

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 184



INTRODUCED BY REPRESENTATIVE MILAGROS AQUINO – MAGSAYSAY

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

EXPLANATORY NOTE

This bill seeks to protect our senior citizens from abuse, defining different types of abuse of senior citizens, and prescribing penalties thereof. This proposed measure recognizes the concerns of the senior citizen population in the country with regards abuse committed against senior citizens, and the need to protect the well-being of the senior citizens who are in the twilight of their lives and who have selflessly contributed to the society during their prime.

For many years, elderly abuse was a hidden, unspoken issue in society. Similar to wife-beating, incest, and child abuse, it was a private problem kept within the confines of the domestic realm. But as a form of family violence, it has remained under or mis-diagnosed, under-reported, and poorly addressed by public policy even if it is not uncommon that if one type of abuse is occurring within a home, other forms of abuse may be (or will soon be) taking place. Meanwhile, elderly abuse is still often ignored by health professionals, and sadly, most perpetrators of the abuse are usually one's own family members.

The purpose of this bill is more than just clearly defining senior citizen abuse as a specific offense with a corresponding penalty. It seeks to bring to light the special context of elderly or senior citizen abuse, of the particular "vulnerability" advanced age has and which is taken advantage of by offender-perpetrators. Like domestic violence or VAWC, elderly abuse may be a form of family abuse that is both a sensitive and controversial issue, requiring careful intervention from the State, hence the necessity for rules on immunity and confidentiality. More importantly, the most significant intervention is the requirement for clear and concrete Affirmative Acts that will raise public awareness and prevent the incidence of senior citizen abuse.

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



HON. MILAGROS AQUINO-MAGSAYSAY

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SENIOR CITIZENS, AND PRESCRIBING PENALTIES THEREOF**

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 “*Anti-Senior Citizens Abuse Act*”.

SECTION 2. Declaration of Policy – It is hereby declared as the policy of the State to value the dignity of senior citizens and thereby guarantee full respect of their human rights. The State also recognizes the need to protect the family and its members, particularly the senior citizens, from all forms of abuse, especially acts deleterious to their personal safety and security.

It is imperative that the State shall exert all efforts to address all forms of abuse committed against senior citizens, especially acts deleterious to their personal safety, security, and dignity, or any discriminatory act committed against senior citizens in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights.

SECTION 3. Definition of Terms – As used in this Act.

- a) Senior Citizen – Refers to any resident citizen of the Philippines, at least sixty (60) years old, as defined under Republic Act (RA) No. 9994, otherwise known as the “Expanded Senior Citizens Act of 2010”.
- b) Senior Citizen Abuse – Refers to a single or repeated act, or lack of appropriate action, occurring within a relationship where there is an expectation of trust, which causes harm or distress to the senior citizen. It includes any act or series of acts committed by any person against a senior citizen, within or outside the family abode, which results

or is likely to result in domestic violence, physical, psychological, emotional, sexual, financial, institutional, employment, and medical maltreatment abuse.

- c) **Safe Place or Shelter-** Refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any suitable place that is willing to accommodate the aggrieved senior citizen.

SECTION 4. Acts of Abuse against a Senior Citizen –

- a) **Domestic Abuse** – refers to violence committed by someone in the victim's own household or domestic circle. This includes partners and ex-partners, immediate family members, other relatives and family friends. The term domestic abuse is used when there is a close relationship between the offender and the victim, to exclude an act of self-defense committed by any of the following:
 - 1) Current or former spouse of the victim;
 - 2) A person related by blood or marriage to the victim;
 - 3) A person who is cohabiting with or has cohabited with the victim;
 - 4) A person with whom the victim shares a child in common;
 - 5) A person who is or has been in a social relationship of a romantic or intimate nature with the victim; or
 - 6) A person similarly situated to a spouse of the victim, or by any other person, if the domestic or family violence laws of the jurisdiction of the victim provide for legal protection of the victim.
- b) **Physical Abuse** – Refers to the infliction of pain or injury with the use of physical force resulting in bodily injury, physical harm, or impairment.
- c) **Psychological Abuse** – Refers to the regular and deliberate use of a range words and non-physical actions used with the purpose to manipulate, hurt, weaken, or frighten a person mentally, and/or distort, confuse, or influence a person's thoughts and actions within their everyday lives, changing their sense of self, and harming their well-being.
- d) **Emotional Abuse** – Refers to a pattern of behavior in which the perpetrator insults, humiliates, and generally instills fear in an individual in order to control them. It includes controlling a person's behavior such as who they spend their time with, isolating a person from family, friends, and acquaintances, extreme jealousy, accusations, and paranoia, constant criticism, regular ridicule or teasing, making acceptance or care conditional on a person's choices, thwarting a person's professional and personal goals.
- e) **Sexual Abuse** – Refers to a sexual act or behavior or sexual act forced upon a person without their consent. It includes the following:

