

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL No. **10617**



Introduced by: HONORABLE ROSEMARIE CONEJOS PANOTES

EXPLANATORY NOTE

The Philippine Constitution, specifically under Section 4, Article XV, explicitly provides that "[T]he family has a duty to care for its elderly members but the State may also do so through just programs of social scrutiny."

The State has dutifully done its part by implementing laws granting benefits to senior citizens by way of granting discounts and other privileges now being enjoyed by senior citizens. However, these laws have become meaningless to those who do not have money to purchase medicines or dine in restaurants or ride in any mode of transportation as they cannot be able to enjoy the discounts. There should be another way by which the government could let these unfortunate senior citizens feel that they have not been abandoned or neglected.

There is an urgent need also to address some more pressing social problems like the abandoned, disadvantaged, disabled, deprived and sometimes abused senior citizens, who continue to wander in most conspicuous places, particularly in Metro Manila and other urban centers, as they have gotten less attention from the government.

In our country, the traditional norms and values showed great respect and care for the aged by the family itself. However, due to deteriorating economic conditions of most families in recent years, society has seen a large number of parents not being maintained by their children, and in fact, they are often being perceived as burden, even while living with the family. Unlike in affluent families, they are even quarrelling over the custody of their elderly parents apparently to protect or preserved their inheritance.

The situation clearly reveals that ageing has become a major social challenge, particularly with respect to care and treatment required for the elderly. The time has come when the moral obligation to look after their parents in their old age has to be backed by a legal obligation.

This bill therefore seeks to implement the Seniors Citizens Welfare Act, to penalize the children, who will allow their parents to roam and wander aimlessly totally uncared for and no shelter to lay their weary feet, tired bodies and souls.

The paramount objectives of this piece of legislation are to ensure that maintenance of older persons by their family will be a matter of right for the parents and that the government must establish home for the aged in every region in order to protect the interest and welfare of senior citizens.

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


ROSEMARIE CONEJOS PANOTES
Representative
Second District, Camarines Norte

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AN ACT

PROVIDING FOR THE WELFARE OF ELDERLY BY INSTITUTING MECHANISMS AGAINST ABUSE, NEGLECT, AND EXPLOITATION, ESTABLISHING A HOME FOR THE ELDERLY IN EVERY REGION, PRESCRIBING PENALTIES FOR ANY VIOLATION THEREOF, AND APPROPRIATING FUNDS THEREFOR

*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 Elderly Welfare Act*”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to value the dignity of the elderly and must be accorded with adequate welfare measures for their care and protection. Toward this end, the State shall make it a legal obligation for children to provide proper maintenance and support to the elderly persons.

SEC. 3. Definition of Terms. – As used in this Act, the following terms shall mean:

- a) Elderly refers to any person who is sixty (60) years old and above and may be used interchangeably as a senior citizen;
- b) Abuse refers to any wilful and unjustified act directed towards an elderly;
- c) Neglect occurs when his basic needs have been deliberately unattended or inadequately attended or when he is ill clad and without proper shelter, left by himself without provisions for his needs and/or without proper supervision or when maltreated, raped, seduced, exploited, overworked or made to work under conditions not conducive to good health, or are made to beg in the streets or public places or when the elderly are in moral danger, or exposed to gambling, prostitution and other vices;
- d) Exploitation refers to an act committed by any person to take advantage of the diminished capacity of an elderly;

- e) Dependent Elderly is one who is without a child, or one whose child or children for good cause desires to be relieved of his care or custody and is dependent upon the public for support; and
- f) Abandoned Elderly is one who has no proper child care or whose child or children have deserted him for a period of at least three (3) continuous months.

SEC. 4. *Prohibited Acts of Abuse, Neglect and Exploitation.* – It shall be unlawful for any person to commit against an elderly the following:

- a) To inflict or threaten to inflict any physical harm or injury, including any form of sexual harassment;
- b) To physically restrain under inhuman conditions with the intention of permanently restricting the movements and interaction with other members of the community;
- c) To cause mental or emotional distress through verbal abuse, intimidation, harassment, public humiliation and pillory;
- d) To obtain control money, assets or property of the elderly through undue influence or deceitful machinations with the intention of depriving the elderly of its ownership, use and benefit;
- e) To prevent from engaging in any legitimate profession, occupation or business in the absence of any harm or threat of abuse on the person of an elderly; and
- f) For the children of the elderly, to wilfully neglect to provide food, medicines, shelter, clothing or services necessary for the physical and mental health.

SEC. 5. *Duty to Report Abandonment.* – When the child or children of an elderly are dead or, if living, have abandoned him or her, for no valid reason, for at least three (3) months in a hospital or similar place, or left him with any other person for the same period without providing for his care and support, such fact shall be reported immediately to the Department of Social Welfare and Development (DSWD). In case of an elderly left in a hospital, agency, or institution, immediate transfer of the elderly must be arranged. The DSWD shall make provisions for the adequate care and support of the elderly and shall take action as it may deem proper for his best interests.

SEC. 6. *Establishment of Home for the Elderly.* – There shall be established a Home for the Elderly in every region under the direct supervision and control of the Department of Social Welfare and Development (DSWD) to provide the necessary elderly care, including food, shelter and clothing for the dependent, abandoned, and neglected elderly.

SEC. 7. *Appropriations.* – The amount necessary for the implementation of this Act shall be charged against the appropriations of the DSWD under the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 8. *Penalties.* – Any person guilty of violating the prohibited acts enumerated under Section 4 of this Act shall be punished with imprisonment for not less than six (6) months nor more than one (1) year or a fine of one hundred thousand pesos (P100,000.00) or both at the discretion of the court.

SEC. 9. *Implementing Rules and Regulations.* – The DSWD shall issue the necessary rules and regulations to implement this Act.

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,