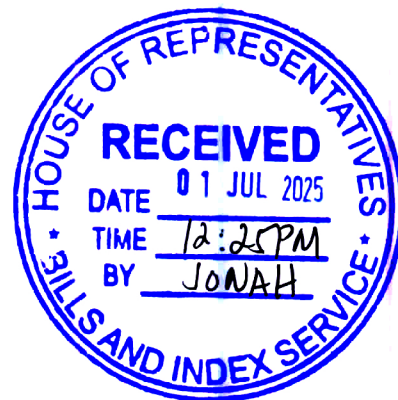




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 776

Introduced by Representative Ma. Victoria Co-Pilar

EXPLANATORY NOTE

Under the 1987 Constitution of the Philippines, the country shall prioritize the needs of the underprivileged, sick, elderly, disabled, women, and children. It aims to uphold the dignity of every human person, provide assistance to elderly citizens through social security programs, and promote their right to health and safety through social care and security initiatives. This bill, titled the “Framework for Senior Citizens Care Act” seeks to institutionalize a national framework to focus on and ensure the rights and care of senior citizens.

This proposed legislation addresses the growing need for a comprehensive and coordinated approach to senior citizen care in the Philippines. It recognizes the family as the primary caregiver for senior citizens, while also establishing support systems for those who are abandoned, neglected, frail, abused, or exploited. The key provisions of this bill include:

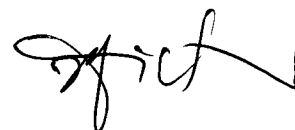
- **Establishment of a National Senior Citizen Care Program:** The Department of Social Welfare and Development (DSWD) will create and implement a national program to promote home care support services for senior citizens. This program will include social preparation activities, training, and skills enhancement for families, community volunteers, and service providers.
- **Defining Roles of Lead Agencies:** The DSWD and the National Commission of Senior Citizens (NCSC) will serve as joint central planning, coordinating, implementing, and monitoring bodies for the program. Their functions include screening beneficiaries, providing family and community-based care programs, training volunteers, and developing helping plans.
- **Creation of Advisory Councils:** Regional and national advisory councils, co-chaired by the DSWD and NCSC, will be established to promote inter-agency coordination, recommend policies, promulgate a grievance redress system, and review program reports.
- **Primary Care and Facilities:** The bill emphasizes the family as the immediate caregiver and mandates the DSWD to establish a program for reconnecting abandoned, neglected, frail, abused, and exploited senior citizens with their nearest surviving relatives. It also mandates the establishment of residential care facilities in every municipality and city,

jointly operated and maintained by LGUs and DSWD, for abandoned and homeless senior citizens. Community Care Facilities, manned by DSWD-trained volunteers, may also be established.

- **Incentives for Healthcare Professionals and Donors:** Doctors and allied medical professionals volunteering in community care facilities will be entitled to a 15% deduction from their gross income based on service fees. Donors to established community care facilities and local nursing homes will be exempt from Donor's Tax. Private care facilities accepting certified frail, indigent, homeless, neglected, and abandoned senior citizens will also be entitled to a 15% deduction from their gross income for a minimum period of five years.
- **Addressing Abandonment and Neglect:** The bill defines acts constituting abandonment and neglect of senior citizens and outlines the assistance available to victims, including legal services, support services, temporary housing, and restitution. It also specifies the response and assistance duties of barangay officials and law enforcers in such cases.
- **Prohibited Acts and Legal Remedies:** The bill enumerates prohibited acts against senior citizens, such as obtaining control over their assets through undue influence, causing mental or emotional distress, inflicting physical harm, and preventing them from engaging in legitimate professions. It grants Regional Trial Courts designated as Family Courts original and exclusive jurisdiction over cases involving these prohibited acts.
- **Protection Orders and Procedures:** The bill provides for the issuance of Barangay Protection Orders and Restraining Orders to prevent further abuse or violence against senior citizens. It outlines the application process for these orders and the additional powers they may entail, such as prohibiting respondents from threatening victims or ordering them to leave the victim's dwelling. A hold departure order may also be issued against perpetrators.

