

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 431



Introduced by **REP. RODOLFO "OMPONG" M. ORDANES**

**AN ACT
PROVIDING FOR A NATIONAL FRAMEWORK FOR SENIOR CITIZEN CARE
AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

The 1986 Philippine Constitution affirms the vital role of the elderly in nation-building and mandates the State to recognize the rights of senior citizens to assistance, including social services to ensure their well-being and dignity.

Despite existing policies and programs for senior citizens, many continue to suffer from neglect, abuse, homelessness, and lack of access to quality health and social care. With the growing number of Filipino senior citizens, which is projected to reach 14 million by 2030 according to the Philippine Statistics Authority (PSA), there is an urgent need to establish an institutionalized, sustainable, and rights-based framework for senior citizen care.

This bill seeks to establish a "National Framework for Senior Citizen Care" to systematically promote and protect the rights and welfare of senior citizens, especially the frail, abandoned, neglected, sick, and indigent.

The measure mandates the Department of Social Welfare and Development (DSWD) and the National Commission of Senior Citizens (NCSC) to jointly lead the implementation of a comprehensive home and community-based care program in partnership with local government units (LGUs), civil society, and volunteers. The program shall involve social

preparation, family and community capacity-building, provision of home care, respite services, physical and palliative care, and spiritual support.

Further, the bill provides for establishing residential and community care facilities in every municipality and city, staffed by trained volunteers and professionals. These facilities shall be entitled to tax exemptions and incentives, including income tax deductions for medical professionals who render services to senior citizens and donors' tax exemptions for philanthropic contributions.

Recognizing the cultural value of family caregiving, this proposed measure also supports reintegration programs for abandoned or neglected senior citizens into the care of their nearest capable relative, alongside technical and financial assistance.

To protect the elderly from abuse, exploitation, and neglect, the bill criminalizes various forms of elder abuse by prescribing legal remedies such as protection and restraining orders and empowering barangay officials and law enforcers to act promptly on reports of abuse.

More importantly, this proposed legislation is consistent with the National Commission of Senior Citizens' (NCSC) flagship initiative, the Senior Citizens Care Center (SC3C) Program, which is being implemented nationwide in collaboration with the LGUs. By institutionalizing this framework, the bill ensures that this model of localized and holistic senior citizen care is standardized and sustainably supported.

Further, we recognize and appreciate the efforts of Cong. Marivic Co-Pilar, who was one of the original proponents of this measure. His advocacy laid the foundation for this important legislation's continued development and passage.

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



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AN ACT
PROVIDING FOR A NATIONAL FRAMEWORK FOR SENIOR CITIZEN CARE
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

CHAPTER I.
GENERAL PROVISIONS

1 SECTION 1. *Short Title.* — This Act shall be known as the *National Framework for*
2 *Senior Citizen Care Act.*

3 SEC 2. *Declaration of Policy.* — It is the declared policy of the State to give
4 priority for the needs of the underprivileged sick, elderly, disabled, women, and
5 children, value the dignity of every human person, extend assistance to its elderly
6 citizens through programs of social security, and promote the right to health and safety
7 of senior citizens through a social care and security program.

8 Toward this end, this measure seeks to institutionalize a national senior citizen
9 care framework that will focus and ensure the rights and care for senior citizens.

10 SEC 3. *Definition of Terms.* — As defined in this Act,

- 11 a. Abandoned Senior Citizen - refers to a senior citizen who has been deserted,
12 permanently or temporarily, by his relatives or persons who have general or
13 legal responsibility over the senior citizen, and from whom all basic care has
14 been withdrawn;

