioner;
22
23 e) Issuance of an Order to proper law enforcement offices to enforce the
24 provisions of the Section;
25
26 f) Issuance of an Order to the DSWD and the Social Welfare Development
27 Office (SWDO) of the LGU concerned to provide therapy, counselling,
28 and other support services to the aggrieved party or parties;
29
30 g) Issuance of an Order for the restitution for actual damages caused by
31 the violence inflicted, including but not limited to property damaged,
32 medical expenses, and loss of income; and
33
34 h) Such other relief deemed necessary by the Court for the protection of
35 the petitioner and such other persons who may be in need of the same.
36

37 Any of the reliefs provided under this Section shall be granted even in
38 the absence of a decree of legal separation or annulment, or declaration of
39 absolute nullity of marriage in the case of married individuals.
40

41 The application for PO must be in writing, signed and verified under
42 oath by the applicant. If the applicant is not the victim, the application must
43 be accompanied by an affidavit of the applicant attesting to:
44

- 45 1) The circumstances of the disclosure of the violence or abuse suffered
46 by the victim; and
47 2) The circumstances of consent, or lack thereof, given by the victim for
48 the filing of the application.
49

1 When disclosure of the address of the abused senior citizen will pose
2 danger to the person's life, it shall be stated in the application. In such a case,
3 the applicant shall attest that the victim is residing in the municipality or city
4 over which the Court has territorial jurisdiction, and shall provide a mailing
5 address for the purpose of the service of the court processes.

6
7 The standard application form for PO shall include the following
8 information:

- 9
10 1) Names and addresses of petitioner and respondent;
11 2) Description of relationship between petitioner and respondent, in the
12 case of violence within the context of Section 4 of this Act;
13 3) A statement of the circumstances and the nature of violence or abuse;
14 4) Description of the reliefs requested by the petitioner as specified in this
15 section;
16 5) Request for counsel and reasons for such request;
17 6) Request for waiver of application fees until hearing; and
18 7) An attestation that there is no pending application for a PO in another
19 Court.

20
21 The following persons may file the petition for a PO:

- 22
23 1) The offended party;
24 2) Any member of the family or household of the victim as defined in this
25 Act;
26 3) Social worker from the DSWD or the SWDO of the LGU or any
27 accredited social welfare organization;
28 4) Law enforcement officer or agent;
29 5) Lawyer, counsellor, therapist, or healthcare of the petitioner; and
30 6) Any concerned responsible citizen of the community who has personal
31 knowledge of the offense committed.

32
33 No filing fee shall be required in the application for a PO.

34
35 An application for a PO filed with the Court shall be considered an
36 application for both a TPO and a PPO.

37
38 **SECTION 15. *Transfer of Residence; New Application Needed.*** – A
39 petitioner previously granted a BPO under this Act and who desires to relocate
40 to a new residence outside the original city or municipality of residence has
41 to apply for a new BPO.

42
43 When a PO has been issued by a Court of competent jurisdiction and
44 the person in whose favor it is issued transfers to a place outside the court's
45 jurisdiction, the person may still have the order enforced by filing a petition
46 before a court in the place where the person has transferred. The petition to
47 enforce the order shall include a copy of the previously obtained PO. The
48 respondent shall be noticed of the issuance of a new PO.

1 SECTION 16. *Legal Representation of Applicant for a PO.* – If a petitioner
2 for a PO is requesting for the appointment of a counsel because of lack of
3 economic means to hire a counsel *de parte*, the Court shall immediately direct
4 the Office of the Public Prosecutor who has jurisdiction over the case to
5 represent the petitioner in the hearing on the application sought. The
6 applicant who cannot afford to hire the services of a private counsel or lacks
7 access to family or conjugal resources such as when the same are controlled
8 by the abuse, shall qualify for legal representation by the DOJ, the Public
9 Prosecutors' Office or the PAO.

10
11 However, a private counsel offering free legal service is not barred from
12 representing the petitioner with the latter's consent, and with the leave of
13 Court.

14
15 SECTION 17. *Barangay Protection Order (BPO).* – A Barangay Protection
16 Order (BPO) is issued by the *Lupong Tagapamayapa* and the *Punong*
17 *Barangay* or Barangay Chairman. The issuance of a BPO or the pendency of
18 an application for a BPO shall not preclude petitioner from applying for, or
19 the Court from granting, a TPO or PPO.

