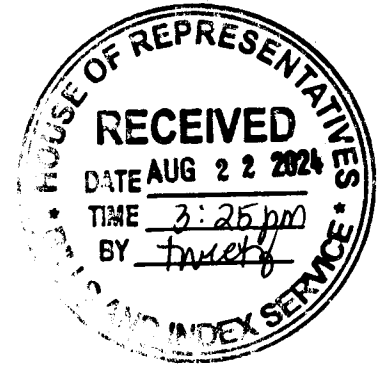


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
NINETEENTH CONGRESS
Third Regular Session



House Bill No. **10809**

Introduced by **HON. EDUARDO RAMA JR.**
2nd DISTRICT, CEBU CITY

EXPLANATORY NOTE

Our history has witnessed how our society puts a high premium on the elderly. Indeed, respect for the elderly has been the mark of Asian societies, including the Philippines.¹ However, studies show that a number of elderly have been subject to abuse in homes and in institutions. To make matters worse, many cases of elderly abuse are not reported, and even not properly documented.

In a 2017 study, the World Health Organization defined elder abuse as 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 an older person.”²

Despite this pressing concern, the Philippines currently has no legislation that specifically defines the term and that explicitly addresses abuse against the elderly. This has resulted in elder abuse becoming an “invisible issue,” leading to a lack of systematic reporting and monitoring mechanisms to prevent elder abuse and provide support for victims.³

In line with the country’s efforts to strengthen the protection of the rights of the elderly, this Bill provides the definition of elder abuse and the consequent penalties for the commission thereof, mandates government agencies to provide mandatory programs and services for victims of elder abuse, institutionalizes mandatory reporting of cases involving elder abuse, requires responders to undergo capacity-building in response to victims of elder abuse, and directs barangays and courts to issue protection orders for victims.

¹ Carlos, C. (1999). Concerns of the Elderly in the Philippines. *Philippine Social Sciences Review*, 56. nos. 1-4.

² Abuse of older people. (2017). World Health Organization. Retrieved July 15, 2024, from <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

³ Inputs of the Commission on Human Rights of the Philippines on violence, abuse, and neglect of older persons. (2023). In Commission on Human Rights. Retrieved July 15, 2024, from <https://www.ohchr.org/sites/default/files/documents/cfi/subm-2023-07/subm-violence-abuse-neglect-nhri-commission-on-human-rights-philip.pdf>

Given the necessity of this Bill, its enactment is highly suggested.

A stylized handwritten signature in black ink, consisting of a large, sweeping loop followed by a horizontal line.

REP. EDUARDO R. RAMA JR.

Representative

2nd District, Cebu City

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House Bill No. **10809**

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2nd DISTRICT, CEBU CITY

**AN ACT DEFINING ELDERLY ABUSE, PROTECTING SENIOR CITIZENS FROM
ABUSE AND VIOLENCE, AND PRESCRIBING PENALTIES THEREOF**

*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-Elderly Abuse and Violence Act of 2024”.

SECTION 2. *Declaration of State Policy* — The State values the life and dignity of every person and guarantees full respect for human rights. In doing so, the State is proactive in eliminating all forms of abuse and violence against the elderly.

SECTION 3. *Definition of Terms.* — As used in this Act, the following terms shall mean as follows:

- a) **Barangay Protection Orders (BPOs)** – refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing acts under Section 4 of this Act.
- b) **Elderly** – refers to any resident of the Philippines who is at least sixty (60) years of age. This term can be used interchangeably with the term “senior citizen”.
- c) **Elder abuse** – any act or omission to an elderly, resulting in unnecessary suffering, injury, or pain, loss or violation of human rights, and a diminished quality of life for the older person. It may take the form of physical, psychological, and emotional abuse, financial or material exploitation, medical maltreatment, or even sexual exploitation and abandonment.

d) **Financial abuse** – the illegal or improper exploitation or use of funds or resources of the elderly. This applies to Acts that make or attempt to make an older person financially dependent, and/or actual deprivation or threat of deprivation of financial resources such as withdrawal of financial support, including controlling the victim-survivor's own money or properties.

e) **Permanent Protection Order (PPO)** – refers to a protection order issued by the court after the issuance of a Temporary Protection Order and after notice and hearing.

f) **Physical abuse** – the infliction of pain or injury, physical coercion, or physical or drug-induced restraint; includes intentional acts of violence that inflict bodily or physical harm.

g) **Protection Order** – an order issued under this Act for the purpose of preventing further acts of abuse and violence against an elderly or senior citizen as specified in Section 4 of this Act.

