

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19th CONGRESS
Second Regular Session

HOUSE BILL NO. 9454



Introduced by HONORABLE MILAGROS AQUINO-MAGSAYSAY

**AN ACT AMENDING REPUBLIC ACT NO. 11350, OTHERWISE KNOWN AS THE
"NATIONAL COMMISSION OF SENIOR CITIZENS ACT", PROVIDING FOR ITS
ORGANIZATIONAL STRUCTURE, EFFICIENT TRANSITION AND
OPERATIONALIZATION, AND MAXIMIZING ITS FUNCTIONALITY FOR THE
BENEFIT OF SENIOR CITIZENS**

EXPLANATORY NOTE

This bill seeks to amend Republic Act (RA) No. 11350, otherwise known as the "National Commission of Senior Citizens Act", providing for its efficient transition from the Department of Social Welfare and Development (DSWD) through a more coherent organizational structure, establishing clear mechanisms for its effective operationalization and clarifying institutional arrangements to ensure maximum functionality.

RA 11350 7876 or the National Commission of Senior Citizens Act was passed as a response to the decades-long clamor from the elderly sector that there finally be a primary government agency focused on their rights, interests and welfare. While RA 7432 providing for the benefits and privileges of senior citizens was twice amended, first by RA 9257 and then by the prevailing RA 9994, there was a need for a law establishing organizational structures and institutional arrangements that will support mechanisms operationalizing elderly programs and services.

Unfortunately, since the law's passage in 2019, the transition from the DSWD to the NCSC has not happened. Moreover, even with the appointment of the Commissioners in 2020, the NCSC has not displayed any capability to assume the responsibilities and functions of the NCSC pertaining to the senior citizens' sector. It is for this reason that the law needs to be amended to provide more guidance and clearer directions on the law's original intention, thereby ensuring that the elderly sector does not suffer the consequences of an inefficient and non-functional body.

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



MILAGROS AQUINO-MAGSAYSAY

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

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Introduced by Honorable Milagros Aquino-Magsaysay

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

**SECTION 1. Section (3) of RA 11350 on the creation of the National Commission
of Senior Citizens (NCSC) is hereby amended to read as follows:**

“SEC. 3. *Creation of the National Commission of Senior Citizens.*- There is hereby created the National Commission of Senior Citizens, hereinafter referred to as the Commission, and which shall be under the Department of Social Welfare and Development for appropriate oversight. The Commission shall establish its principal office in the National Capital Region and it may set up field offices in coordination with appropriate government agencies like the DSWD.”

SECTION 2. Section (4) on the Composition of the NCSC is hereby amended to read as follows:

“SEC. 4. *Composition.*- The Commission shall be composed of a Chairperson and six (6) Commissioners and shall act as a collegial body and shall decide by consensus all substantive matters pertaining to NCSC functions, including hiring and appointment of staff . The Chairperson shall be the Chief Executive Officer of the Commission. The six (6) Commissioners shall represent different geographical regions of the Philippines, equally covering the major Luzon, Visayas, and Mindanao clusters. *Provided, That the full Commission shall meet at least once every quarter, or as need arises.*”

SECTION 3. Section (6) on the Qualifications of the Commissioners is hereby amended to read as follows:

“SEC. 6. *Qualifications.*— The members of the Commission must be citizens and residents of the Philippines; at least sixty (60) years old at the time of their appointment; of good moral character; bona fide members of registered or accredited senior citizens associations with a good track record; holders of a college degree, have relevant experience, extensive knowledge and expertise with matters affecting the affairs of senior citizens; of good health and sound mind; have not been convicted by a final judgment of a crime involving moral turpitude; and recommended by at least three (3) other senior citizens organizations including the one he/she is a member of: *Provided, That* at least three (3) Commissioners shall be women.

“Relevant experience, extensive knowledge and expertise on senior citizens affairs” as important qualification requirements refers to familiarity with laws, policies and programs affecting senior citizens, longtime active membership in a legitimate senior citizen organization, previous leadership position or official representation in a board or committee organized by the DSWD, NAPC, or local government unit, and prior participation in advocacies for elderly rights and welfare.”