20
21 Application for a BPO shall follow the Rules on venue under the Local
22 Government Code of 1991 and its implementing rules and regulations.

23
24 A *Punong Barangay* or Barangay Chairperson who receives application
25 for a BPO shall issue the PO to the applicant on the date of filing after *ex parte*
26 determination of the basis of the application. If the *Punong Barangay* or the
27 Barangay Chairman is unavailable to act on the application for a BPO, the
28 application shall be acted upon by any available *Lupong Tagapamayapa* or
29 *Barangay Kagawad*.

30
31 A BPO issued by the *Lupong Tagapamayapa*, a *Punong Barangay* or
32 Barangay Chairperson and the *Barangay Kagawad* may cover the relief
33 provided in Section 14 hereof and shall be effective for fifteen (15) days.
34 Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or
35 *Kagawad* shall personally serve a copy of the same on the respondent, or
36 direct any barangay official to personally serve the order.

37
38 Within forty-eight (48) hours of issuance of an *ex parte* BPO, the *Punong*
39 *Barangay* or *Barangay Kagawad* must refer the case to the *Lupong*
40 *Tagapamayapa*. The case shall be heard by the *Lupong Tagapamayapa* within
41 seven (7) days from the date of referral and within the fifteen (15)-day
42 effectivity period of the *ex parte* BPO.

43
44 Notice of the hearing shall be given to both parties. Subsequent to a
45 hearing on the merits of the application, the *Lupong Tagapamayapa* may
46 extend a BPO that grants relief under Section 14 for a period of six (6) months.
47 The issuance of a BPO shall not preclude any applicant from applying or
48 receiving a subsequent BPO concerning the same matter.

1 SECTION 18. *Temporary Protection Order (TPO)*. – A Temporary
2 Protection Order (TPO) may be issued by a Court prior to the issuance of a
3 Permanent Protection Order (PPO) and shall be based on an application under
4 Section 14 herein. Any application for TPO or PPO must be made with
5 territorial RTC, Metropolitan Trial Court, Municipal Trial Court, or Municipal
6 Circuit Trial Court with territorial jurisdiction over the place of residence of
7 the offended family or the senior citizen victim who suffered violence described
8 under Section 4 of this Act; *Provided*, however, that if a Family Court exists
9 in the place of residence of the person for whom the application is made, the
10 application shall be filed with that Court.

11
12 A Court that received an application for a PO shall issue a TPO on the
13 date of the filing of the application for *ex parte* determination that such order
14 shall be issued. The TPO shall be effective for thirty (30) days. The Court shall
15 schedule a hearing on the issuance of a PPO prior to or on the date of
16 expiration of the TPO. The Court shall order the immediate service of the TPO
17 on respondent by the Court Sherriff who may obtain the assistance of law
18 enforcement agents for the purpose. The TPO shall include a notice of the
19 hearing on the merits of the issuance of PPO.

20
21 SECTION 19. *Permanent Protection Order (PPO)*. – A Permanent
22 Protection Order (PPO) may be issued only by the Court after the notice and
23 hearing.

24
25 Any application for TPO or PPO must be made with an RTC,
26 Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial
27 Court with territorial jurisdiction over their place of residence of the offended
28 family or the abused senior citizen who suffered violence described under
29 Section 4 of the Act; *Provided*, however, that if a Family Court exists in the
30 place of residence of the person for whom the application if made, the
31 application shall be filed with that Court.

32
33 Respondent's non-appearance despite proper notice, or lack of a lawyer,
34 or the non-availability of respondent's lawyer shall not be a ground for
35 rescheduling or postponing the hearing on the merits of the issuance of a
36 PPO. If the respondent appears without counsel on the date of the hearing on
37 the PPO, the Court shall appoint a lawyer for the respondent and immediately
38 proceed with the hearing. In case the respondent fails to appear despite proper
39 notice, the Court shall allow *ex parte* presentation of the evidence by the
40 applicant and render judgment on the basis of the evidence presented. The
41 Court shall allow the introduction of any history of abusive conduct of a
42 respondent even if the same was not directed against the applicant or the
43 person for whom the application is made.