h) **Psychological abuse** – the infliction of mental anguish. This applies to acts and/or omissions causing or likely to cause mental or emotional suffering such as but not limited to intimidation, public ridicule, humiliation, mockery and vilification, repeated verbal abuse, harassment, and threats.

i) **Safe space or shelter** – refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other suitable place that is willing to accommodate the aggrieved senior citizen.

j) **Senior Citizen** – refers to any citizen residing in the Philippines who is at least sixty (60) years old as defined under Republic Act No. 9994, otherwise known as the “Expanded Senior Citizens Act of 2010”.

k) **Temporary Protection Orders (TPOs)** – refer to the protection order issued by the court.

SECTION 4. Acts of Abuse and Violence Against an Elderly – this refers to any act or series of acts committed by any person, which includes but is not limited to the following:

- a. Physical abuse or infliction of pain or injury with the use of physical force resulting in bodily injury, physical harm, pain or impairment, suffering or distress;

- b. Sexual abuse or non-consensual sexual contact with the elderly or senior citizen. It includes, but is not limited to sexual assault, rape, sodomy, coerced nudity, and capturing sexually explicit acts in photographs, or video recording;
- c. Psychological, mental, or emotional abuse causing mental or emotional suffering or distress;
- d. Financial exploitation comprises either of the following:
 - i. The wrongful or unauthorized taking, withholding, appropriating or use of money, assets, or property of an elderly.
 - ii. Any act or omission taken by a person, including through the use of a power of attorney, or guardianship, of an elderly to either:
 - 1. Obtain control through deception, intimidation, or undue influence over the elderly's money, property, and assets to deprive the elderly of the ownership, use, benefit, or possession of the elderly's money, assets, or property.
 - 2. Convert money, assets, or property of the elderly to deprive the elderly of the ownership, use, benefit, or possession of the eligible adult's money, assets, or property.
 - iii. Any act or omission that involves illegal or improper use of funds or resources of the elderly, and economic or financial abuse through acts that make the elderly financially or economically dependent;
- e. Abandonment or desertion by leaving a senior citizen unattended at a place for such a considerable length of time, as may be likely to endanger the health and welfare of the elderly by an individual who has assumed responsibility for providing care for the elderly.
- f. Neglect consists of refusal or failure to:
 - i. Provide the elderly with basic life necessities such as food, water, shelter, and other essentials;
 - ii. Fulfill any part of a person's obligations or duties to an elder;
 - iii. Provide care by a person, who has fiduciary or legal responsibility to an elderly or the failure on the part of an in-home service provider to provide necessary care.

SECTION 5. Construction. — This Act shall be liberally construed to promote the protection and safety of an elderly or senior citizen who is a victim of abuse and violence. Nothing in this Act shall be construed to interfere with or abridge the rights of an elderly or senior citizen.

SECTION 6. *Rights of the Elderly Who is a Victim of Abuse.* — During the pendency of a case involving any form of abuse made against an elderly or senior citizen, in addition to those provided under existing law, the victim shall have the following rights:

- a. Avail protection and legal assistance from the Public Attorney's Office ("PAO") of the Department of Justice ("DOJ") or any public legal assistance office;
- b. Be provided with support services from the Department of Social Welfare and Development ("DSWD"), and the local government unit ("LGU") where the victim resides;
- c. Be entitled to all legal remedies as provided under the Family Code;
- d. Be informed, through the Senior Citizen Help Desk established hereunder, of the senior citizen's rights and services available, including the right to apply for a protection order; and
- e. Be entitled to actual, compensatory, moral, and exemplary damages.

SECTION 7. *Mandatory Programs, and Services for an Elderly who is a Victim of Abuse.* — The DSWD, in coordination with the LGUs concerned, shall provide the following services to an elderly or senior citizen who is a victim of any form of abuse:

- a. Provision of a safe space or temporary shelter, such as senior housing, nursing home, or other suitable facility or service, whenever appropriate, as an emergency short-term shelter;
- b. Counseling, psycho-social services, recovery or rehabilitation programs, and livelihood assistance; and
- c. Other programs ensure the personal safety and security of the elderly and prevent the recurrence of violent acts committed against them.

The DSWD is further mandated to adopt the components of the Reporting System and Prevention Program for Elderly Abuse Cases ("ReSPPEC"), which includes social preparation; establishment of a reporting mechanism; and case management.