- b. *Abuse* – refers to any willful and unjustified act that may cause any type of harm to a senior citizen;
- c. *Capacity Building Activities* – refer to the conduct of trainings, skills enhancement on the care and management of senior citizen, team building activities as well as value formation sessions to families, community, community volunteers and service providers;
- d. *Coordinator* – refers to the volunteer focal person in the community where the Home Care Support Services is implemented;
- e. *Exploitation* – refers to an act committed by any person to take advantage of a senior citizen for their personal gain;
- f. *Family Carer* – refers to an immediate family member of the senior citizen who voluntarily looks after the sick, frail and/or bedridden senior citizen;
- g. *Frail Senior Citizen* – refers to a senior citizen who is unable to care for themselves or unable to perform activities or daily living due to an illness and any kind of disability.
- h. *Helping Plan* – refers to the formulated program by a volunteer together with the senior citizen beneficiary, his or her family who will be encouraged to participate in all phases of activities, *i.e.* assessment, planning, implementation of helping plans, monitoring and evaluation of the activities of the senior citizen beneficiary;
- i. *Home Care Volunteer* – refers to a non-salaried trained and registered member of the LGU who serves, willing and interested to commit time, resources and talent to care for the sick, frail, disabled and bedridden senior citizen of the community;
- j. *Home Health Care Service* – refers to health or supportive care provided to the senior citizen patient at home by licensed health care professionals to include but not limited to, physicians, nurses, midwives, physical therapist and caregivers
- k. *Homeless Senior Citizen* – refers to a senior citizen who has been physically deserted by his or her family, elderly care facility and private care giving services, thus having no basic shelter;

1 The program shall provide social preparation across all sectors and target
2 communities to enhance interest in home and community care approach. The DSWD shall
3 conduct trainings, skills enhancement on the care and management of senior citizen, team
4 building activities as well as value formation sessions to families, community volunteers
5 and service providers through the local government units and DSWD field offices.

6 The LGUs shall be involved in the identification of the marginalized senior citizen
7 or senior citizen in crisis as may be reported through and by the instrumentalities of the
8 LGUs.

9 The program shall provide intervention based on a helping plan which focuses on
10 the assessment and enhancement of Home Care, Respite Services, Physical Fitness
11 Program, Kinship Care, Palliative Care and Spiritual Services. DSWD shall provide the
12 LGU with technical assistance through coaching, program monitoring, mentoring and
13 skills enhancement including all interested parties and volunteers that may be formed as
14 a result of this Act.

15 **SEC 5. *Lead Agencies.*** - The DSWD and the National Commission of Senior
16 Citizens (NCSC) shall serve as the joint central planning, coordinating, implementing, and
17 monitoring body of the Program.

18 In the implementation of this Act, the DSWD shall perform the following
19 functions:

- 20 a. Screen, verify, and assess the beneficiaries' situation and identify the
21 appropriate intervention to fully serve their situation;
- 22 b. Provide family-based care programs to equip and educate families on how to
23 care for the beneficiaries as stated in Section 4 of this Act;
- 24 c. Provide community-based care programs to help willing communities
25 organize themselves to provide home care services, respite services, palliative
26 care services;
- 27 d. Provide trainings to community and family care volunteers to equip and
28 educate on matters of Home Care, Respite Services, Physical Fitness Program,
29 Kinship Care, Palliative Care and Spiritual Services;
- 30 e. Develop a Helping Plan that will be suitable to the needs of the primary and
31 secondary beneficiaries with respect to ethnicity, religious belief and Geriatric
32 considerations;

1 f. Perform such other functions in harmony with the National Commission of
2 Senior Citizens as may be necessary or incidental to the proper and effective
3 implementation of this Act.

4 In the implementation of this Act, the National Commission of Senior Citizens
5 shall perform the following functions:

- 6 a. Create and maintain a central repository and database of senior citizens that
7 shall serve as the master list of all screened and verified beneficiaries clustering
8 them according to specific needs and program intervention classification;
9 b. Coordinate with different national and local agencies, including organizations
10 from the private sector to ensure full implementation of statutory
11 commitments herein;
12 c. Perform such other functions in harmony with the Department of Social
13 Welfare and Development as may be necessary or incidental to the proper
14 implementation of this Act.

15 SEC 6. *Advisory Council.* – An advisory Council shall be created at the regional
16 and national levels to be co-chaired by the DSWD and the National Commission of Senior
17 Citizens.

18 The regional advisory councils and national advisory council shall have as member
19 representatives from the DSWD, Department of Health, Department of Labor and
20 Employment, Department of the Interior and Local Government, Technical Education and
21 Skills Development Authority and the Department of Trade and Industry. The regional
22 and the national advisory councils shall also have, as additional members, two
23 representatives from accredited non-government organizations and the medical field
24 working on monitoring social welfare service programs.