- 1) Sexual assault – a term including all sexual offenses. Any action or statement with a sexual nature and done *without the consent from (both sides) an unwilling party*.
 - 2) Rape – insertion of a (bodily organ) body part or an object into the sex organ of a person without consent.
 - 3) Sodomy - insertion of a (bodily organ) body part or an object into a person's anus or mouth without their consent
 - 4) Gang Rape - A rape carried out by more than one attacker
 - 5) Serial Rape – repeated incidents of rape carried out by the same attacker over an extended period of time
 - 6) Incest – sexual abuse or assault at the hands of a family member
 - 7) Sexual harassment of a senior citizen consists of the following:
 - a). Extortion the act the person required to perform is of a sexual nature;
 - b). An indecent act performed to cause humiliation, stimulation or sexual satisfaction;
 - c). repeated propositions that are of a sexual nature addressed to a person who has previously demonstrated to the harasser that are not interested in said remarks;
 - d). degrading or humiliating remarks relating to a person's sex or sexuality, including their sexual orientation
 - e) Publishing a picture, video, or recording of someone without their consent, with the intention of focusing on their sexuality for the purpose of humiliating or degrading the person.
 - f) Propositions or remarks of a sexual nature under the circumstances of exploiting a working relationship, dependency, and other services, when the harasser is aware that their target is not interested.
- f) Financial Abuse – Refers to a tactic used by abusers to gain power and control in a relationship. The forms of financial abuse may be subtle or overt, but in general, include access to assets, or reduce accessibility to the family finances. It includes the following:
- 1) Taking control of the senior citizen's finances
 - 2) Forcing a senior citizen to claim senior citizen's benefits for personal use
 - 3) Forcing the senior citizen to be a guarantor on a loan or taking out a loan under their name
 - 4) Forcing a senior citizen to work in a family business without being paid
 - 5) Forging a senior citizen's signature on financial documents
 - 6) Selling a senior citizen's possessions without permission
 - 7) Taking money from a senior citizen's pension or retirement benefits
 - 8) Misusing an enduring Power of Attorney
 - 9) Forcing a senior citizen to change their Last Will and Testament

- g) **Institutional Abuse** – Refers to the mistreatment of senior citizens typically in their residential or group home brought about by poor or inadequate care or support, or systematic poor practices that affects the whole care setting. It includes the following:
- 1) Lack of flexibility and choice for senior citizen using the services of the government or private institution
 - 2) Inadequate staffing level
 - 3) Lack of or inadequate care resulting in senior citizens getting hungry and dehydrated
 - 4) Poor standards of care
 - 5) Lack of personal clothing and possessions, and forced communal use of personal items
 - 6) Lack of adequate procedures
 - 7) Deprivation of benefits and services of both government and private institutions
- h) **Employment Abuse** – refers to the discrimination or unfair treatment in the workplace because of a person's age, race, color, religion, sex (including sexual orientation and gender identity) disability, national origin.
- i) **Medical/Patient Abuse** – refers to the harmful treatment rather than proper care for the senior citizen patient. It includes the following:
- 1) Rejecting admission to both government and private hospitals due to financial constraints
 - 2) Withholding proper medication and care
 - 3) Wrongful diagnosis and medical procedures
- j) **Government and Private Institution Abuse**- Refers to the deprivation of social services and benefits to the senior citizen as mandated by law, such as social pension, senior citizens discount, priority lane, parking spaces, medical or hospital services, and priority sitting in public transportation.
- k) **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 a senior citizen by an individual who has assumed responsibility for providing care for the senior citizen, or by a person with custody of the senior citizen.
- l) **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 (e.g., pay for necessary home care services) 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.

