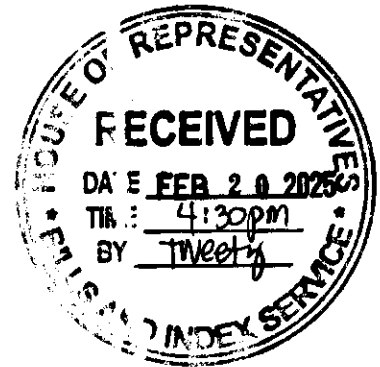


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Third Regular Session

House Bill No. 11466



Introduced by AKBAYAN REP. PERCIVAL CENDAÑA

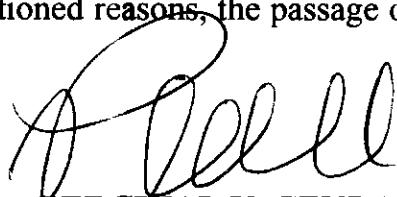
Prefatory Statement

Characterized as an “invisible issue”, elder abuse is a serious form of violence happening often in households where the perpetrators are usually family members of the victim. No longer just an aggravating circumstance, per this proposed legislation, elderly abuse is a crime in and of itself and characterized by acts that take advantage of the special vulnerability of senior citizens.

The World Health Organization reported that around 1 in 6 people 60 years and older experienced some form of abuse in community settings during the past years. The problem may get worse as the number of senior citizens increases. The global population of the elderly will more than double, from 900 million in 2015 to about 2 billion in 2050. Meanwhile, the Philippines’ elderly population has been steadily increasing in both size and proportion. In 2021, senior citizen population in the country has breached 10 million, according to the Commission on Population and Development, and between 2025 to 2030, the country’s population would start to age. The lack of criminal prohibition, reporting mechanisms, and support for victims of elder abuse often result in underreporting and lack of research. Furthermore, older persons are also isolated from social contacts and may have difficulty accessing services which have migrated to digital platforms. Hence, the tag “invisible”.

Elder abuse, according to the World Health Organization, is “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.” It can take various forms such as financial, physical, psychological, sexual, and neglect. This bill aims to define and prohibit elderly abuse, establish a senior citizen help desk in the barangays, provide social protection programs and support for victim-survivors, counselling and rehabilitation for offenders, affirmative acts such as public awareness-raising, and training as well as capacity-building programs for intervenors.

It is time to protect our elderly from violence that comes in all forms and exploits their vulnerability and marginalization. For the aforementioned reasons, the passage of this bill is earnestly sought.



PERCIVAL V. CENDAÑA
Akbayan Partylist

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Introduced by Akbayan Rep. Percival Cendaña

AN ACT
DEFINING AND PROHIBITING ELDER ABUSE, PROVIDING PENALTIES
THEREFORE, AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Short Title*** – This Act shall be known as the “Anti-Elder Abuse
2 Law of 2025”.

3
4 **Sec. 2. *Declaration of Policy*** – Pursuant to Article II, Section 11 of the
5 Philippine Constitution, the State values the dignity of every human person and
6 thereby guarantees the full respect for human rights, and Article III, Section 1, which
7 mandates that “No person shall be deprived of life, liberty, or property without due
8 process of law, nor shall any person be denied the equal protection of the laws,” it is
9 hereby declared the policy of the State to work actively for the elimination of all
10 forms of discrimination, violence and abuse against the elderly.