25 The Advisory Councils shall have the following functions:

- 26 a. Meet regularly to promote coordination across agencies to enhance the
27 implementation of the program and jointly address and resolve program
28 implementation issues;
29 b. Recommend to the President, measures and policies for the responsive
30 delivery of the commitments under this Act and integration with the
31 general senior care and senior citizen benefits strategy of the government;
32 c. Promulgate a grievance redress system and accept complaints and
33 grievances pertaining to the implementation of this Act;

- 1 d. Review the monitoring and assessment reports of the DSWD and submit
2 necessary policy recommendations to Congress to improve and strengthen
3 the program, if necessary.
4

5 **CHAPTER III**
6 **PRIMARY CARE AND CARE FACILITIES**
7

8 **SEC 7. *Primary Care.*** – This Act recognizes the family as the immediate carer of
9 senior citizen. It shall provide care for the senior citizen member of the family as customs
10 and culture permits. The DSWD shall hereby establish a program of reintegration for
11 abandoned, neglected, frail, abused and exploited senior citizen to the nearest surviving
12 relative, *Provided*, that the said relative has the capacity and means to support and provide
13 for the senior citizen as deemed and certified by the DSWD.

14 DSWD shall provide technical and financial support to the nearest surviving
15 relative of the senior citizen thru the Assistance to Individuals in Crisis Situations (AICS)
16 at the onset of the reintegration.

17 DSWD and the local government units shall also monitor the situation and conduct
18 regular visitations to the senior citizen that has been reintegrated with their nearest
19 surviving relatives for an ample amount of time as prescribed by the implementing rules
20 and regulations in pursuant to this Act.

21 **SEC 8. *Establishment of Residential Care Facility.*** – There shall be established in
22 every municipality and city, a residential care facility to serve abandoned and homeless
23 senior citizen, to be built by the local government units concerned and shall be jointly
24 operated and maintained by the LGU and the Department of Social Welfare and
25 Development.

26 **SEC 9. *Community Care Facilities.*** –

27 x x x

28 Volunteers to the community care facilities shall be trained by DSWD and / or
29 TESDA to fulfill the provisions as set forth by the program to be created by this Act.
30 [Doctors and Allied Medical Professionals and Practitioners who volunteer to this
31 community care facilities shall be entitled to a deduction from their gross income,
32 equivalent to a twenty percent (20%) discount of their professional fees rendered for the
33 exclusive use and enjoyment or availment of the senior citizen.] **DOCTORS AND**

1 ALLIED MEDICAL PROFESSIONALS, AND PRACTITIONERS WHO VOLUNTEER
2 AND OFFER SERVICES TO COMMUNITY CARE FACILITIES, SHALL BE
3 ENTITLED TO DEDUCT FROM GROSS INCOME TWENTY PERCENT 20% OF
4 PROFESSIONAL FEES FOR SERVICES EXCLUSIVELY RENDERED TO SENIOR
5 CITIZENS IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL
6 INTERNAL REVENUE CODE OF 1997, AS AMENDED. *Provided*, That the cost of the
7 discount shall be allowed as deduction from gross income for the same taxable year that
8 the discount is granted: *Provided, further*, That the total amount of the claimed tax
9 deduction net of VAT, if applicable, shall be included in their gross sales receipts for tax
10 purposes and shall be subject to proper documentation and to the provisions of the
11 National Internal Revenue Code (NIRC), as amended.

12 [Furthermore, Donors to the established community care facilities shall be exempted in
13 the payment of Donors Tax.]

14 ALL GRANTS, BEQUEST, ENDOWMENTS, DONATIONS AND CONTRIBUTIONS
15 MADE TO THE COMMUNITY CARE FACILITIES AND USED ACTUALLY,
16 DIRECTLY AND EXCLUSIVELY BY THEM, SHALL BE EXEMPT FROM DONOR'S
17 TAX, AND THE SAME SHALL BE CONSIDERED AS ALLOWABLE DEDUCTIONS
18 FROM THE GROSS INCOME FOR PURPOSES OF COMPUTING THE TAXABLE
19 INCOME OF THE DONOR IN ACCORDANCE WITH THE PROVISIONS OF THE
20 NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED.