44
45 The court shall, to extent possible, conduct the hearing on the merits
46 of the issuance of a PPO in one (1) day. Where the court is unable to conduct
47 the hearing within one (1) day and the TPO issued is due to expire, the court
48 shall continuously extend or renew the TPO for the duration of the case until

1 final resolution on the case is issued. *Provided*, however, that the PPO may be
2 modified by the Court accordingly to address the needs of the applicant.
3

4 The Court may grant any, some, or all of the reliefs provided in Section
5 14 hereof through a PPO. A PPO shall be effective until revoked by a Court
6 upon application of the person in whose favor the order was issued. The Court
7 shall ensure immediate service of the PPO on respondent. The Court shall not
8 deny the issuance of a PO on the basis of the lapse of time between the act of
9 violence or abuse as defined in Section 4 herein, and the filing of the
10 application.
11

12 Regardless of the conviction or acquittal of the respondent, the Court
13 must determine whether or not the PPO shall become final. Even in a
14 dismissal of the application for a PPO, the same shall be granted as long as
15 there is no clear showing that the act which the order might arise from did
16 not exist.
17

18 Failure to act on application for a PO within the period specified in the
19 previous sections without justifiable cause shall render the *Lupong*
20 *Tagapamayapa*, the *Punong Barangay* or the Barangay Chairman, the
21 *Barangay Kagawad*, the Official, or the Judge administratively liable.
22

23 SECTION 20. *Priority Action on Application for a Protection Order.* –
24 Hearings on applications for a PO under this Act shall have priority over all
25 other proceedings. Barangay officials, *Lupong Tagapamayapa* and the Courts
26 shall schedule and conduct hearings on applications for a PO under this Act
27 above all other businesses and, if necessary, suspend other proceedings in
28 order to hear applications for a PO.
29

30 Respondents shall be notified of the issuances of a PO.
31

32 SECTION 21. *Prohibition Against Undue Influence Over a Protection*
33 *Order Applicant.* – A *Lupong Tagapamayapa*, a *Punong Barangay* or Barangay
34 Chairman, or the Court hearing an application for a PO shall not order, direct,
35 force, or in any way unduly influence the application for a PO to compromise
36 or abandon any of the reliefs sought in the application for a PO provided under
37 this Act. Section 7 of the Family Courts Act of 1997 shall not apply in the
38 proceedings where relief is sought under this Act.
39

40 Failure to comply with this section shall render the concerned
41 individuals, official, or Judge administratively liable.
42

43 SECTION 22. *Mutual Protection Order Prohibited.* – No order for
44 protection of the offender or respondent may be granted by a *Lupong*
45 *Tagapamayapa* or a *Punong Barangay* or Barangay Chairman and the Courts.
46

47 SECTION 23. *Complaint against a Violation of Protection Order.* – A
48 complaint on the violation of a BPO issued under this Act shall be filed directly
49 with any Municipal Trial Court, Metropolitan Trial Court, or Municipal Circuit

1 Trial Court that has territorial jurisdiction over the barangay that issued the
2 BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30)
3 days without prejudice to any other criminal or civil action that the offended
4 party may file for any of the acts committed under Section 4 hereof.
5

6 SECTION 23. *Complaint against a Violation of Protection Order.* – A
7 complaint on the violation of a BPO issued under this Act shall be filed directly
8 with any Municipal Trial Court, Metropolitan Trial Court, or Municipal Circuit
9 Trial Court that has territorial jurisdiction over the barangay that issued the
10 BPO. Violations of a BPO shall be punishable by imprisonment of thirty (30)
11 days, without prejudice to any other criminal or civil action that the offended
12 party may file for any of the acts committed under Section 4 hereof.
13

14 A judgment on a violation of a BPO may be appealed according to the
15 Rules of Court. During trial and upon judgment, the trial court may *motu*
16 *proprio* issue a PO as it seems necessary without need of an application.
17

18 A violation of any provision of a TPO or PPO issued under this Act shall
19 constitute contempt of court punishable under the Rules of Court, without
20 prejudice to any other criminal or civil action that the offended party may file
21 for any of the acts committed in accordance with Section 4 hereof.
22

23 Any violation of a PO issued under this Act shall constitute an offense
24 punishable by imprisonment of thirty (30) days, without prejudice to any
25 criminal or civil action that the offended party may file against a person who
26 has committed any acts described in Section 4 hereof.
27

28 A complaint on a violation of the PO shall be filed by the complainant
29 directly with the Court that issued the order, or with that Court in the place
30 of residence of the complainant, if the former is not practicable. A criminal
31 case for violation of a PO shall be tried and resolved by the Court within sixty
32 (60) days from the date the complaint was filed. The Court, upon
33 determination of probable cause, shall cause the arrest of the accused who
34 may post bail in the interim in an amount to be determined by the Court.
35