11
12 Moreover, the following Constitutional provisions also mandate that:

13
14 “The State shall promote a just and dynamic social order that will ensure the
15 prosperity and independence of the nation and free the people from poverty through
16 policies that provide adequate social services, promote full employment, a rising
17 standard of living and an improved quality of life for all.” (Article II, Section 9)

18
19 “The State shall adopt an integrated and comprehensive approach to health
20 development which shall endeavor to make essential goods, health and other social
21 services available to all the people at affordable cost. There shall be priority for the
22 needs of the underprivileged sick, elderly, disabled, women and children.” (Article
23 XIII, Section 12 on Health Services)

1 “The family has the duty to take care of its elderly members but the State may also do
2 so through just programs of social security.” (Article XV, Section 4 on the Filipino
3 Family)

4 In addition, Republic Act No. 9262 or the VAWC Act declares that the State shall
5 exert efforts to address violence committed against women, and Republic Act No.
6 9710 or the Magna Carta of Women Section 33 on the Protection of Senior Citizens
7 state that “the State shall protect women senior citizens from neglect, abandonment,
8 domestic violence, abuse, exploitation, and discrimination.”
9

10 Towards this end, the following discriminatory and abusive practices committed
11 against senior citizens defined herein shall be proscribed and penalized. Moreover, the
12 State shall ensure the establishment of support services and special protective
13 mechanisms to safeguard older people against violence, sexual abuse, exploitation,
14 and discrimination.
15

16 **Sec. 3. Definition of Terms –** 17

- 18 a. **Elderly** refers to any resident of the Philippines at least sixty (60) years of age;
- 19 b. **Discrimination** - Any distinction, exclusion, restriction, or preference, whether
20 actual or perceived, and which has the purpose or effect of nullifying or impairing the
21 recognition, enjoyment, or exercise by all persons of an equal footing of all rights and
22 freedoms.
- 23 c. **Marginalization** – Any condition where people are systematically excluded
24 from meaningful participation in economic, social, political, cultural and other forms
25 of human activity in their communities and thus are denied the opportunity to fulfil
26 themselves as human beings.
- 27 d. **Senior Citizen** – is a person 60 years old or older; it may be used
28 interchangeably with the terms “elderly” or “older person,” which are more
29 encompassing in reference to older people.
- 30 e. **Elder Abuse** - Any act of commission or of omission (“neglect”) to an elderly
31 that may either be intentional or unintentional, resulting in unnecessary suffering,
32 injury or pain, the loss or violation of human rights, and a diminished quality of life
33 for the older person. It may take the form of physical, psychological and emotional
34 abuse, neglect, financial or material exploitation, medical maltreatment, sexual
35 exploitation and abandonment. Some cases involve more than one type of abusive
36 behavior, such as the abuser victimizing the elderly person both physically and
37 emotionally.
- 38 f. **Physical abuse** - The infliction of pain or injury, physical coercion, or physical
39 or drug-induced restraint. Includes intentional acts of violence that inflict bodily or
40 physical harm.
- 41 g. **Battery** – The act of inflicting physical harm resulting to physical and
42 psychological or emotional distress.
- 43 h. **Sexual abuse** - A non-consensual sexual contact of any kind with an elderly.
44 Applies to acts which are sexual in nature such as sexual harassment, acts of
45 lasciviousness, rape and/or sexual assault.

i. ***Psychological or Emotional abuse*** - The infliction of mental anguish. Applies to acts and/or omissions causing or likely to cause mental or emotional suffering such as but not limited to intimidation, public ridicule and humiliation, mockery and vilification, repeated verbal abuse, harassment, and threats.

j. ***Financial or Material abuse*** - The illegal or improper exploitation or use of funds or resources of the elderly. Applies to acts that make or attempt to make an older person financially dependent, and/or the 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.

k. ***Neglect*** - Consists of the refusal or failure to fulfill a care-giving obligation. It may be a result of a conscious and intentional attempt to inflict physical or emotional distress on the older person.

Sec. 4. *Meaning and Context of Elder Abuse* – Under this Act, advanced age or elderliness shall no longer be considered as a mere "aggravating circumstance" in an offense. As in the case of child abuse, age shall be appreciated with the added dimension of vulnerability, a vulnerability an offender or perpetrator takes advantage of.

Elder abuse may be defined as "a single or repeated act, a lack of appropriate action, occurring within any relationship where there is an expectation of trust and support, that causes harm or distress to an older person".