21 SEC 10. *Functions of Residential Care Facility and Community Care Facilities.* –

22 The facility shall provide homeless and abandoned senior citizen within its territorial
23 jurisdiction institutionalized residential care programs and services such as but not
24 limited to:

- 25 a. Social services
- 26 b. Homelife services
- 27 c. Primary health care services
- 28 d. Psychological Services
- 29 e. Occupational Opportunities
- 30 f. Recreational and other cultural services
- 31 g. Literacy Education
- 32 h. Productivity Development
- 33 i. Religious, Cultural and Vocational Activities

1 SEC 11. *Exemptions and General Benefits of Residential and Community Care*
2 *Facilities.* - [Subject to existing laws, rules and regulations, the established residential or
3 community care facility may be exempted from the payment of customs duties, taxes and
4 tariffs on the importation of equipment and supplies actually, directly and exclusively
5 used by the nursing home pursuant to this Act.]

6 **THE IMPORTATION OF EQUIPMENT AND SUPPLIES ACTUALLY,**
7 **DIRECTLY AND EXCLUSIVELY USED BY THE NURSING HOME OF THE**
8 **ESTABLISHED RESIDENTIAL OR COMMUNITY CARE FACILITY SHALL, UPON**
9 **CERTIFICATION BY THE DSWD, SHALL BE EXEMPT FROM CUSTOMS DUTIES**
10 **IN ACCORDANCE WITH THE PROVISIONS OF REPUBLIC ACT NO. 10863,**
11 **OTHERWISE KNOWN AS THE "CUSTOMS MODERNIZATION AND TARIFF ACT**
12 **(CMTA)." [Furthermore, Donors to the established residential care facilities shall be**
13 **exempted in the payment of Donors Tax.]**

14 **ALL GRANTS, BEQUEST, ENDOWMENTS, DONATIONS AND**
15 **CONTRIBUTIONS MADE TO THE ESTABLISHED RESIDENTIAL CARE**
16 **FACILITIES AND USED ACTUALLY, DIRECTLY AND EXCLUSIVELY BY THEM,**
17 **SHALL BE EXEMPT FROM DONOR'S TAX AND THE SAME SHALL BE**
18 **CONSIDERED AS ALLOWABLE DEDUCTIONS FROM THE GROSS INCOME FOR**
19 **PURPOSES OF COMPUTING THE TAXABLE INCOME OF THE DONOR IN**
20 **ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL INTERNAL**
21 **REVENUE CODE OF 1997, AS AMENDED.**

22 SEC 12. *Private Care Facilities.* - Private care facilities that shall accept frail,
23 indigent, homeless, neglected and abandoned senior citizen as certified by the DSWD,
24 upon the effectivity of this Act, [shall be entitled to a deduction from their gross income,
25 equivalent to a twenty percent (20%) discount of their professional fees rendered for the
26 exclusive use and enjoyment or availment of the senior citizen.] **SHALL BE ENTITLED**
27 **TO DEDUCT FROM GROSS INCOME TWENTY PERCENT 20% OF FEES FOR**
28 **SERVICES EXCLUSIVELY RENDERED TO SENIOR CITIZENS: *Provided,* That the cost**
29 **of the discount shall be allowed as deduction from gross income for the same taxable year**
30 **that the discount is granted: *Provided, further,* That the total amount of the claimed tax**
31 **Page 3 of 3 deduction net of VAT, if applicable, shall be included in their gross sales**
32 **receipts for tax purposes and shall be subject to proper documentation and to the**
33 **provisions of the National Internal Revenue Code OF 1997, as amended.**

1
2 **CHAPTER IV**

3 **ASSISTANCE TO ABANDONED AND NEGLECTED SENIOR CITIZEN**
4

5 SEC 13. *Acts of Abandonment or Neglect.* – the following acts shall constitute
6 abandonment and neglect of senior citizen:

- 7 a. Abandonment or desertion by leaving a senior citizen unattended at a place for
8 such a considerable length of time, as may be likely to endanger the life, health,
9 and welfare of a senior citizen, by an individual who has assumed
10 responsibility for providing care for the senior citizen, or by a person with
11 custody of a senior citizen;
12 b. To willfully neglect to provide food, medicines, shelter, clothing or services
13 necessary for the physical and mental health of a senior citizen.

