

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 1699



Introduced by Representatives
HORACIO P. SUANSING, JR. and MIKAELA ANGELA B. SUANSING

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

EXPLANATORY NOTE

No less than our fundamental law enshrines the care for older people. This filial responsibility is entrusted to the family, which has the primary duty to care for its elderly members, while the State may also do so through just programs of social security. Further, the Constitution also demands full equality of all persons before the law and explicitly prohibits discrimination on the bases of race, religion, gender, and physical conditions.

These fundamental precepts serve as the strong foundation of Republic Act No. 9994, also known as the Expanded Senior Citizens Act of 2010, and of Republic Act No. 7277, or the Magna Carta for Disabled Persons. The enactment of these laws demonstrates the Filipino people's commitment to the well-being of the more vulnerable members of society, particularly senior citizens and persons with disabilities (PWDs).

While our present laws provide for adequate promotion of the welfare of the elderly and PWDs, there remains a lack of legal framework for their protection against physical abandonment by the people entrusted with their care. Corollary, the Revised Penal Code only contains provisions that punish various forms of abandonment or neglect of children and of other persons whose physical, emotional and/or financial conditions render them dependent on others for care and support.

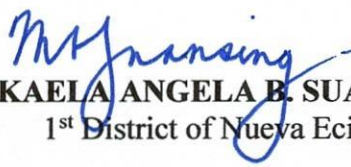
In September 2020, while the country was grappling with the pandemic, news of an abandoned 76-year-old female person with disability (PWD) under a bridge in Manila, identified as Legicia Tan, went viral and shocked the senses of the Filipino people. This inhumane act has prompted the city government to file charges against three (3) suspects, one of which is the nephew of the victim.¹

¹ 3 Suspects face raps for abandoning elderly PWD in Manila bridge. Retrieved from: <https://www.pna.gov.ph/articles/1114455>

This measure seeks to prevent similar instances. This bill aims to protect the elderly and PWDs against neglect by their supposed caretakers who forsake their responsibilities at the expense of the former's well-being and, in some cases, their lives. This is in consonance with the duty of the Congress to provide the policy scaffolding that will safeguard the dignity, rights, safety, and well-being of all members of our society, especially the most vulnerable.

In view of the foregoing, the passage of this bill is earnestly sought.²


HORACIO P. SUANSING, JR.
2nd District of Sultan Kudarat


MIKAELA ANGELA B. SUANSING
1st District of Nueva Ecija

² This bill was filed in the 18th Congress by Reps. Horacio P. Suansing, Jr. and Estrellita B. Suansing.

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

SECTION 1. *Short Title.* — This Act shall be known as the “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 shall penalize the neglect of a vulnerable elderly person or a person with disability.

SECTION 3. *Definition of Terms.* — For the purposes of this Act, the following terms shall mean:

- (1) *"Abandon"* means to desert a vulnerable elderly person or a person with disability 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 disability, at such person's place of residence, including, but not limited to food and nutrition, shelter, hygiene, prescribed medication, and medical care or treatment. The term caregiver shall include:
 - (a) a parent, spouse, adult, child or other relative by blood or marriage, who resides with, or resides in the same building, and who regularly visits the vulnerable elderly person or the person with disability, and who knows or reasonably 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 disability or by another to reside with, or regularly visit the vulnerable elderly person or the person with 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 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 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 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 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 Disability.*

— A person is guilty of criminal neglect of a vulnerable elderly person or a person with disability when he or she is a caregiver and:

- (1) knowingly acts in a manner likely to cause the vulnerable elderly person or the person with 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 that 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 disability without justifiable causes.

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 disability, but through no fault of his or her own, has been unable to provide for 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 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 (PhP 10,000.00) but not exceeding One Hundred Thousand Pesos (PhP 100,000.00).

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 disability under any other provision of laws.

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.* — All laws, decrees, orders, and issuances, 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 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,