SECTION 5. Rights of a Senior Citizen who is a Victim of Violence – During the pendency of the case involving violence against a senior citizen, in addition to those provided under existing laws, a senior citizen shall have the following rights:

- a) To avail of protection and legal assistance from the Public Attorney's Office (PAO) of the Department of Justice (DOJ) or any public legal assistance office;
- b) To be entitled to support services from the DSWD and the Local Government Unit (LGU) concerned;
- c) To be entitled to legal remedies as provided for under the Family Code;
- d) To 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; and
- e) To be entitled to actual, compensatory, moral and exemplary damages.

SECTION 6. Mandatory Programs and Services for a Senior Citizen Who is a Victim of Violence – The DSWD, in coordination with the LGUs, shall provide a senior citizen who is a victim of violence and similar acts the following services:

- a) A safe place or temporary shelter, such as senior housing or nursing home, or other suitable facility or service, when appropriate, as emergency short term shelters. This Safe Place or temporary shelter shall provide counselling, psycho-social services, recovery or rehabilitation programs and livelihood assistance;
- b) Counselling, healing, recovery and rehabilitation services, and
- c) The appropriate programs to ensure the personal safety and security of a senior citizen and prevent the recurrence of violent acts committed against them.

The Department of Health (DOH) shall provide medical assistance to senior citizens who are victims or survivors of violence and similar acts.

SECTION 7. 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'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 the barangay hall, or to a clinic or hospital;
- d) Assist the victim in removing personal belongings from the dwelling;
- e) Ensure the enforcement of the Protection Orders (PO) issued by the Lupong Tagapamayapa, the Punong Barangay or Barangay Chairman and the court;
- f) Arrest the suspected perpetrator even without a warrant when any of the acts of violence defined in this Act is occurring, or on a personal knowledge, an act of violence has been

committed, and there is imminent danger to the life or limb of the senior citizen as defined in this Act; and

- g) Immediately report the call for assistance for the DSWD, the LGU or accredited Non-Government Organization (NGO).

SECTION 8. Philippine National Police (PNP) Protocol in Responding to Violence Committed against a Senior Citizen – The Philippine National Police (PNP) is hereby directed to adopt a written protocol establishing written guidelines and procedures to be followed by police officers in responding to request for assistance and calls related to violence against senior citizens.

SECTION 9. Education and Training Programs for Law Enforcement Officers and Persons Involved in Responding to cases of Violence against Senior Citizens – All persons involved in responding to cases on all forms of abuse, violence, threats to personal safety and security or any discriminatory act committed against a senior citizen, shall be required to undergo education and training. The PNP, in coordination with the LGU concerned and the DSWD shall establish education and training programs to assist law enforcement officers and barangay officials to enable them to properly handle cases of violence against senior citizens and acquaint them with;

- a) The nature, extent, and causes of violence;
- b) The legal rights of, and remedies available to victims of violence;
- c) The services and facilities available to victims or survivors;
- d) The duties imposed on police officers in making lawful arrest and to offer protection and assistance; and
- e) The necessary techniques to be employed in handling incidents of violence to minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.

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

SECTION 10. Mandatory Reporting of Domestic Abuse or Violence against a Senior Citizen – A public officer who receives a complaint for abuse or violence committed against a senior citizen or the head of a public or private hospital, medical clinic or similar institution, as well as the attending physician or nurse, clinician, barangay health worker, therapist or counsellor who examined or rendered treatment to a senior citizen victim shall make a report of the complaint, examination or treatment within forty-eight (48) hours from the time of complaint, examination or treatment to the nearest police station.

All public workers and medical professionals who have knowledge of the incident involving domestic violence and to whom said abuse or violence was reported or revealed in the course of the performance of official duty, shall immediately report the incident to the proper authorities.

In all cases, a report shall be made to any law enforcement agency within forty-eight (48) hours from knowledge of the same. Whereupon, investigation shall immediately follow. The DSWD shall assign a social worker to verify incidents of violence and file a petition for PO, if warranted.