14 SEC 14. *Assistance Granted to a Senior Citizen in cases of Abandonment and*
15 *Neglect.* – The senior citizen may avail of the following assistance in case of their
16 abandonment and neglect:

- 17 a. legal services from the Public Attorney's Office or any public legal assistance
18 office with the assistance of the local government or the DSWD to protect their
19 rights and interests;
20 b. support services from the DSWD and the LGU concerned including but not
21 limited to:
22 1. Counseling;
23 2. Rehabilitative Care;
24 3. Temporary Housing or Shelter as prescribed in Sections Chapter III of this
25 Act;
26 c. Restitution, actual or compensatory, moral, nominal or temperate, and
27 exemplary damages as may be applicable by law.

28 SEC 15. *Response and Assistance.* – In cases of reported and actual abandonment
29 or neglect described in Section 15 of this Act, a *barangay* official or any law enforcer shall
30 have the following rights and duties:

- 31 a. Confiscate any harmful object discovered in plain view in the course of their
32 response operation;

1 CHAPTER VI
2 DUTIES AND RESPONSIBILITIES OF
3 BARANGAY OFFICIALS AND LAW ENFORCERS
4

5 SEC 19. *Duties and Responsibilities of Barangay Officials.* - In the event of
6 reported or actual commission of the prohibited acts stated in Section 17 of this Act, a
7 *barangay* official or law enforcer shall have the following duties and responsibilities:

- 8 a. Immediate response to call for help or request protection of the victim by
9 entering a dwelling, if necessary, whether or not a protection order has been
10 issued to ensure the safety of the victim;
11 b. Ensure the enforcement of a protection order issued by the *barangay*, the court
12 or any legal instrumentality of judicial and quasi – judicial bodies;
13 c. Arrest the suspected perpetrator or a perpetrator when any acts described in
14 the Section 17 of this Act is occurring, or on a personal knowledge, an act of
15 violence has been committed, and when imminent danger to life and limb
16 actually exists.
17
18

19 CHAPTER VII
20 RELIEFS AND PROCEDURES
21

22 SEC 20. *Protection and Restraining Order.* - An injunction under this Act may be
23 requested or issued for the purpose of preventing further acts of abuse or violence against
24 a senior citizen victim thereby granting an instrumental relief. The order may be enforced
25 thru the following means:

- 26 a. *Barangay Protection Order* - A *barangay* protection order is hereby defined as
27 an order by the *Barangay* duly secured thru the pronouncement of the duly
28 instituted *lupon tagapamayapa* as signed by the *Barangay* Chairman, after three
29 hearings or as may be prescribed by the *lupon* which may be dependent on the
30 actuality of danger or eminent harm to a senior citizen. Further, the *Barangay*
31 Protection Order shall be enforced by the *barangay* and all its law enforcement
32 instrumentalities in order to asses and prevent any further harm. Upon the
33 instance a repeat violation of Section 19 of this Act, the *barangay* shall then

1 elevate the matter to the pertinent court of jurisdiction as coordinated with the
2 DSWD for presentation of appropriate charges to the suspected or actual
3 perpetrator and his/her/their cohorts.

- 4 b. Restraining Order - A restraining order is hereby defined as an order by the
5 *Barangay*, the court and/or the Philippine National Police (PNP) duly secured
6 thru the pronouncement of the pertinent law enforcement or the court after due
7 hearings or as may be immediately prescribed by the *Barangay*, PNP, or the
8 Court which may be dependent on the actuality of danger or eminent harm to
9 a senior citizen. Further, the Restraining Order shall be enforced by the
10 *barangay*, the DSWD and/or the PNP in order to distance the victim from the
11 actual or suspected perpetrator in order to prevent further physical or mental
12 harm. Upon violation of the Restraining Order as observed in plain view by the
13 *Barangay*, PNP or the elements of the DSWD, the PNP shall have the right to
14 arrest the perpetrator in order to prevent further harm, physical and / or
15 mental, to the victim and immediately file a case to the pertinent court of
16 jurisdiction within 48 hours from the time of detention.