SECTION 4. Section (7) on the Functions of the NCSC is hereby amended to read as follows:

SEC. 7. *Functions.* -The Commission shall:

- (a) Ensure the full implementation and uniform enforcement of laws, policies, and programs of the government pertaining to senior citizens; Review and conduct studies on the same; and formulate, develop, and advocate for new policies and responsive legislation for the promotion and protection of the rights and well-being of senior citizens;
- (b) Develop and establish an effective Monitoring and Reporting System, including a Complaints Handling Mechanism, to ensure the efficient, consistent and uniform implementation of all relevant laws, programs and services, especially those under Republic Act No. 9994;
- (c) Coordinate and evaluate the programs, projects and activities of government agencies especially those with responsibilities under RA No. 9994 and its Implementing Rules and Regulations; Call upon and utilize any department, bureau, office, agency or instrumentality, public, private or voluntary, for such assistance to ensure proper implementation of all other senior citizens laws;

- (d) Develop an integrated and comprehensive long-term National Plan for the social protection of senior citizens at all levels, including establishing and maintaining a National Database on the Profiling and Referral system of senior citizens;
- (e) Raise a level of public awareness on the rights and welfare of senior citizens through the conduct of nationwide, strategic information, education, and communication (IEC) programs or campaigns;
- (f) Initiate and conduct regular orientations, trainings, and other capability-building programs and activities on RA 9994 implementation and other senior citizens laws and programs like the Centenarian Act and the Senior Citizens Center Act;
- (g) Coordinate the conduct and evaluation of the Philippine Plan of Action for Senior Citizens (PPASC), related researches and documentation of Good Practices, gaps and disparities for policy and program development; Develop and institute effective and innovative approaches and methods with which to address emerging concerns of the senior citizens;
- (h) Establish and maintain cooperation and consultations with local government units and national government agencies on all matters pertaining to the general welfare of senior citizens;
- (i) Establish, maintain and expand partnerships, linkages and other networks with national, regional and international organizations working with senior citizens to optimize resource generation, technical cooperation and exchange; Initiate consultative dialogues, special meetings, relevant fora and symposia to support elderly advocacies and programs;
- (j) Represent the Philippines in international functions, fora, or conferences on senior citizens and keep abreast with international standards of human rights, latest developments in social protection, and other emerging trends and issues affecting senior citizens;
- (k) Prepare yearly accomplishment report for the Office of the President and Congress, and any other concerned national government and local government units;
- (l) Constitute and convene when necessary, a special advisory body to be composed of such representatives from the government, nongovernment organizations, civil society, and the private sector, as the Commission may deem appropriate, to assist in the performance of its functions; Act as a consultative forum and coordinating body to rationalize the functions and activities of government agencies involved in the social protection of senior citizens;
- (m) Develop appropriate mechanisms and procedures for the selection and nomination of the members of the Commission for appointment by the President; and

- (n) Perform such other actions and functions for the promotion of the welfare of senior citizens, as may be directed by the President.

SECTION 5. Section (8) on the Organizational Structure of the NCSC is hereby amended to read as follows:

SEC. 8. Organizational Structure. -Subject to the approval of the Department of Budget and Management (DBM), the Commission, in addition to the careful consideration of the above-mentioned functions and responsibilities, shall have an organizational structure, staffing pattern, offices, divisions, or units based on the responsibilities and functions it shall also absorb and take over from the DSWD and such other elderly-related concerns and emerging trends; *However*, it may create other offices, divisions or units as it may deem necessary to fully operationalize and maintain its functionality; The NCSC shall recruit, hire, and appoint its officers and employees in accordance with civil service laws, rules and regulations. *Provided*, the remuneration structure for the positions in the staffing pattern shall strictly conform to Republic Act No. 6758, otherwise known as the "Compensation and Position Classification Act of 1989".