This measure underscores the commitment of the State to protect and promote the well-being of its senior citizens, ensuring they live with dignity, security, and access to necessary care. The appropriation of funds from existing budgets and future General Appropriations Acts, along with the involvement of Local Government Units through their internal revenue allotment, will ensure the sustained implementation of this vital framework.

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

A handwritten signature in black ink, appearing to be 'S. Garcia', is written on the page.



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HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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HOUSE BILL NO. 776

Introduced by Representative Ma. Victoria Co-Pilar

2 AN ACT
3 PROVIDING FOR A NATIONAL FRAMEWORK FOR SENIOR CITIZENS CARE
4 AND APPROPRIATING FUNDS THEREFOR
5

6 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
7 *assembled:*
8

9 CHAPTER I.
10 GENERAL PROVISIONS
11

12 SECTION. 1. *Short Title.* – This Act shall be known as the *Framework for Senior*
13 *Citizens Care Act.*
14

15 SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to give
16 priority for the needs of the underprivileged sick, elderly, disabled, women, and
17 children, value the dignity of every human person, extend assistance to its elderly
18 citizens through programs of social security, and promote the right to health and safety
19 of senior citizens through a social care and security program.

20 Toward this end, this measure seeks to institutionalize a national senior citizen care
21 framework that will focus and ensure the rights and care for senior citizens.
22

23 SEC. 3. *Definition of Terms.* – As defined in this Act,

- 24 a. Abandoned Senior Citizen – refers to a senior citizen who has been deserted,
25 permanently or temporarily, by his relatives or persons who have general or
26 legal responsibility over the senior citizen, and/or from whom all basic care
27 have been withdrawn’;
28 b. Abuse – refers to any willful and unjustified act that may cause any type of harm
29 to a senior citizen;
30 c. Capacity Building Activities – refers to the conduct of trainings, skills
31 enhancement on the care and management of senior citizens, team building
32 activities as well as value formation sessions to families, community
33 volunteers and service providers;
34 d. Coordinator – refers to the volunteer focal person in the community where the
35 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 – is 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 – pertains to the formulated by a volunteer together with the senior citizen beneficiary, his / 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 in 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;
- l. Kinship Carer – is a relative of the senior citizen in need of assistance due to physical and mental disability who takes care of him / her but lives in a separate house;
- m. Neglect – when basic needs of the senior citizen have been deliberately unattended or inadequately attended or when he or she is ill clad, without proper shelter and left by himself or herself without provisions for his or her needs;
- n. Neglected Senior Citizen – refers to a senior citizen who lacks a fixed, regular residence, or whose current residence is unfit for human habitation, or lacks resources to obtain proper housing;
- o. Project Advisory Committee – refers to an interagency committee involved in the implementation of the home care program, providing technical assistance, monitoring and evaluation of the implementation of the Home Care Support Services;
- p. Resident and Community Care Facilities – refer to a home for the aged, established and maintained under this Act by a private entity, city or municipality which provides living accommodations, food and clothing, medical and health care, and recreational and social interaction activities for abandoned senior citizens or homeless senior citizens;
- q. Respite Services – the provision of relief to the family whether be it coming from a volunteer from the demands of their roles as carers by providing temporary care and support services in caring of the senior citizens;
- r. Senior Citizen - refers to any Filipino citizen who is a resident, and who is sixty (60) years old or above; and
- s. Social Preparation – activities that would initiate interest and participation among concerned entities at different levels – provincial, city, municipal, barangay as well as other government organizations, non-government organizations, civic and faith-based groups, and academe to generate commitment and involvement in the implementation of this act.

CHAPTER II

FRAMEWORK FOR SENIOR CITIZENS CARE

SEC. 4. *Senior Citizen Care Program* - The Department of Social Welfare and Development shall hereby create a national program for the furtherance of home care support services for senior citizens.