The Office of the Senior Citizens Affairs ("OSCA") shall include services for the elderly who are a victim-survivor. In coordination with the Local Social Welfare and Development Officer ("LSWDO"), it shall maintain a documentation and case monitoring system to keep an accurate and reliable record of instances of elderly abuse in the city or municipality.

SECTION 8. *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, whether or not a protection order has been issued to ensure the safety of 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 hospital;
- d. Ensure the enforcement of the Protection Orders ("PO") issued by the *Lupong Tagapamayapa*, the *Punong Barangay*, or Barangay Chairman and the court having jurisdiction;
- e. Lawfully arrest the suspected perpetrator in accordance with the existing laws and regulations; and
- f. Immediately report the call for assistance to the DSWD, the LGU concerned, or an accredited non-government organization ("NGO").

SECTION 9. *Reporting by Covered Institutions* — Healthcare professionals, caregivers, nurses, including those working at nursing homes and long-term care facilities, law enforcement officers, court-appointed guardians, and personnel of banks and other financial institutions may report actual or suspected abuse as previously enumerated in Section 4 of this Act in a manner prescribed by the implementing rules and regulations.

SECTION 10. *Establishment of an Anti-Elder Abuse Help Desk*. — Every barangay shall establish and designate an Anti-elder Abuse Help Desk that provides immediate assistance to victim-survivors of abuse.

SECTION 11. *Jurisdiction and Venue* — The Regional Trial Court ("RTC") designated as a Family Court, or in the absence of such court, the RTC in the place where the crime or any of its elements was committed, shall have original and exclusive jurisdiction over cases of abuse against an elderly or senior citizen as provided in this Act.

The Rules of Court and relevant issuances of the Department of Justice for the filing of a complaint shall find application in this Act.

SECTION 12. *Protection Orders*. — A protection order may be issued by the barangay in the form of a Barangay Protection Order ("BPO") and by the court in the form of a Temporary Protection Order ("TPO") and Permanent Protection Order ("PPO").

SECTION 13. *Who may file for an Application or Petition for Protection Orders*. — An application or petition for a protection order may be filed by the offended party or on his/her behalf by any of the following:

- a. Court-appointed guardians of the offended party;
- b. Attorney-in-fact of an elderly or senior citizen who acts within the authority of the power of attorney; or
- c. Any other person legally authorized to seek such relief.

If the elderly or senior citizen suffers from physical or mental disability, or when the person is legally prevented from applying for himself or herself, a law enforcer, public official, social worker, or healthcare provider having personal knowledge of the abuse may apply for a Protection Order on the victim's behalf.

SECTION 14. *Additional Reliefs.* — The aforementioned protection orders issued against the respondent may include any or all of the following reliefs:

- a. Prohibition of the respondent from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 4 of this Act;
- b. Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the victim and the petitioner, directly or indirectly;
- c. Directing the respondent to stay away from the victim, petitioner and designated family or household member at a distance specified by the court, and to stay away from the residence, place of employment, or any specified place frequented by the victim, petitioner and any designated family or household member;
- d. Directing petitioner to accompany the victim in the residence of the parties to ensure that the victim is safely restored to the possession of essential personal effects, or to supervise the the latter's or respondent's removal of personal belongings;
- e. Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him/her to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the offender is a law enforcement agent, the court shall order the offender to surrender his firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on matter;
- f. Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, and loss of income;
- g. Directing the DSWD or any appropriate agency to provide victim services that he/she may need; and
- h. Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the victim, petitioner and any designated family or household member, provided the petitioner and any designated family or household member consents to such relief.

SECTION 15. *Where to apply or file for Protection Order.* — Applications for BPOs shall follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations.

A petition for a TPO or PPO may be filed in the Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial Court with territorial jurisdiction over the place of residence of the petitioner: Provided, however, that if a Family Court exists in the place of residence of the victim or petitioner, the application shall be filed with that court.

SECTION 16. *Issuance of a Barangay Protection Order (BPO)* — Upon receipt of an application for a BPO, the Punong Barangay, or the Barangay Kagawad next in rank in case of unavailability of the Punong Barangay, shall issue summons for the respondent notifying him/her that an application has been filed. The respondent shall have seven (7) days from receipt of the summons to file his/her Response. If the summons can not be served despite diligent efforts, an *ex parte* hearing on the application shall take place.

After receipt of the Response, the Punong Barangay shall call the parties for a hearing. If there is merit in the application, the Punong Barangay shall grant the application for BPO. 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 the personal service.

SECTION 17. *Issuance of Temporary Protection Orders.* — Upon receipt of a petition for a temporary protection order, the court shall conduct an initial hearing, on the same day of the application or the next calendar day, for *ex parte* determination of the petition. If the petition is with merit, the court will issue an order to summon the respondent and allow him or her to object.