Sec. 5. *Prohibited Acts Constituting Elder Abuse* –

a. Physical abuse is defined as the use of physical force that may result in bodily injury, physical pain, or impairment. Physical abuse may include but is not limited to such acts of violence as striking (with or without the use of an object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning. In addition, inappropriate use of drugs and physical restraints, force-feeding, and physical punishment of any kind are also considered physical abuse.

b. Sexual abuse is defined as a non-consensual sexual contact of any kind with an elderly person. Sexual contact with any older person incapable of giving consent is also considered sexual abuse. It includes, but is not limited to, unwanted touching, all types of sexual assault or battery, such as rape, sodomy, coerced nudity, and capturing sexually explicit acts in photographs and video.

c. Emotional or psychological abuse is defined as the infliction of anguish, pain, or distress through verbal or nonverbal acts. Emotional/psychological abuse includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, and harassment. In addition, treating an older person like an infant; isolating an elderly person from her/his family, friends, or regular activities; giving an older person the "silent treatment;" and enforced social isolation are considered emotional/psychological abuse.

d. Financial or material exploitation is defined as the illegal or improper use of an elder's funds, property, or assets. This includes, but are not limited to, cashing an elderly person's checks without authorization or permission; forging an older person's signature; misusing or stealing an older person's money or possessions; coercing or deceiving an older person into signing any document (e.g. contracts or will); and the improper use of conservatorship, guardianship, or a Power of Attorney.

e. Neglect is defined as the refusal or failure to fulfill any part of a person's obligations or duties to an elder. Neglect may also include failure of a person who has fiduciary responsibilities to provide care for an elder or the failure on the part of an in-home service provider to provide necessary care. Neglect typically means the refusal or failure to provide an elderly person with such life necessities as food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety, and other essentials included in an implied or agreed-upon responsibility to an elder.

f. Abandonment is defined as the desertion of an elderly person by an individual who has assumed responsibility for providing care for an elder, or by a person with physical custody of an elder.

Sec. 6. Penalties – The crime of Elder Abuse shall be punished according to the following Rules:

a. An offender-perpetrator shall be punished with imprisonment according to present criminal laws under The Revised Penal Code (RPC) and Republic Act No. 9262, or the Anti-Violence against Women and Children Act (Anti-VAWC);

a. Acts constituting attempted, frustrated, or consummated parricide, murder or homicide shall be penalized according to the RPC, especially if it results to mutilation;

b. Acts constituting serious physical injuries shall suffer the penalty of *prision mayor*, and acts constituting less serious injuries shall suffer the penalty of *prision correccional*, and anything constituting slight physical injuries shall suffer the penalty of *arresto mayor*;

c. Any act constituting sexual abuse or similar sexual-related offenses shall suffer the penalty of *prision mayor*;

d. Any act constituting psychological and/or emotional abuse shall suffer the penalty of *prision mayor*;

e. Any act constituting financial, economic or material abuse shall suffer the penalty of *prision correccional*;

f. Any act constituting neglect or abandonment of an older person shall suffer the penalty of by *arresto mayor*;

b. The penalty provided shall be imposed in its maximum period:

a. If the offender-perpetrator has been previously convicted under this Act;

1 b. If the offender is a descendant, collateral relative or family member of up to the 2nd
2 degree of consanguinity or affinity;

3 c. If the offender is an owner-operator, manager, or employee of a privately-operated,
4 for profit or non-profit, elderly facility;

5 d. If the offender is a public official, staff or employee of a government-operated
6 elderly residential care facility; Provided, that said public servant or employee can be
7 subjected to suspension and/or termination based on administrative procedures.

8
9 c. In cases involving elderly residential care facilities and homes for the aged, the
10 above-mentioned penalties shall not preclude the consequent civil case for damages or
11 administrative charges that may also result in the suspension or revocation of
12 accreditation or license to operate from the Department of Social Work and
13 Development (DSWD).