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

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

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

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

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

- a. Screen, verify, and assess the beneficiaries' situation and identify the appropriate intervention to fully serve their situation;
- b. Provide family based care programs to equip and educate families on how to care for the beneficiaries as stated in SEC. 4 of this Act;
- c. Provide community based care programs to help willing communities organize themselves to provide home care services, respite services, palliative care services;
- d. Provide trainings to community and family care volunteers to equip and educate on matters of Home Care, Respite Services, Physical Fitness Program, Kinship Care, Palliative Care and Spiritual Services;
- e. Develop a Helping Plan that will be suitable to the needs of the primary and secondary beneficiaries with respect to ethnicity, religious belief and Geriatric considerations; and
- f. Perform such other functions in harmony with the National Commission of Senior Citizens as may be necessary or incidental to the proper and effective implementation of this Act.

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

- a. Create and maintain a central repository and database of senior citizens that shall serve as the master list of all screened and verified beneficiaries clustering them according to specific needs and program intervention classification;

- b. Coordinate with different national and local agencies, including organizations from the private sector to ensure full implementation of statutory commitments herein; and
- c. Perform such other functions in harmony with the Department of Social Welfare and Development as may be necessary or incidental to the proper implementation of this Act.

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

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

The Advisory Councils shall have the following functions:

- a. Meet regularly to promote coordination across agencies to enhance the implementation of the program and jointly address and resolve program implementation issues;
- b. Recommend to the President, measures and policies for the responsive delivery of the commitments under this Act and integration with the general senior care and senior citizen benefits strategy of the government;
- c. Promulgate a grievance redress system and accept complaints and grievances pertaining to the implementation of this Act; and
- d. Review the monitoring and assessment reports of the DSWD and submit necessary policy recommendations to Congress to improve and strengthen the program, if necessary.

CHAPTER III

PRIMARY CARE AND CARE FACILITIES

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

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

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

SEC. 8. *Establishment of Residential Care Facility* - There shall be established in every municipality and city, a residential care facility to serve abandoned and homeless senior citizens, to be built by the local government units concerned and shall be jointly

operated and maintained by the LGU and the Department of Social Welfare and Development.

SEC. 9. Community Care Facilities – Communities, duly organized by DSWD by virtue of this Act, may establish Community Care Facilities manned by volunteers, *Provided*, That the local government unit that prescribes territorial jurisdiction to the community care facilities shall provide permanent staffing as deemed necessary and as approved by the DSWD.

Volunteers to the community care facilities shall be trained by DSWD and/or TESDA to fulfill the provisions as set forth by the program to be created by this Act. Doctors and Allied Medical Professionals and Practitioners who volunteer to this community care facilities shall be entitled to a deduction for their gross income, equivalent to fifteen percent (15%) as calculated from the service fees that may be accrued in providing outmost decent and proper care for their beneficiaries.

Furthermore, donors to the established community care facilities shall be exempted in the payment of Donors Tax.

SEC. 10. Functions of Residential Care Facility and and Community Care Facilities – The facility shall provide homeless and abandoned senior citizens within its territorial jurisdiction institutionalized residential care programs and services such as but not limited to:

- a. Social services;
- b. Homelife services;
- c. Primary health care services;
- d. Psychological Services;
- e. Occupational Opportunities;
- f. Recreational and other cultural services;
- g. Literacy Education;
- h. Productivity Development; and
- i. Religious, Cultural and Vocational Activities.

SEC. 11. Exemptions and General Benefits of Residential and Community Care Facilities – The established residential or community care facility shall be exempted from the payment of customs duties, taxes and tariffs on the importation of equipment and supplies used actually, directly and exclusively by the nursing home in pursuant to this Act.

Furthermore, Donors to the established local nursing homes shall be exempted in the payment of Donors Tax.

SEC. 12. Private Care Facilities – Private care facilities that shall accept frail, indigent, homeless, neglected and abandoned senior citizens as certified by the DSWD, upon the effectivity of this Act, shall be entitled to a deduction for their gross income, equivalent to fifteen percent (15%) as calculated from the service fees that may be accrued in providing outmost decent and proper care for their beneficiaries: *Provided, however*, that such care shall continue for a minimum period of five (5) years.