For this purpose, the DSWD-developed community-based reporting system and referral procedure of elderly abuse or ResPPEC shall be utilized to facilitate the investigation and other interventions.

SECTION 11. Establishment of a (Senior Citizen Help Desk) Protective Committee for Senior Citizens (PCSC) – Every barangay shall establish a (Senior Citizens Help Desk) Protective Committee for Senior Citizens (PCSC) which shall provide immediate assistance to victim-survivors by receiving reports or complaints of senior citizens abuse. Besides barangay officials, it may be manned by representatives of the senior citizens sector or by members of a local senior citizen organization designated and authorized by the Barangay Council as Chairperson.

The PCSC is tasked to monitor reported incidents of senior citizen abuse. The PCSC assigns a representative to conduct a home visit and accomplish the ResPPEC Brief Screening and Detection Tool for the victim-survivor. The PCSC may be accompanied during the home visit by the Barangay Health Worker (BHW) or other relevant authorities whenever necessary. The PCSC may also ask aid from the PNP to examine the risks of the situation, assess the senior citizen's options, and ensure the safety of both the victim and the rescuer's.

SECTION 12. Special Prosecution Units – The DOJ is hereby directed to establish special units that shall handle complaints of violence against senior citizens as defined in this Act, and the prosecution thereof

SECTION 13. Venue – The Regional Trial Court (RTC) designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against senior citizen as provided in this Act. In the absence of such court in the place where the offense was committed, the case shall be filed in the nearest RTC where the crime or any of its elements was committed at the option of the complainant.

SECTION 14. Protection Order (PO) – A Protection Order (PO) is an injunction under this Act that may be requested or issued for the purpose of preventing further acts of abuse or violence against senior citizens as specified under Section 4 of this Act and granting other necessary relief. The provisions of the PO shall be enforced by law enforcement agencies.

The types of PO that may be issued under this Act are as follows:

- a) Barangay Protection Order (BPO);
- b) Temporary Protection Order (TPO); and
- c) Permanent Protection Order (PPO)

The PO that may be issued under this Act shall include any or all of the following reliefs:

- a) Prohibition of the respondent or offender from threatening to commit, personally or through another, any of the acts of violence as defined in Section 4;
- b) Whenever applicable, issuances of an order to the respondent or offender to immediately leave the domicile or residence of the petitioner. If personal effects must be removed from the residence, the Court shall direct a law enforcement officer to accompany the respondent to the residence until such time that respondent has gathered all belongings, and to escort the respondent from the residence. Provided, That the victim or the aggrieved party shall likewise be accorded the same protection contemplated herein;
- c) Issuance of an Order to the respondent to stay away from the petitioner within a distance to be determined by the Court; Provided, that the Order shall ensure the physical safety of the petitioner in the residence, place of work, school and such other places frequented by the offended party;
- d) Prohibition of the respondent from directly or indirectly communicating or contacting the petitioner;
- e) Issuance of an Order to proper law enforcement offices to enforce the provisions of this Section;
- f) Issuance of an Order to the DSWD and the Social Welfare Development Office (SWDO) of the LGU concerned to provide therapy, counselling, and other support services to the aggrieved party or parties;
- g) Issuance of an Order for the restitution for actual damages caused by the violence inflicted, including but not limited to property damaged, medical expenses, and loss of income; and
- h) Such other relief as deemed necessary by the Court for the protection of the petitioner and such other persons who may be in need of the same.

Any of the reliefs provided under this Section shall be granted even in the absence of a decree of legal separation or annulment, or declaration of absolute nullity of marriage in the case of married individuals.

The application for a PO must be in writing, signed and verified under oath by the applicant. If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to:

- 1) The circumstances of the disclosure of the violence or abuse suffered by the victim; and
- 2) The circumstances of consent, or lack thereof, given by the victim for the filing of the application.

When the disclosure of the address of the abused senior citizen will pose danger to that person's life, it shall be stated in the application. In such case, the application shall attest that the victim is residing in the municipality or city which the Court has territorial jurisdiction, and shall provide a mailing address for purpose of the service of court processes.