The NCSC shall have the following organizational structure to absorb all related functions from DSWD mentioned in Section 10 (Abolition of the NCMB) and Section 11 (Transfer of Functions from DSWD) and respond to its staffing requirements:

To ensure the re-activation of all functions and responsibilities being handled by the former National Coordinating and Monitoring Board (NCMB) and its Technical Secretariat, especially those pertaining to RA 9994 implementation, monitoring and reporting

To ensure continued operations of various sectoral programs and services especially the Social Pension Program and financial assistance/AICS under the DSWD Programs Management Bureau (PMB), there shall be a counterpart office for elderly programs and operations

For Elderly Group Homes, Residential Care Facilities and other centers for senior citizens operated and monitored by the DSWD Programs Management Bureau, there shall also be a counterpart division or unit for elderly centers and facilities

For the regulation, licensing and accreditation requirements being enforced by the DSWD Standards Bureau for Non-Government Organizations (NGOs) and local government units (LGUs) operating and maintaining elderly centers and facilities, including the mandated Senior Citizens Center under RA 7876, there shall be a counterpart division for regulation and licensing

For elderly sector policy questions, emerging trends, compliance with international commitments, and priority legislative measures, as well as the crafting of the successive 5-year sectoral agenda, the Philippine Plan of Action for Senior Citizens (PPASC), all currently under the Policy Development and

Planning Bureau (PDPB) and Department Legislative Liaison Office (DLLO), there shall be a counterpart office that will perform tasks related to policy advocacy, policy formulation or development, legal review and reform, including research on matters affecting the senior citizens sector;

For the development of social welfare programs and other relevant interventions that will address elderly concerns, including the piloting and marketing of new technologies currently being performed by the DSWD Social Technology Bureau, a counterpart division shall be established to work closely with the office or unit in-charge of programs and operations;

For administrative and finance matters, as well human resources/personnel and procurement concerns, the necessary administrative support office shall be established; while a division for information technology and communications systems may be included in this office for technical support;

The transition may likewise duly consider the implications of the Mandanas ruling further devolving specific social services and programs to the local government units, and how counterparts and staffing requirements at the local level may be affected to ensure institutional arrangements and mechanisms are in place.

SECTION 6. Section (9) on the appointment of the Executive Director is hereby amended to read as follows:

SEC. 9. *Executive Director.* -The Commission shall appoint an Executive Director employees in accordance with civil service laws, rules and regulations and Career Executive Service Board (CESB) requirements and procedures. shall be responsible for implementing the policies, rules, regulations and directives of the Commission; the management of the Commission's daily operations; and for coordinating and supervising the activities of the different offices, divisions, and units of the Commission.

The Executive Director shall be a Career Executive Service Officer or CES eligible, and shall have an educational background in any of the following fields: law; economics; commerce; management; social services; or finance. The Executive Director should have at least five (5) years of relevant experience, knowledge and expertise in senior citizens' policies, programs and services.

SECTION 7. Section (10) on the abolition of the National Coordinating and Monitoring Board (NCMB) is hereby amended to read as follows:

SEC. 10-A. *Abolition of the National Coordinating and Monitoring Board.* -The National Coordinating and Monitoring Board created by virtue of Republic Act No. 9994, otherwise known as the "Expanded Senior Citizens Act of 2010", is hereby abolished. Provided, that all the previous functions, duties and responsibilities of the NCMB are fully absorbed and taken over by the NCSC to prevent a gap or vacuum in the implementation and monitoring of Republic Act No. 9994, the primary senior citizens law granting benefits and privileges. These shall include the following:

- a) Regularly review the status of implementation of RA 9994 benefits and privileges of senior citizens under the different categories of businesses or industries, taking note of any emerging problems or confusing gray areas that need clarification;
- b) Coordinate with other relevant government agencies to resolve specific policy questions and for the issuance and updating of necessary supplemental guidelines, rules or regulations to help implement RA 9994 provisions;
- c) Discuss and cooperate with private sector representatives, including different businesses and industry associations, to clarify implementation issues and ensure uniform application of RA 9994 privileges;
- d) Provide regular capability-building and training for Officer of Senior Citizens Affairs (OSCA) Heads who are tasked to receive complaints for violations of RA 9994 especially non-availment of discount privileges, as well as officers of the Federation of Senior Citizens Associations of the Philippines (FSCAP) and other senior citizens organizations who are entitled to be updated on developments;
- e) Maintain and update the NCMB webpage and online resources page, as well as the official NCMB email and query hotline;
- f) Compile and consolidate relevant materials and documentations on RA 9994, the Social Pension Program, the Centenarians Act, and other elderly laws and programs
- g) Discuss and resolve issues and concerns pertaining to RA 9994 benefits availment, complaints and violations, and issue clarificatory NCSC inter-agency Resolutions for guidance;

There shall be established NCSC Regional Offices where the respective Commissioners shall hold office. To help operationalize these offices, the Institutional Arrangements at the Regional Level shall be maintained as follows under Section 10-B to read as follows:

SEC. 10-B - The former Regional Inter-Agency Committee for Senior Citizens (RIASC) and Regional Coordinating and Monitoring Body (RCMBs) organized by the DSWD Field Offices shall be reactivated and maintained as implementing and monitoring arms at the regional level for the NCSC, and shall regularly coordinate with the designated Commissioner with oversight over said area. The previous Terms of Reference (TOR) governing the RIASCs and RCMBs may be amended and updated to address any changes as may be called for.