CHAPTER IV
ASSISTANCE TO ABANDONED AND NEGLECTED SENIOR CITIZENS

SEC. 13. Acts of Abandonment or Neglect. – the following acts shall constitute abandonment and neglect of senior citizens:

- a. 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 life, 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 a senior citizen; or
- b. To willfully neglect to provide food, medicines, shelter, clothing or services necessary for the physical and mental health of a senior citizen;

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

- a. legal services from the Public Attorney’s Office or any public legal assistance office with the assistance of the local government or the DSWD to protect their rights and interests;
- b. support services from the DSWD and the LGU concerned including but not limited to:
 1. Counseling;
 2. Rehabilitative Care; and
 3. Temporary Housing or Shelter as prescribed in SEC.s 9 and 10 of this Act;
- c. Restitution, actual or compensatory, moral, nominal or temperate, and exemplary damages as may be applicable by law.

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

- a. Confiscate any harmful object discovered in plain view in the course of their response operation;
- b. Transport the victim to the nearest safe and adequate location for immediate medical or psychological exam done by a duly licensed medical professional;
- c. Assist the victim in the acquisition of personal belongings from the dwelling; and
- d. Coordinate and report any and all pertinent acts stipulated the SEC. 15 of this Act and call the assistance of the local government unit, the DSWD and/or accredited non-government organization

SEC. 16. Treatment of Respondents – the DSWD, shall provide counseling and rehabilitative care and treatment to respondents who abandoned or neglected the senior citizen. Further, the DSWD shall introduce and provide a program for their learning and mental reformation.

CHAPTER V PROHIBITED ACTS

SEC. 17. Prohibited Acts – It shall be unlawful for any person or entity to commit the following acts against the senior citizen:

- a. To obtain control over money, assets or property of the senior citizen through undue influence, threat, intimidation and deceitful machinations with the intention to deprive the elderly of its ownership, use and benefit;
- b. To cause mental or emotional distress through verbal abuse, intimidation, harassment, public humiliation and pillory;
- c. To inflict or threaten to inflict any physical harm or injury, including any form of sexual harassment; and

- d. To prevent from engaging in any legitimate profession, occupation or business in the absence of any harm or threat of abuse on the person of a senior citizen;

SEC. 18. Venue - The Regional Trial Court designated as a Family Court shall have original and exclusive jurisdiction in cases of commission of prohibited acts against the senior citizens provided in SEC. 19 of this Act. In the absence of such court in the place where the offense was committed, the case shall be filed in the Regional Trial Court where the crime or any of its elements was committed at the option of the complainant.

CHAPTER VI DUTIES AND RESPONSIBILITIES OF BARANGAY OFFICIALS AND LAW ENFORCERS

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

- a. Immediate response to call for help or request protection of the victim by entering a dwelling, if necessary, whether or not a protection order has been issued to ensure the safety of the victim;
- b. Ensure the enforcement of a protection order issued by the barangay, the court or any legal instrumentalities of judicial and quasi - judicial bodies; and
- c. Arrest the suspected perpetrator or a perpetrator when any acts described in the SEC. 19 of this Act is occurring, or on a personal knowledge, an act of violence has been committed, and when imminent danger to life and limb actually exists.

CHAPTER VII RELIEFS AND PROCEDURES

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

- a. **Barangay Protection Order** - A barangay protection order is hereby defined as an order by the Barangay duly secured thru the pronouncement of the duly instituted lupon tagapamayapa as signed by the Barangay Chairman, after three hearings or as may be prescribed by the lupon which may be dependent on the actuality of danger or eminent harm to a senior citizen. Further, the Barangay Protection Order shall be enforced by the barangay and all its law enforcement instrumentalities in order to asses and prevent any further harm. Upon the instance a repeat violation of SEC. 19 of this Act, The barangay shall then elevate the matter to the pertinent court of jurisdiction as coordinated with the DSWD for presentation of appropriate charges to the suspected or actual perpetrator and his / her / their cohorts;
- b. **Restraining Order** - A restraining order is hereby defined as an order by the Barangay, the court and / or the Philippine National Police duly secured thru the pronouncement of the pertinent law enforcement or the court after due hearings or as may be immediately prescribed by the Barangay, Philippine National Police or the Court which may be dependent on the actuality of danger or eminent harm to a senior citizen. Further, the Restraining Order shall be enforced by the barangay, the DSWD and / or the Philippine National Police in order to distance the victim from the actual or suspected perpetrator in order to prevent further physical or mental harm. Upon violation of the Restraining