If the respondent files his or her comment or objection, the court will hold another hearing in the presence of both parties. If the court finds that the offended party is in imminent danger due to the respondent's acts or omissions, it will grant the application and issue the Temporary Protections Order. The court may also grant any, some, or all of the reliefs mentioned in this Act. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

The court shall schedule a hearing on the issuance of a PPO prior to or on the date of the expiration of the TPO. The court shall order the immediate personal service of the TPO on

the respondent by the court sheriff who may obtain the assistance of law enforcement agents for the service.

SECTION 18. *Permanent Protection Orders.* – In case of non-appearance of the respondent, or lack of a lawyer, or the non-availability of his or her lawyer, such will not constitute as ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO.

If the respondent appears without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow *ex parte* presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history of abusive conduct of a respondent even if the same was not directed against the applicant or the person for whom the applicant is made.

The court shall, to the extent possible, conduct the hearing on the merits of the issuance of a PPO in one (1) day. Where the court is unable to conduct the hearing within one (1) day and the TPO issued is due to expire, the court shall continuously extend or renew the TPO for a period of thirty (30) days at each particular time until final judgment is issued. The extended or renewed TPO may be modified by the court as may be necessary or applicable to address the needs of the applicant. The court may grant any, some or all of the reliefs specified in Section 15 hereof in a PPO.

Once issued, the court shall cause the immediate personal service of the PPO on the respondent. Regardless of the conviction or acquittal of the respondent, the Court must determine whether or not the PPO shall become final. Even in a dismissal, a PPO shall be granted as long as there is no clear showing that the act from which the order might arise did not exist.

SECTION 19. *Effectivity of Protection Orders* — The protection orders issued under this Act shall have the following effectivity period:

- a. BPOs shall be effective for fifteen (15) days.
- b. A TPO shall be effective for thirty (30) days.
- c. A PPO shall be effective until revoked by a court upon application of the person in whose favor the order was issued.

The court shall not deny the issuance of a protection order on the basis of the lapse of time between the act of violence and the filing of the application.

SECTION 20. *How to Apply or File for a Protection Order.* – The application for a protection order must be in writing, signed, and verified under oath by the applicant. It may be filed as an independent action or as incidental relief in any civil or criminal case, the subject matter or issues thereof partakes of abuse as described in this Act.

A standard protection order application form, written in English with translation to the major local languages, shall be made available to facilitate applications for protection orders, and shall contain, among other, the following information:

- a. Names and addresses of petitioner and respondent;
- b. Description of relationships between petitioner and respondent;
- c. Statement of the circumstances of the abuse;
- d. Description of the reliefs requested by petitioner as specified in Section 15 herein;
- e. Request for counsel and reasons for such;
- f. Request for waiver of application fees until hearing; and
- g. An attestation that there is no pending application for a protection order in another court.

If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to the following:

- a. Circumstances of the abuse suffered by the victim; and
- b. Circumstances of consent given by the victim for the filing of the application.
- c. When disclosure of the address of the victim will pose a danger to his/her life, it shall be so stated in the application.
- d. The victim is residing in the municipality or city over which the court has territorial jurisdiction and shall provide a mailing address for the purpose of service processing.

Barangay officials and court personnel shall assist applicants in the preparation of the application. Law enforcement agents shall also extend assistance in the application for protection orders in cases brought to their attention.

An application for a protection order filed with a court shall be considered an application for both a TPO and a PPO.

SECTION 21. *Prohibited Acts in the Application for Protection Orders* — Any barangay official or court officials acting on the application for protection orders shall not order, direct, force, or in any way influence the application to enter into a compromise or abandon

any of the additional reliefs sought in accordance with this Act. Failure to comply under this Section shall render the official or judge administratively liable.

SECTION 22. *Enforceability of Protection Orders.* — All TPOs and PPOs issued under this Act shall be enforceable anywhere in the Philippines and a violation thereof shall be punishable with a fine ranging from Five Thousand Pesos (P5,000.00) to Fifty Thousand Pesos (P50,000.00) and/or imprisonment of six (6) months.

SECTION 23. *Legal Representation of Applicant for a Protection Order* — If the petitioner for a PO cannot afford legal representation because of a lack of financial resources, the Court shall immediately direct the Office of the Public Prosecutor who has jurisdiction over the application or petition to represent the petitioner in the corresponding hearing.

A private counsel may offer his or her services to represent the petitioner with the latter's consent, and with leave of Court.