14 15 **Sec. 7. Enforcement and Protocols –**

16
17 a. Public Crime - Elder abuse shall be considered a public offense which may be
18 prosecuted upon the filing of a complaint by any citizen having personal knowledge of
19 the circumstances involving the commission of the crime;

20
21 The following persons may file a complaint for elder abuse –

22 a. The offended older person

23 b. Anyone with personal knowledge of the circumstances involving the commission of
24 the crime, including:

25 i. A caregiver, family member or collateral relative within the 4th degree of
26 consanguinity or affinity;

27 ii. A healthcare provider, therapist, or counselor;

28 iii. A fellow senior citizen from an elderly organization, or a churchmate from the
29 parish;

30 iv. A priest or a church leader;

31 v. Barangay officials, including *Barangay Tanods* and other barangay personnel;

32 vi. Social Welfare Officers from the DSWD or Local Government Unit;

33 vii. Police or other law enforcement officers.

34
35 b. Barangay officials or law enforcers shall respond immediately to a call for help
36 or request for assistance by entering the dwelling or wherever the incident occurs,
37 checking on the well-being of the victim, and ensuring the safety of the victim-
38 survivor; As immediate responders, they must also transport or escort the victim to a
39 safe place of their choice or to a clinic or hospital, if and when necessary;

40
41 c. Immunity - Any person or private individual acting in accordance with the law,
42 responds or intervenes without using violence or restraint greater than necessary to
43 ensure the safety of the victim, shall not be liable for any criminal, civil, or
44 administrative case resulting therefrom.

1 d. Prohibited Defense - Being under the influence of alcohol, any illicit drugs, or
2 any other mind-altering substance shall not be a defense under this Act.

3
4 e. Prohibited Acts by Government Officials - Any barangay official or court
5 hearing an application for a Protection Order for an abused elderly shall not order,
6 direct, force, or in any way influence the applicant to compromise or abandon any of
7 the reliefs sought. Failure to comply shall render the official or judge administratively
8 liable.

9
10 f. The DSWD, the Department of Health (DOH), and the National
11 Commission of Senior Citizens (NCSC) shall require physicians, caregivers, or social
12 workers who suspect ill-treatment of senior citizens to discuss the concern with the
13 family or the head of the nursing home or elderly facility. In case the ill-treatment is
14 confirmed, or in the event of suspicious death, the same shall be reported to the
15 appropriate authorities.

16
17 g. Confidentiality - All cases pertaining to elder abuse including those at the
18 barangay level shall be confidential, and all public officers and employees of public or
19 private hospitals/clinics shall respect the right to privacy of the victim-survivor. Any
20 person who shall make public any relevant or identifying information about the case
21 or the victim shall be made liable for contempt of court and shall suffer the penalty of
22 a fine of two hundred thousand pesos (PHP 200,000.00).

23
24 **Sec. 8. Establishment of a Senior Citizens Help Desk** – Every barangay shall
25 establish a senior citizens Help Desk which shall provide immediate assistance to
26 victim-survivors of elder abuse. Apart from barangay officials, it may be staffed by
27 duly accredited representatives of the senior citizens sector or from the membership of
28 a local elderly organization designated and authorized by the Barangay Council or
29 Chairperson.

30
31 **Sec. 9. Mandatory Programs and Services for Victims of Elder Abuse** – The
32 NCSC, DSWD and LGUs shall provide the victims temporary shelter, counseling,
33 psycho-social services and/or recovery and rehabilitation programs, and financial
34 assistance.

35
36 The NCSC/Office of Senior Citizens Affairs (OSCA) shall include services addressing
37 gender-based violence as well as elder abuse. All suspected cases of abuse and/or
38 neglect of senior citizens must be reported in accordance with existing laws. The
39 NCSC/OSCA, in coordination with the Local Social Welfare and Development
40 Officer (LSWDO), shall maintain an elder abuse documentation and case monitoring
41 system, and set up a databank to keep an accurate and reliable record of instances of
42 abuse and violence committed against the elderly.