Order as observed in plain view by the Barangay, Philippine National Police or the elements of the DSWD; the Philippine National Police shall have the right to arrest the perpetrator in order to prevent further harm, physical and/or mental, to the victim and immediately file a case to the pertinent court of jurisdiction within 48 hours from the time of detention.

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

- a. Prohibition of the respondent or offender from threatening to commit, personally or through another any violation of SEC. 18 of this Act;
- b. To order the respondent, perpetrator or suspected perpetrator to immediately leave the dwelling, residence or domicile of a victim together with his or her personal belongings. Further, should a respondent, perpetrator or suspected perpetrator's personal effects or personal belongings be removed from the dwelling, residence or domicile of a victim, the Court, the Barangay or the DSWD shall direct a law enforcement officer to accompany the respondent, perpetrator or suspected perpetrator to the said location and be within plain sight of the law enforcement officer until such time that the said person or persons has gathered all personal effects and belongings and escort the said person and persons from the residence, dwelling or domicile. *Provided, further*, that in the instance that a victim should remove himself or herself from the residence, dwelling or domicile, the victim shall likewise be accorded the same protection herein;
- c. To order a respondent, perpetrator or suspected perpetrator to not be within a certain distance of a victim to ensure the physical and mental safety of the victim. The order shall be effective in the following locations; including but not limited to:
 1. Residence;
 2. Place of Work; and
 3. And other places frequented by the victim.; and
- d. To prohibit the respondent, perpetrator or suspected perpetrator from directly or indirectly communicate with the victim.

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

- a. The Victim;
- b. Any member of the family, member of the household, nearest surviving relative who has personal knowledge of the violations of SEC. 19 of this Act;
- c. An element of the DSWD or the LGU or any accredited social welfare organization;
- d. Law enforcement officer or any agent of the Court;
- e. Counselor or Therapist of the Victim;
- f. Healthcare Provider of the Victim upon acquisition of a medico legal examination; and
- g. Any concerned responsible citizen of the community who has personal knowledge of the violation of SEC. 19 of this Act.

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

SEC. 24. *Appropriations.* – The amount necessary for the initial implementation

1 of this Act shall be charged against the current year's appropriation of the departments
2 and agencies concerned. Thereafter, the amount needed for the continued
3 implementation of this Act shall be included in the budget of the said agencies in the
4 annual General Appropriations Act.

5
6 The Local Government Units shall secure the implementation of this Act thru their
7 respective internal revenue allotment.

8
9 **SEC. 25. *Supplementary Provisions*** – The Revised Penal Code and other applicable
10 laws shall have a supplementary application for the purpose of this Act.

11
12 **SEC. 26. *Implementing Rules and Regulations***. – Within sixty (60) days from the
13 effectivity of this Act, the Secretary of the Interior and Local Government shall, in
14 coordination with the Chairperson of the NCSC, promulgate the necessary rules and
15 regulations for the effective implementation of this Act.

16
17 **SEC. 27. *Separability Clause***. – If any provision or part of this Act is declared
18 unconstitutional, the remaining parts or provisions not affected shall remain in force
19 and effect.

20
21 **SEC. 28. *Repealing Clause***. – All laws, presidential decrees, issuances, executive
22 orders, letters of instruction, rules or regulations, or parts thereof inconsistent with or
23 contrary to the provisions of this Act are repealed, amended or modified accordingly.

24
25 **SEC. 29. *Effectivity***. – This Act shall take effect fifteen (15) days after its
26 publication in the *Official Gazette* or in a newspaper of general circulation.

27
28 *Approved,*