SEC. 10-C. - An Inter-Agency Advisory Committee composed of relevant national line agencies formerly tasked with implementing and monitoring RA 9994 shall be created to assist the NCSC in its functions. The National Commission for Senior Citizens (NCSC), shall coordinate with other relevant government agencies like the Department of Social Welfare and Development (DSWD), the Department of Interior and Local Government (DILG), the Department of Health (DOH), the Philippine Health Insurance Corporation (PhilHealth), the Department of Trade and Industry (DTI), the Technical Education and Skills Development Authority (TESDA), the Department of Labor

and Employment (DOLE), the Department of Agriculture (DA), the Department of Transportation (DOTr), the Department of Justice (DOJ), the Commission on Human Rights (CHRP), the National Economic Development Authority (NEDA), the Department of Education (DepEd), the Commission on Higher Education (CHED), the Department of Foreign Affairs (DFA) or other government agencies and local government units, which shall be tasked to facilitate related programs and services to the senior citizens shall assist in the effective implementation of this Act and provide the necessary support services.”

SECTION 8. Section (11) on the Transfer of Functions from the DSWD is hereby amended to read as follows:

SEC. 11. Transfer of Functions from the Department of Social Welfare and Development (DSWD) to the National Commission of Senior Citizens (NCSC). -All functions, programs, projects and activities which are being undertaken by the Department of Social Welfare and Development (DSWD) for the formulation, implementation, and coordination of social welfare and development (SWD) policies and programs for the poor, vulnerable and disadvantaged senior citizens shall be transferred to the National Commission of Senior Citizens (NCSC). Provided, the NCSC is 100% organizationally-ready and institutionally-prepared with proper offices, divisions and units, completely staffed with qualified and experienced personnel familiar with the existing elderly programs and services, including bonded public servants to serve as special disbursement officers (SDOs) for Social Pension pay-outs. Until then, DSWD shall continue and maintain its leadership and implementation over senior citizens welfare programs and services.

SECTION 9. Section (12) On Appropriations of RA 11350 shall be amended to read as follows:

“SEC. 12-A. Appropriations. – The amount necessary to fund the implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 12-B Donations. – The Commission shall be authorized to receive grants, donations, contributions or gifts which will be administered or disbursed for the purpose of which they were given, such as for DSWD-run senior citizens centers and residential group homes, or in the absence of such, as the Commission may determine. Such donation shall be exempt from donor’s tax in accordance with the provisions of the National Internal Revenue Code (NIRC) of 1997. In all cases, government rules and regulations shall apply.

SECTION 10. Oversight – The NCSC, while retaining its operational independence, shall be under the Oversight of the DSWD, and shall regularly report to the Office of the President (OP) and the respective Senate and House Committees tackling senior citizens concerns.

SECTION 11. Section (13) on the Implementing Rules and Regulations of this Act is hereby amended to read as follows:

"Sec. 13. Implementing Rules and Regulations. — Within one hundred eighty (180) days from the approval of this Act, the Department of Social Welfare and Development (DSWD) in coordination with the National Commission for Senior Citizens (NCSC), and proper consultation with the Department of Budget and Management (DBM), the Civil Service Commission (CSC), the Department of Interior and Local Government (DILG), the League of City Mayors of the Philippines (LCP), League of Municipal Mayors of the Philippines (LMP) and Union of Local Authorities of the Philippines (ULAP), shall issue the rules and regulations to effectively implement the provisions of this Act. Any violation of this section shall render the concerned official(s) liable under Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees" and other existing administrative and/or criminal laws."

SECTION 11. Separability Clause – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 12. Repealing Clause – All laws, decrees, executive orders, rules or regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. Effectivity – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in newspaper of general circulation.

Approved