The standard application form for PO shall include the following information:

- 1) Names and addresses of petitioner and respondent;
- 2) Description of relationship between petitioner and respondent, in the case of violence within the context of Section 4 of this Act;
- 3) A statement of the circumstances and the nature of the violence or abuse;
- 4) Description of the reliefs requested by the petitioner as specified in this Section;
- 5) Request for counsel and reasons for such request;
- 6) Request for waiver of application fees until hearing; and
- 7) An Attestation that there is no pending application for a PO in another Court.

The following persons may file the petition for a PO:

- 1) The Offended Party
- 2) Any member of the family or household of the victim as defined in this Act;
- 3) Social worker from the DSWD or the SWDO of the LGU or any accredited social welfare organization;
- 4) Law enforcement officer or agent;
- 5) Lawyer, counsellor, therapist or healthcare provider of the petitioner; and
- 6) Any concerned responsible citizen of the community who has personal knowledge of the offense committed.

No filing fee shall be required in the application for a PO.

An application for a PO filed with a Court shall be considered an application for both a TPO and PPO.

SECTION 15. Transfer of Residence; New Application Needed – A petitioner previously granted a BPO under this Act and who desires to relocate to a new residence outside the original city or municipality of residence has to apply for a new BPO.

When a PO has been issued by a Court of competent jurisdiction, and the person in whose favour it is issued transfers to a place outside the court's jurisdiction, the person may still have the order enforced by filing a petition before a court in the place where the person has transferred. The petition to enforce the order shall include a copy of the previously obtained PO. The respondent shall be notified of the issuance of a new PO.

SECTION 16. Legal Representation of Applicant for a PO – If a petitioner for a PO is requesting for the appointment of a counsel because of lack of economic means to hire a counsel de parte, the Court shall immediately direct the Office of the Public Prosecutor who has jurisdiction over the case to represent the petitioner in the hearing on the application sought. The applicant who cannot afford to hire the services of a private counsel or lacks access to family or conjugal resources such as when the same are controlled by the abuser, shall qualify for legal representation by the DOJ, the Public Prosecutor's Office or the PAO.

However, a private counsel offering free legal services is not barred from representing the petitioner with the latter's consent, and with the leave of Court.

SECTION 17. Barangay Protection Order (BPO) – A Barangay Protection Order (BPO) is issued by the Lupong Tagapamayapa or the Punong Barangay or Barangay Chairperson. The issuance of a BPO or the pendency of an application for a BPO shall not preclude the petitioner from applying for, or the Court from granting TPO or PPO.

Application for a BPO shall follow the Rules on venue under the Local Government Code of 1991 and its implementing rules and regulations.

A Punong Barangay or Barangay Chairperson who receives an application for a BPO shall issue a PO to the applicant on the date of filing after ex parte determination of the basis of the application. If the Punong Barangay or Barangay Chairperson is unavailable to act on the application for a BPO, the application shall be acted upon by any available Lupong Tagapamayapa or Barangay Kagawad. 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 and the Lupong Tagapamayapa were not available at the time of the issuance of the BPO.

A BPO issued by a Lupong Tagapamayapa, a Punong Barangay or Barangay Chairperson and Barangay Kagawad may cover only the relief provided in Section 14 hereof and shall be effective for fifteen (15) days. Immediately after the issuance of an ex parte BPO, the Punong Barangay or Kagawad shall personally serve a copy of the same to the respondent, or direct any barangay official to personally serve the Order.

Within forty-eight (48) hours of the issuance of an ex parte BPO, the Punong Barangay or Barangay Kagawad must refer the case to the Lupong Tagapamayapa. The case shall be heard by the Lupong Tagapamayapa within seven (7) days from the date of referral and within the fifteen (15) day effectivity period of the ex parte BPO.

Notice of the hearing shall be given to both parties. Subsequent to a hearing on the merits of the application, the Lupong Tagapamayapa may extend a BPO that grants relief under Section 14 for a period of six (6) months. The issuance of a BPO shall not preclude any applicant from applying or receiving a subsequent BPO concerning the same matter.