17 **SEC 21. *Additional Powers of the Protection Orders as may be prescribed by***
18 ***the Court or Barangay.*** - Additional protection shall be afforded to victims in cases of
19 violation of protection orders as prescribed under this Act:

- 20 a. Prohibition of the respondent or offender from threatening to commit,
21 personally or through another any violation of Section 18 of this Act;
22 b. To order the respondent, perpetrator or suspected perpetrator to immediately
23 leave the dwelling, residence or domicile of a victim together with his or her
24 personal belongings. Further, should a respondent, perpetrator or suspected
25 perpetrator's personal effects or personal belongings be removed from the
26 dwelling, residence or domicile of a victim, the Court, the *Barangay* or the
27 DSWD shall direct a law enforcement officer to accompany the respondent,
28 perpetrator or suspected perpetrator to the said location and be within plain
29 sight of the law enforcement officer until such time that the said person or
30 persons has gathered all personal effects and belongings and escort the said
31 person and persons from the residence, dwelling or domicile. *Provided, further*
32 *that in the instance that a victim should remove himself or herself from the*

1 residence, dwelling or domicile, the victim shall likewise be accorded the same
2 protection;

3 c. To order a respondent, perpetrator or suspected perpetrator to not be within a
4 certain distance from a victim to ensure the physical and mental safety of the
5 victim. The order shall be effective in the following locations; including but not
6 limited to:

7 1. Residence

8 2. Place of Work

9 3. And other places frequented by the victim

10 d. To prohibit the respondent perpetrator or suspected perpetrator from directly
11 or indirectly communicating with the victim

12 **SEC 22. *Application of Protection Orders.*** – The following may apply or apply in
13 behalf of the victim a petition before the Court or the *Barangay* for any of the stipulated
14 protection orders:

15 a. The Victim;

16 b. Any member of the family, member of the household, nearest surviving
17 relative who has personal knowledge of the violations of Section 19 of this Act;

18 c. An element of the DSWD or the LGU or any accredited social welfare
19 organization;

20 d. Law enforcement officer or any agent of the Court;

21 e. Counselor or Therapist of the Victim;

22 f. Healthcare Provider of the Victim upon acquisition of a medico legal
23 examination;

24 g. Any concerned responsible citizen of the community who has personal
25 knowledge of the violation of Section 19 of this Act.

26 **SEC 23. *Hold Departure Order.*** – a hold departure order shall be issued by the
27 court, against the respondent, perpetrator or suspected perpetrator of a complaint as
28 described under Section 19 of this Act.

29 **SEC 24. *Appropriations.*** – The amount necessary for the initial implementation of
30 this Act shall be charged against the current year's appropriation of the departments and
31 agencies concerned. Thereafter, the amount needed for the continued implementation of
32 this Act shall be included in the budget of the said agencies in the annual General
33 Appropriations Act.

1 The Local Government Units shall secure the implementation of this Act thru their
2 respective internal revenue allotment.

3 **SEC 25. *Suppletory Provisions.*** – The Revised Penal Code and other applicable
4 laws shall have a suppletory application for the purpose of this Act.

5 **SEC 26. *Implementing Rules and Regulations.*** – Within sixty (60) days from the
6 effectivity of this Act, the Secretary of the DSWD, in coordination with the Chairperson
7 of the NCSC and the Secretary of the Department of Interior and Local Government shall,
8 promulgate the necessary rules and regulations for the effective implementation of this
9 Act.

10 **SEC 27. *Separability Clause.*** – If any provision or part of this Act is declared
11 unconstitutional, the remaining parts or provisions not affected shall remain in force and
12 effect.

13 **SEC 28. *Repealing Clause.*** – All laws, presidential decrees, issuances, executive
14 orders, letters of instruction, rules or regulations, or parts thereof inconsistent with or
15 contrary to the provisions of this Act are repealed, amended or modified accordingly.

16 **SEC 29. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
17 publication in the *Official Gazette* or in a newspaper of general circulation.

18 *Approved,*