

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

NINETEENTH CONGRESS
2nd Regular Session

House Bill No. **9435**



**Introduced by Representatives EDVIC G. YAP, ERWIN T. TULFO,
JOCELYN P. TULFO, and RALPH WENDEL P. TULFO**

EXPLANATORY NOTE

The 1987 Constitution declares one of its State policies the promotion of the dignity of every human person including full respect for their rights. These rights do not discriminate based on age or incapacity and must be guaranteed to any person by the State.

However, up to this day, the country's senior citizens and persons with disabilities remain the most vulnerable and disadvantaged in several facets of society notwithstanding the initiatives being taken by the State to provide them with adequate and comprehensive support programs.

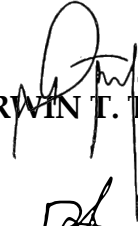
Apart from the continuing social barriers that both senior citizens and persons with disabilities face, they also suffer lingering functional difficulties and health conditions that warrant prompt care and attention by their immediate kin. Despite such amount of medical supervision that they need, a significant number of the senior citizens and persons with disabilities were granted otherwise, if not utterly neglected. In fact, a study conducted by the United States Department of Justice in 2015 shows that persons with disabilities experienced 1.3 million violent victimizations, accounting for 21% of all violent victimization. Meanwhile, according to the United Nations Human Rights Office of the High Commissioner, "one (1) in six (6) people aged 60 and above experienced some form of abuse in community settings." In fact, this number of domestic violence against the elderly considerably increased during the COVID-19 pandemic." The United Nations projects that between 2019 to 2030, the number of persons aged 60 years or over will grow by 38% globally.

It is in this regard that this measure seeks to ensure that the country's senior citizens and persons with disabilities are accorded protection from all forms of violence, abuse, neglect, exploitation, and coercion, especially acts detrimental to their personal safety and security. Through this, the state would be able to provide them a conducive and nurturing community.

In view of the foregoing, the approval of this Bill is earnestly sought.



HON. EDVIC G. YAP



HON. ERWIN T. TULFO



HON. JOCELYN P. TULFO



HON. RALPH WENDEL P. TULFO

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AN ACT
DEFINING AND PENALIZING THE CRIME OF ABUSE, EXPLOITATION, AND
NEGLECT OF VULNERABLE ELDERLY PERSON AND PERSONS WITH
DISABILITY

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 "*Care for the Elderly*
2 *and the Disabled Act of 2023.*"

3
4 **SEC. 2. *Declaration of Policy.*** - The State values the dignity of every person
5 and guarantees full respect for human rights. To this end, the State shall penalize the
6 abuse, exploitation, and neglect of a vulnerable elderly person or a person with
7 disability.

8
9 **SEC. 3. *Definition of Terms.*** - For the purposes of this Act, the following terms
10 shall mean:

11
12 (1) "*Abandon*" means to desert a vulnerable elderly person or a person with
13 disability with the intent to wholly abandon him or her;

14
15 (2) "*Abuse*" refers to the willful and unjustified acts of any person, including a
16 caregiver, towards an elderly;

17
18 (3) "*Exploitation*" refers to any act by any person to take advantage of the
19 diminished capacity of an elderly to protect

20
21 (2) "*Caregiver*" means a person who provides for the health, welfare, and
22 personal care of a vulnerable elderly person or a person with disability, at
23 such person's place of residence, including, but not limited to food and

1 nutrition, shelter, hygiene, prescribed medication, and medical care or
2 treatment. The term caregiver shall include but not limited to:

3
4 (a) a parent, spouse, adult, child or other relative by blood or marriage,
5 who resides with, or resides in the same building, and who regularly
6 visits the vulnerable elderly person or the person with disability, and
7 who knows or reasonably knows that such person is unable to
8 adequately provide for his or her own health and personal care;

9
10 (b) a person employed by the vulnerable elderly person or a person
11 with disability or by another to reside with, or regularly visit the
12 vulnerable elderly person or the person with disability and provide for
13 such person's health and personal care; (c) a person who has agreed for
14 consideration to reside with, or regularly visit the vulnerable elderly
15 person or the person with disability and provide for such person's
16 health and personal care;