SECTION 18. Temporary Protection Order (TPO) – A Temporary Protection Order (TPO) may be issued by a Court prior to the issuance of a Permanent Protection Order (PPO) and shall be based on an application under Section 14 herein. Any application for TPO or PPO must be made with the RTC, Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial Court with territorial jurisdiction over the place over the place of residence of the offended family or the senior citizen victim who suffered violence or abuse described under Section 4 of this Act: Provided, however, that if a Family Court exists in the place of residence of the person for whom the application is made, the application shall be filed with that Court.

A Court that receives an application for a PO shall issue a TPO on the date of filing of the application after ex parte determination that such order shall be issued. The TPO shall be effective for thirty (30) days. 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 service of the TPO on respondent by the Court Sheriff who may obtain the assistance of law enforcement agents for the purpose. The TPO shall include a notice of the date of the hearing on the merits of the issuance of a PPO.

SECTION 19. Permanent Protection Order (PPO) – A Permanent Protection Order (PPO) may be issued only by the Court after notice and hearing.

Any application for TPO or PPO must be made with the RTC, Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial Court with territorial jurisdiction over the place over the place of residence of the offended family or the abused senior citizen who suffered violence described under Section 4 of this Act: Provided, however, that if a Family Court exists in the place of residence of the person for whom the application is made, the application shall be filed with that Court.

Respondent's non-appearance despite proper notice, or lack of a lawyer, or the non-availability of respondent's lawyer shall not be a ground for re-scheduling 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 application 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 the duration of the case until the final resolution on the case is issued. Provided, however, That the PPO may be modified by the Court accordingly to address the needs of the applicant.

The Court may grant any, some, or all of the reliefs provided in Section 14 hereof through a PPO. 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 ensure immediate service of the PPO on respondent.

The Court shall not deny the issuance of a PO on the basis of the lapse of time between the act of violence or abuse as defined in Section 4 herein, and the filing of the application.

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 of the application for a PPO, the same shall be granted as long as there is no clear showing that the act from which the order might arise did not exist.

Failure to act on an application for a PO within the period specified in the previous sections without justifiable cause shall render the Lupong Tagapamayapa, the Punong Barangay or Barangay Chairperson, the Barangay Kagawad, the official or judge, administratively liable.

SECTION 20. Priority Action on Application for a Protection Order – Hearings on applications for a PO under this Act shall have priority over all other proceedings. Barangay officials, Lupong Tagapamayapa and the Courts shall schedule and conduct hearings on applications for a PO under this Act above all other businesses and, if necessary, suspend other proceedings in order to hear applications for a PO.

Respondent shall be notified of the issuance of a PO.

SECTION 21. Prohibition against Undue Influence Over a Protection Order Applicant – A Lupong Tagapamayapa, a Punong Barangay or Barangay Chairperson, or the Court hearing an application for a PO, shall not order, direct, force, or in any way unduly influence the application for a PO to compromise or abandon any of the reliefs sought in the application for PO provided under this Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412, and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act.

Failure to comply with this Section shall render the concerned individual, official or judge administratively liable.

SECTION 22. Mutual Protection Order Prohibited – No order for protection of the offender or respondent may be granted by a Lupong Tagapamayapa or a Punong Barangay or Barangay Chairperson and the Courts.

SECTION 23. Complaint against a Violation of Protection Order – A complaint on a violation of a BPO issued under this Act shall 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 under Section 4 hereof.

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

A violation of any provision of a TPO or a PPO issued under this Act shall constitute contempt of Court punishable under 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 in accordance with Section 4 hereof.

Any violation of a PO issued under this Act shall constitute an offense punishable by imprisonment of thirty (30) days, without prejudice to any acts described in Section 4 hereof.

A complaint on a violation of a PO shall be filed by the complainant directly with the Court that issued the order, or with the Court in the place of residence of the complainant, if the former is not practicable. A criminal case for violation of a PO shall be tried and resolved by the Court within sixty (60) days from the date the complaint was filed. The Court, upon determination of probable cause, shall cause the arrest of the accused who may post bail in the interim in an amount to be determined by the Court.

A judgment on a violation of a PO may be appealed according to the Rules of Criminal Procedure. During trial and upon judgment, the Court may motu proprio issue a PO as it deems necessary.

SECTION 24. Hold Departure Order – A hold departure order shall be issued immediately by the Court against the respondent of a complaint of abuse against a senior citizen as described under this Act.