36 A judgment on a violation of a PO may be appealed according to the
37 Rules of Criminal Procedure. During trial and upon judgment, the Court may
38 *motu proprio* issue a PO as it deems necessary.
39

40 SECTION 24. *Hold Departure Order.* – A hold departure order shall be
41 issued immediately by the Court against the respondent of a complaint of
42 abuse against a senior citizen as described under this Act.
43

44 SECTION 25. *Penalties.* – Commission of the acts described under
45 Section 3 hereof shall suffer the following penalties:
46

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

- 1
2 b) Acts falling under Section 4(a) resulting in mutilation shall be
3 punishable in accordance with the Revised Penal Code: *Provided*, that
4 those resulting in serious physical injuries shall be punishable with the
5 penalty of *prison mayor*; those resulting in less serious physical injuries
6 shall be punishable by *prison correctional* and those resulting in slight
7 physical injuries shall be punishable by *arresto mayor*.
8
9 c) All other acts enumerated in Section 4 hereof shall be punishable by
10 *prison correctional* and a fine in an amount not less than One hundred
11 pesos (P100,000.00) but not more than Three hundred pesos
12 (P300,000.00).
13

14 In addition to these penalties, a person found guilty of any of the acts
15 enumerated in Section 4 hereof shall be required to undergo mandatory
16 psychological counselling or psychiatric treatment and shall report
17 compliance therewith to the court.
18

19 A Barangay Official or law enforcer who fails to respond to any request
20 for assistance or protection from or on behalf of a victim shall suffer
21 imprisonment of six (6) months to one (1) year, at the discretion of the Court
22 and pay fine of not less than Five thousand pesos (P5,000.00), but not more
23 than Ten thousand pesos (P10,000.00).
24

25 Any person who fails to report any act of violence described in Section
26 3 hereof as required herein shall be liable for a fine of not less than Ten
27 thousand pesos (P10,000.00). Whenever applicable, criminal or
28 administrative charges may also be filed.
29

30 SECTION 26. *Counseling and Treatment of Offenders.* – The DSWD shall
31 provide rehabilitation counselling and treatment of perpetrators towards
32 learning constructive ways of coping with anger and emotional outburst and
33 reforming their ways. When necessary, the offender shall be ordered by the
34 Court to submit to psychiatric treatment or confinement.
35

36 SECTION 27. *Appropriations.* – The amount necessary for the initial
37 implementation of this Act shall be charged against the current year's
38 appropriations of concerned departments. Thereafter, the amount needed for
39 the continued implementation of this Act shall be included in the budget of
40 the concerned departments in the annual General Appropriations Acts.
41

42 For LGUs, the implementation of the programs shall be charged against
43 the internal revenue allotment and other internally generated funds of the
44 LGU concerned.
45

46 In addition, the departments concerned and the LGUs, may accept
47 donations, contributions and grants from various sources for the purpose of
48 implementing this Act.
49

1 SECTION 28. *Implementing Rules and Regulations (IRR)*. – Within six (6)
2 months from the approval of this Act, the secretary of the DSWD, in
3 coordination with the Secretaries of the DOJ, the Department of Interior and
4 Local Government (DILG) and the DOH, shall formulate rules and guidelines
5 as may be necessary for the proper implementation and enforcement of this
6 Act. This shall include developing protocols and training programs for all
7 agencies and public officers concerned and a public information and
8 education programs on violence against senior citizens. The implementing
9 rules and regulations (IRR) provided under this Act shall be reviewed
10 periodically, and revised if necessary.

11
12 SECTION 29. *Suppletory Application*. – For purposes of this Act, the
13 Revised Penal Code and other applicable laws, shall have suppletory
14 application.

15
16 SECTION 30. *Separability Clause*. – If any provision of this Act shall be
17 declared unconstitutional or invalid, such declaration shall not invalidate
18 other parts thereof which shall remain in full force and effect.

19
20 SECTION 31. *Repealing Clause*. = All laws, executive orders,
21 presidential decrees or issuances, letters of instruction, administrative orders,
22 rules, and regulations contrary to or inconsistent with the provisions of this
23 Act are hereby repealed, amended, or modified accordingly.

24
25 SECTION 32. *Effectivity Clause*. – This Act shall take effect fifteen (15)
26 days after its publication in the Official Gazette or in a newspaper of general
27 circulation.

28
29 Approved,