43
44 **Sec. 10. Counseling and Rehabilitation of Offenders-Perpetrators** – The
45 NCSC and the DSWD shall provide rehabilitative counseling and treatment of
46 perpetrators towards learning constructive ways of coping with their anger, emotional

1 outbursts, or stress, and reforming their ways. Psychiatric treatment or confinement
2 may also be recommended by the responsible authorities, if necessary.

3
4 **Sec. 11. *Trainings and Capacity-Building for Intervenors*** – All government
5 agencies involved in responding to elder abuse cases shall be required to undergo
6 education and training to acquaint them with:

- 7 a. The nature, extent, causes, and risk factors of elder abuse;
8 b. The legal rights and remedies of victim-survivors of elder abuse;
9 c. Legal duties of barangay officials, OSCA Heads, LSWDOs, police officers and
10 court authorities in offering assistance and protection;
11 d. The available services and facilities for victim-survivors of elder abuse;
12 e. Specific techniques in handling elder abuse cases to minimize injury, and
13 promote the safety and ensure the well-being of the victim-survivor.

14
15 The DOH and other concerned institutions shall provide capacity-building on the
16 prevention, detection, and management of psycho-social problems and other geriatric
17 concerns of senior citizens, such as dementia and Alzheimer's Disease, among
18 healthcare providers, home caregivers, and staff and employees of nursing homes
19 and/or elderly residential facilities, specifically on handling older person abuse.

20
21 **Sec. 12. *Affirmative Acts*** – To ensure that the rights and welfare of older
22 persons are protected, the following programs and interventions shall be developed
23 and implemented:

- 24
25 a) Establish clear advocacy/information programs and increase public awareness to
26 minimize risks of neglect, abuse and violence to older persons;
27 b) Include training on the prevention, detection, and management of social problems
28 of senior citizens among healthcare professionals and law enforcement officers,
29 specifically on the handling of elder abuse cases;
30 c) Encourage the development and utilization of supportive community resources that
31 provide in-home services, respite care, and stress reduction with high-risk families; In
32 addition, explore the possibilities of subsidies and outreach support for family and
33 caregivers to promote quality homecare for senior citizens; and
34 d) Ensure high priority for the enactment of measures that would provide social
35 protection to the elderly and reduce their socio-economic and political disparities.
36 e) Continue to develop and initiate programs and services for senior citizens that are
37 gender-responsive, rights-based, and culture-sensitive so as to ensure specific needs
38 and concerns of senior citizens are identified and addressed.
39 f) Review school curricula and teaching modules through the Department of
40 Education and the Commission on Higher Education to highlight with renewed focus
41 the importance of family values, filial piety, and respect for the elderly.

42
43 **Sec. 13. *Implementing Rules and Regulations***. – The NCSC and the DSWD,
44 in consultation with the Department of the Interior and Local Government (DILG),
45 Department of Health (DOH), other relevant government agencies, LGUs, and at least
46 two (2) elderly-focused non-government organizations with a proven track record,

1 shall promulgate the *Implementing Rules and Regulations (IRR)* of this Act within six
2 (6) months from its approval.

3
4 **Section 14. *Separability Clause.*** – If any provision of this Act is held
5 unconstitutional or invalid, such provision shall not affect the enforceability and
6 effectivity of the its remaining provisions.

7
8 **Section 15. *Repealing Clause.*** – All laws, decrees, executive orders, issuances,
9 and rules and regulations, or parts thereof inconsistent with the provisions of this Act
10 are hereby repealed or modified accordingly.

11
12 **Sec. 26. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
13 its publication in the *Official Gazette* or in a newspaper of general circulation.
14

Approved,