SECTION 24. *Mandatory Period For Acting on Applications For Protection Orders.* — Failure to act on an application for a protection order within the reglementary period specified in the previous section without justifiable cause shall render the official or judge administratively liable.

SECTION 25. *Priority of Application for a Protection Order.* — *Ex parte* and adversarial hearings to determine the basis of applications for a protection order under this Act shall have priority over all other proceedings.

Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under this Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

SECTION 26. *Violation of Protection Orders.* — A complaint for a violation of a BPO issued under this Act must be filed directly with any municipal trial court, metropolitan trial court, or municipal circuit trial court that has territorial jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30) days without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

A judgment of violation of a BPO may be appealed according to the Rules of Court. During the trial and upon judgment, the trial court may *motu proprio* issue a protection order as it deems necessary without the need of an application.

Violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under Rule 71 of the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed.

SECTION 27. *Bond to Keep the Peace.* – The Court may order any person against whom a protection order is issued to give a bond to keep the peace, to present two sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented.

Should the respondent fail to give the bond as required, he or she shall be detained for a period which shall in no case exceed six (6) months for acts punishable under Section 4 of this Act.

SECTION 28. *Training for Responders* — All government agencies involved in responding to cases involving elder abuse shall be required to undergo education and training to equip them with knowledge and skills on:

- a. The nature, extent, causes, and risk factors of elder abuse;
- b. The legal rights and remedies available of victim-survivors of elder abuse;
- c. Legal duties and responsibilities of police officers, social workers, court authorities, barangay officials, and OSCA Heads in providing assistance and protection;
- d. Available services and facilities for victim-survivors of elder abuse; and
- e. Specific techniques in handling elder abuse cases to minimize injury and trauma, and to promote safety and the well-being of the victim-survivor.

SECTION 29. *Confidentiality.* — All cases pertaining to elder abuse shall be confidential, and all public officers and employees of public or private hospitals and clinics shall respect the right to privacy of the victim-survivor.

Any person who shall make public any personal information of the victim-survivor and any relevant information related to the case shall be made liable for contempt of court and shall suffer a penalty of a fine of One Hundred Thousand Pesos (PhP100,000.00).

SECTION 30. *Prescriptive Period.* — Acts falling under Section 4 of this Act shall prescribe in twenty (20) years.

SECTION 31. *Penalties* — An offender-perpetrator shall be punished with imprisonment based on the following terms:

1. Acts constituting physical abuse, constituting serious physical injuries shall be punished by *prision mayor*; a penalty of *prison correccional* shall be imposed if the

acts constitute less serious physical injuries; while, *arresto mayor* shall be imposed if the acts constitute slight physical injuries;

2. Acts constituting sexual abuse shall be punished by *reclusion temporal*;
3. Acts constituting psychological and/or emotional abuse, and financial or economic abuse shall be punished by *prision mayor*;
4. Acts constituting neglect or abandonment of an elder shall be punished by *prision correccional*.

Any of the foregoing penalties shall be imposed in its maximum period if:

1. The offender has been previously convicted under this Act;
2. The offender is a descendant, collateral relative or family member of up to the second degree of consanguinity or affinity;
3. The offender is an owner-operator, manager, or employee of a privately-operated, profit or non-profit elderly facility;
4. 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 imposition of penalties shall not preclude the filing of a consequent civil case for damages or administrative charges that may also result in the suspension for revocation of license to operate or accreditation from the DSWD.

SECTION 32. *Prohibited Defense.* — The offender cannot invoke as a defense being under the influence of alcohol, any illicit drugs or any other mind-altering substance.

SECTION 33. *Elder Abuse as a Separate and Independent Crime.* — Elder abuse as a crime shall not absorb or shall not be absorbed by any other crime or felony committed as a consequence, or as a means in the conduct or commission thereof. In this case, elder abuse shall be treated as a separate and independent criminal act whose penalties shall be imposable without prejudice to any other criminal liability provided for by the law.

SECTION 34. *Implementing Rules and Regulation.* — Unless otherwise provided in this Act, the Department of Justice, in coordination with the Department of Social Welfare and Development, shall promulgate rules and regulations for the effective implementation of this Act.

Section 35. *Appropriations.* – The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 36. *Separability Clause.* — If any part, section, or provision of this Act shall be held invalid or unconstitutional, the other provisions shall not be affected thereby.

SECTION 37. *Repealing Clause.* — All other acts, laws, executive orders, presidential issuances, rules, and regulations, or any part thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 38. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.