

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Constitution Hills, Quezon City

**NINETEENTH CONGRESS**  
*Second Regular Session*

**HOUSE BILL NO. 9132**



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**INTRODUCED HON. RUWEL PETER S. GONZAGA**

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**EXPLANATORY NOTE**

The Commission on Human Rights has committed to ensure the protection, promotion, and fulfillment of all human rights especially those who are considered disadvantaged, marginalized, and vulnerable sector of our society. In addition, the enactment of a law that will ensure the welfare of older persons and their protection against abuse and neglect is deemed necessary.

Based on their data, as of 2014, there are violation of rights cases involving victims aged sixty (60) years old and above. The range of 3.2 to 27.5% elderly abuse reported by the general public of which children are the main perpetrators. The extent of abuse is primarily on physical and verbal, ridicule and discrimination, the dependence of younger family members in the older person's meager financial savings and negligence.

All over the world there is a serious problem on elder persons and senior citizens who are commonly subjected to all kinds of abuses. Our failure to act can create a risk or harm to them whether unintentional neglect or intentional neglect. The Philippine Government has a mandate to protect and promote the wellbeing of our senior citizens. According to the Philippine Statistics Authority (PSA), the aging population of the Philippines doubled the number of Filipinos aged 60 years and above.

On the same manner, report from the Philippine National complaint desk also manifested the increasing number of Filipino elderlies who are abused in the hands of their own family, caregiver and loved one. This information does not include those unreported cases because they are afraid to report or tell the police, friends, or family that they are also victims which aggravate their feelings of being hurt.

The passage of this bill will be a framework of every Filipino elder and senior citizens that they have a right and that the State will protect them on any form of elderly abuse.

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

  
**RUWEL PETER S. GONZAGA**

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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 House of Representatives of the Philippines in Congress assembled:*

**SECTION 1. Short Title.** — This Act shall be known as the "Anti-Senior Citizens Abuse Act 2023."

**SEC. 2. Declaration of Policy.** — It is the policy of the State to protect and promote the rights, dignity, security, and welfare of senior citizens. Towards this end, the State shall work actively to eliminate all forms of senior citizen abuse, provide sanctions for the commission of any form of abuse inflicted upon senior citizens, and adopt a program for the prevention, deterrence, 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 sixty (60) years old or above;
- b) **Senior Citizen Abuse** refers to a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to a Senior Citizen. It includes, but is not limited to, the following acts:
  - 1) *Physical Abuse* refers to acts that include bodily or physical harm. It includes striking, hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, burning, inappropriate use of drugs and physical restraints, force-feeding, and physical punishment of any kind;
  - 2) *Sexual Abuse* refers to non-consensual acts which are sexual in nature. It includes, but is not limited to, (i) rape, acts of lasciviousness, treating one as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the body, forcing one to watch obscene publications and indecent shows or forcing one to do indecent acts and/or make films or photographs thereof, sodomy, coerced nudity, and unwanted sexual touching; (ii) causing or attempting to cause one to engage in any sexual activity by force, threat of force, whether physical or other harm, or threat of physical or other harm or coercion; or (iii) prostituting the senior citizen;

- 3) *Psychological Abuse* refers to acts or omissions causing or is likely to cause mental or emotional suffering. It includes verbal assaults, insults, threats, intimidation, public ridicule, humiliation, mockery, vilification, harassment, and enforced social isolation;
- 4) *Economic Abuse* refers to acts that make or attempt to make a Senior Citizen financially dependent. It includes withdrawal of financial support, deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of one's property, control or misuse of the money or property of a Senior Citizen, encashment of a Senior Citizen's check without authorization or permission, forgery of a Senior Citizen's signature, coercion or deception of a Senior Citizen into signing any document, and the improper use of conservatorship, guardianship, or power of attorney;
- 5) *Neglect* refers to the failure of those responsible to feed, or provide shelter, health care, or protection to a 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, threatening, attempting to cause or placing a senior citizen in fear of imminent, physical abuse to a Senior Citizen;
- b) Causing or attempting to cause sexual abuse to a Senior Citizen;
- c) Causing or attempting to cause psychological abuse to a Senior Citizen;
- d) Causing or attempting to cause economic abuse to a Senior Citizen;
- e) Neglect of a Senior Citizen; an
- f) Other analogous or similar acts.

**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 Subsections (a) and (b) shall be punishable by prison mayor in its maximum period;
- b) Acts falling under Subsection (c) shall be punishable by *prison mayor in its medium and maximum periods*;
- c) Acts falling under Sec. 4(d) shall be punishable by *prison correctional in its maximum and prison mayor in its minimum period*;
- d) Acts falling under Sec. 4(e) shall be punishable by *arresto mayor*, unless it results in a physical, psychological and other abuse.

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

- a) The offender-perpetrator has been previously convicted under this Act;
- b) The offender is a relative of up to the 2nd degree of consanguinity or affinity to the victim;
- c) The offender is an owner-operator, manager, or employee of a privately-operated, for profit or non-profit, elderly facility; and
- d) The offender is a public official, staff or employee of a government-operated elderly residential/group 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 filing of the appropriate civil case for damages or administrative cases. Administrative penalties shall include the suspension or revocation of accreditation or license to operate issued by the Department of Social Welfare and Development (DSWD).

**SEC. 6. *Public Crime.*** — Senior Citizen Abuse shall be considered 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. *Defense.*** — Being under the influence of alcohol, any illicit drugs, or any other mind-altering substance shall be considered as aggravating circumstances under this Act.