17
18 (d) a person who has been appointed by a private or public agency or
19 by a court of competent jurisdiction to provide for the health and
20 personal care of the vulnerable elderly person or the person with
21 disability; and

22
23 (e) a person who holds a power of attorney or other legal or fiduciary
24 relationship that requires such person to provide for the health and
25 personal care of the vulnerable elderly person or the person with
26 disability. The term caregiver shall not include a long-term health care
27 facility licensed or certified under the provisions of public health laws,
28 or any administrative, medical or other personnel of such a facility, or
29 a health care provider who is licensed under the law and renders care
30 in the ordinary course of his or her profession.

31
32 (3) "*Person with disability*" refers to any person who is suffering from
33 restriction of different abilities as a result of a mental, physical, or sensory
34 impairment, to perform an activity in the manner or within the range
35 considered normal for a human being.

36
37 (4) "*Vulnerable elderly person*" refers to any resident of the Philippines, at least
38 sixty (60) years old, who is suffering from a disease or infirmity associated
39 with advanced age.

40
41 **SEC. 4. Criminal Acts of Abuse, Exploitation, and Neglect of a Vulnerable**
42 ***Elderly Person or a Person with Disability.*** - It shall be unlawful for any person to
43 commit any of the following acts of abuse, exploitation or neglect against an elderly
44 or a person with disability, to wit:

(1) To obtain control over money, assets, or property of the elderly through undue influence or deceitful machinations with the intention to deprive the elderly of its ownership, use, and benefit;

(2) To deliberately cause mental or emotional distress through verbal or physical abuse, intimidation, harassment, public humiliation, and pillory which debases, degrades, or demeans the intrinsic worth and dignity of the vulnerable elderly or person with disability;

(3) Fails to perform acts which he or she knows or reasonably should know that are necessary to maintain or preserve with disability and such failure causes said person's life to be endangered, injured, or his or her pre-existing physical or mental condition to deteriorate; or

(3) abandons the vulnerable elderly person or the person with disability without justifiable causes; or

(4) Other analogous circumstances which threaten or endanger the life and health of the vulnerable elderly or person with disability.

SEC. 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.

SEC. 6. *Protective Services.* - The offended party shall immediately be placed under the protective custody of the Department of Social Welfare and Development (DSWD). The DSWD Officer shall be free from any administrative, civil, or criminal liability in the performance of his or her duties herein provided.

SEC. 7. *Mandatory Programs and Services for Victims.* - The DSWD, and local government units shall provide the victim temporary shelters, provide counseling, psycho-social services and /or, recovery, rehabilitation programs, and livelihood assistance.

The Department of Health shall provide medical assistance to victims.

SEC. 8. *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 (Php10,000.00) but not exceeding One Hundred Thousand Pesos (Php100,000.00).

1 **SEC. 9. *Prescriptive Period.*** - Violations of the provisions of this Act shall
2 prescribe after a period of ten (10) years.

3
4 **SEC. 10. *Other Remedies.*** - No provision of this Act shall be construed to limit
5 the remedies available to the vulnerable elderly person or the person with disability
6 under any other provision of laws.

7
8 **SEC. 11. *Implementing Rules and Regulations.*** - Within six (6) months from
9 the approval of this Act, the DOH, the DSWD, the Department of Interior and Local
10 Government, and the Philippine National Police, shall promulgate the Implementing
11 Rules and Regulations (IRR) of this Act.

12
13 **SEC. 12. *Separability Clause.*** - If any provision or part hereof is held invalid
14 or unconstitutional, the same shall not affect the validity and effectivity of the other
15 provisions hereof.

16
17 **SEC. 13. *Repealing Clause.*** - All laws, decrees, orders, and issuances, or
18 portions thereof, which are inconsistent with the provisions of this Act, are hereby
19 repealed, amended or modified accordingly.

20
21 **SEC. 14. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
22 complete publication in the Official Gazette or in a newspaper of general circulation.

23
24
25 Approved,