SECTION 25. Penalties – Commission of the acts described under Section 4 hereof shall suffer the following penalties:

- a) Acts falling under Section 4 (a), (b), (c), (d), (e), (g), (i), and (l) constituting attempted, frustrated, or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code.
- b) Acts falling under Section 4 (a), (b), (e), (g), (i), and (l) resulting in mutilation shall be punishable in accordance with the Revised Penal Code: Provided That those resulting in Serious Physical Injuries shall be punishable with the penalty of prision mayor; those resulting in Less Serious Injuries shall be punishable by prision correccional and those resulting in Slight Physical Injuries shall be punished by arresto mayor.

- c) All other acts enumerated in Section 4 hereof shall be punishable by prision correccional and a fine in an amount of not less than One Hundred Thousand pesos (P100,000.00) but not more than Three Hundred Thousand pesos (P300,000.00).

In addition to these penalties, a person found guilty of any of the acts enumerated in Section 4 hereof shall be required to undergo mandatory psychological counselling or psychiatric treatment and shall report compliance therewith to the court.

A barangay official or law enforcer who fails to respond to any request for assistance or protection from or on behalf of a victim shall suffer imprisonment of six (6) months to one (1) year, at the discretion of the Court and pay a fine of not less than Five Thousand pesos (P5,000.00), but not more than Ten Thousand pesos (P10,000.00).

A person who fails to report any act of violence described in Section 4 hereof as required herein shall be liable for a fine of not less than Ten Thousand pesos (P10,000.00). (Whenever applicable, criminal or administrative charges may also be filed.)

The penalty provided shall be imposed in its maximum period:

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

SECTION 26. Counselling and Treatment of Offenders – The DSWD shall provide rehabilitative counselling and treatment to perpetrators towards learning constructive ways of coping with anger and emotional outbursts and reforming their ways. When necessary, the offender shall be ordered by the Court to submit to psychiatric treatment or confinement.

SECTION 27. Affirmative Acts – To ensure that the rights and welfare of older persons are protected, the following programs and interventions shall be developed and implemented:

- a) Establish clear advocacy/information programs and increase public awareness to minimize risks of neglect, abuse and violence to older persons;

- b) Include training on the prevention, detection and management of social problems of senior citizens among healthcare professionals and law enforcement officers, specifically on the handling of elder abuse cases;
- c) Encourage the development and utilization of supportive community resources that provide in-home services, respite care, and stress reduction with high-risk families; In addition, explore the possibilities of subsidies and outreach support for family and caregivers to promote quality homecare for senior citizens; and
- d) Ensure high priority to the enactment of measures that would provide social protection to the elderly and reduce their socio-economic and political disparities.
- e) Continue to develop and initiate programs and services for senior citizens that are gender-responsive, rights-based, and culture-sensitive so as to ensure specific needs and concerns of senior citizens are identified and addressed.
- f) Review school curricula and teaching modules through the DepEd and CHED to highlight with renewed focus the importance of family values, filial piety, and respect for the elderly

SECTION 28. Appropriation – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the concerned Departments. Thereafter, the amount needed for the continued implementation of this Act shall be included in the budget of the concerned Departments in the General Appropriations Act.

For LGUs, the implementation of the programs shall be charged against the internal revenue allotment (IRA) and other internally generated funds of the LGU concerned.

In addition, the Departments concerned and the LGUs may accept donations, contributions, and grants from various sources for purposes of implementing this Act.

SECTION 29. Implementing Rules and Regulations – Within six (6) months from the approval of this Act, the Secretary of the DSWD in coordination with the Secretaries of the DOJ, the Department of Interior and Local Government (DILG) and the DOH, as well as the Chairperson of the National Commission for Senior Citizens shall formulate rules and guidelines as may be necessary for the proper implementation and enforcement of this Act. This shall include developing protocols and training programs for all agencies and public officers concerned and a public information and education program on violence or abuse against senior citizens. The implementing rules and regulations (IRR) provided under this Act shall be reviewed periodically, and revised, if necessary.

SECTION 30. Suppletory Application – For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

SECTION 31. 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 32. 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 33. Effectivity – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in newspaper of general circulation.

Approved