**SEC. 8. *Persons Intervening Exempt from Liability.*** — Any person who responds or intervenes with force or violence that is 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 Senior Citizen Abuse cases shall be confidential. For this purpose, all persons shall respect the right to privacy of the victim in accordance with Republic Act No. 10173, or the Data Privacy Act of 2012, and other related laws, rules, and regulations. Any person who shall make public any relevant or identifying information about the case or the victim shall be punished with imprisonment of one (1) year and a fine of Five Hundred Thousand Pesos (P500,000.00).

**SEC. 10. *Establishment of a Senior Citizens Help Desk.*** — Every barangay shall establish a Senior Citizen Help Desk and corresponding hotline number 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. In addition, police stations across the country shall have a Senior Citizen Desk which shall attend to, and act on, complaints/cases covered by this Act.

**SEC. 11. *Response to a Request for Assistance.*** — In responding to a request for assistance, a barangay official or law enforcer shall have the following duties:

- a) Respond immediately to a call for help or request for protection of the victim by entering the Senior Citizen victim's dwelling, if necessary, to assist the victim;
- b) Confiscate any harmful object in the possession of the perpetrator, or one which is within plain view;
- c) Transport the victim to a barangay hall, or to a clinic or hospital;
- d) Assist the victim in removing personal belongings from the dwelling;
- e) Ensure the enforcement of the Protection Order issued in accordance with Section 14 hereof;
- f) Arrest the suspected perpetrator even without a warrant when any of the acts constituting Senior Citizen abuse defined hereof is occurring, or if based on personal knowledge, an act of violence has been committed, and there is imminent danger to the life or limb of the Senior Citizen; and
- g) Immediately report the call for assistance to the DSWD, the Local

Government Unit (LGU) or accredited Non-Government Organization (NGO).

**SEC. 12. 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 the rights and remedies provided under this Act, including the services available to them.

**SEC. 13. 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 Attorneys Office (PAO);
- c) To be entitled to support services from the National Commission for Senior Citizens and other concerned agencies and LGUs;
- d) To be entitled to all legal remedies and support as provided under the Family Code and other relevant laws; and
- e) To be informed of their rights and the services available to them, including their right to apply for a protection order.

**SEC. 14. Barangay Protection Order.** — Barangay Protection Orders (BPOs) refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing the prohibited acts under Section 4 of this Act. A Punong Barangay who receives an application 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.

Immediately after the issuance of an *ex parte* BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy of the same on the respondent or direct any barangay official to effect its personal service. The parties may be accompanied by a non-lawyer advocate in any proceeding before the Punong Barangay.

Hearings on applications for a BPO shall have priority over all other proceedings.

BPOs shall be effective for a period of thirty (30) days.

**SEC. 15. *Mandatory Programs and Services for Victims.*** — The NCSC and other relevant agencies shall provide appropriate assistance to victims, including, but not limited to, temporary shelters, counseling, psycho-social services and/or recovery, rehabilitation programs and livelihood assistance.

The NCSC shall include services addressing Senior Citizen Abuse. All suspected cases of Senior Citizen Abuse must be reported in accordance with existing laws. The NCSC, in coordination with the relevant agencies and LGUs, shall maintain a Senior Citizen Abuse documentation and case monitoring system, and set up a databank to keep an accurate and reliable record of instances of abuse and violence committed against the Senior Citizens.

**SEC. 16. *Formulation of the Program.*** — Within one (1) year from the effectivity of this Act, the NCSC and the Department of Justice (DOJ), in coordination with relevant stakeholders, shall formulate a comprehensive program for the protection of Senior Citizens against Senior Citizen Abuse.

**SEC. 17. *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, incidences and consequences of Senior Citizen Abuse. They shall ensure that all personnel are aware of the provisions of this Act and the ways to prevent the commission of Senior Citizen Abuse as provided under the Act.

**SEC. 18. *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 NCSC, to acquaint them with the following:

- 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, LGU personnel, police officers, court authorities, and other persons offering assistance and protection to victims of Senior Citizen Abuse;
- d) Available services and facilities for victims of Senior Citizen Abuse; and
- e) Approaches in handling Senior Citizen Abuse cases to minimize injury, protect the privacy, promote the safety, and ensure the well-being of the victim.

The Department of Health (DOH), in partnership with relevant public and private institutions, shall provide capacity-building training 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, specifically on handling Senior Citizen Abuse.

**SEC. 19. *Counseling and Rehabilitation of Offenders-Perpetrators.*** — The DSWD shall provide rehabilitative counseling and treatment of perpetrators towards learning constructive ways of coping with anger, emotional outbursts, or stress. Psychiatric treatment or confinement may also be recommended by the responsible authorities, if necessary.

**SEC. 20. *Funding.*** — The amount necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

**SEC. 21. *Implementing Rules and Regulations.*** — Within six (6) months from the approval of this Act, the NCSC, in coordination with the DOJ, DSWD, DOH, Department of Interior and Local Government (DILG), and the Philippine National Police (PNP), and in consultation with concerned stakeholders, shall promulgate the implementing rules and regulations for the effective implementation of this Act.

**SEC. 22. *Suppletory Application.*** — The Revised Penal Code and other applicable laws shall have suppletory application in the implementation of this Act.

**SEC. 23. *Separability Clause.*** — If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

**SEC. 24. *Repealing Clause.*** — All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SEC. 25. *Effectivity.*** — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,