

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2321



Introduced by Representatives
BELLA VANESSA B. SUANSING and MIKAELA ANGELA B. SUANSING

AN ACT
DEFINING AND PENALIZING THE CRIME OF CRIMINAL NEGLECT OF A
VULNERABLE ELDERLY PERSON OR A PERSON WITH DISABILITY

EXPLANATORY NOTE

The following measure seeks to address inadequacies in the current legal framework in relation to the protection of vulnerable elderly persons and persons with disabilities (PWDs) by their supposed caretakers who forsake their responsibilities at the expense of the former's well-being and, in some cases, their lives, by defining and penalizing the crime of criminal neglect of vulnerable elderly persons or PWDs.

Upon adoption of this measure, persons who willfully abandon vulnerable elderly persons or PWDs and who have either been entrusted, through employment or through legal, fiduciary or through any other type of relationship, with the care of the vulnerable elderly persons or PWDs, or who are related to the vulnerable elderly persons or PWDs by blood or marriage and knows that such persons are unable to adequately provide for their own health and personal care due to their respective medical conditions shall be held liable and incur penalties under law.

This proposed measure introduces amendments to the measure filed by Rep. Horacio P. Suansing, Jr. and Rep. Mikaela Angela B. Suansing in the 19th Congress.

In pursuit of providing safeguards to the dignity and rights of vulnerable elderly persons and PWDs, and in line with laws that demonstrate the Filipino people's commitment to the well-being of senior citizens and PWDs, the immediate passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to read "Bsuansing".

BELLA VANESSA B. SUANSING
2nd District of Sultan Kudarat

A handwritten signature in black ink, appearing to read "MSuansing".

MIKAELA ANGELA B. SUANSING
1st District of Nueva Ecija

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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 “Care for the Elderly and the Disabled Act.”

SECTION 2. *Declaration of Policy.* — The State values the dignity of every person and guarantees full respect for human rights. To this end, the State shall penalize the neglect of a vulnerable elderly person or a person with disability.

SECTION 3. *Definition of Terms.* — For the purposes of this Act, the following terms shall mean:

- (1) *Abandon* means to desert a vulnerable elderly person or a person with disability with intent to wholly abandon him or her.
- (2) *Caregiver* means a person who provides for the health, welfare, and personal care of a vulnerable elderly person or a person with disability, at such person's place of residence, including, but not limited to food and nutrition, shelter, hygiene, prescribed medication, and medical care or treatment. The term caregiver shall include:
 - (a) a parent, spouse, adult, child or other relative by blood or marriage who resides with or resides in the same building, or who regularly visits the vulnerable elderly person or the person with disability, or who knows or reasonably should know that such person is unable to adequately provide for his or her own health and personal care;
 - (b) a person employed by the vulnerable elderly person or a person with disability or by another to reside with, or regularly visit the vulnerable elderly person or the person with disability and provide for such person's health and personal care;
 - (c) a person who has agreed for consideration to reside with, or regularly visit the vulnerable elderly person or the person with disability and provide for such person's health and personal care;

- (d) a person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the health and personal care of the vulnerable elderly person or the person with disability; and
 - (e) a person who holds a power of attorney or other legal or fiduciary relationship that requires such person to provide for the health and personal care of the vulnerable elderly person or the person with disability.
- (3) *Person with disability (PWD)* refers to any person who is suffering from restriction of different abilities as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being. Disability shall mean:
- 1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical functions of an individual or activities of such individual;
 - 2) a record of such an impairment; or
 - 3) being regarded as having such an impairment.
- (4) *Vulnerable elderly person* refers to any resident of the Philippines, at least sixty (60) years old, who is suffering from a disease or infirmity associated with advanced age.

SECTION 4. *Criminal Neglect of a Vulnerable Elderly Person or a Person with Disability.* –

A person is guilty of criminal neglect of a vulnerable elderly person or a person with disability when he or she is a caregiver and:

- (1) knowingly acts in a manner likely to cause the vulnerable elderly person or the person with disability's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate; or
- (2) fails to perform acts which he or she knows or reasonably should know that are necessary to maintain or preserve the life or health of the vulnerable elderly person or the person with disability and such failure causes said person's life to be endangered, health to be injured or pre-existing physical or mental condition to deteriorate; or
- (3) abandons the vulnerable elderly person or the person with disability without justifiable causes.

SECTION 5. *Exceptions.* — No provision of this Act shall be deemed to impose criminal liability upon any person who has made a good faith effort to provide for the health and personal care of the vulnerable elderly person or the person with disability, but through no fault of his or her own, has been unable to provide for such care.

In addition, no provision of this Act shall be construed as prohibiting a person from providing treatment by spiritual means through prayer alone and care consistent therewith, in lieu of medical care and treatment in accordance with the tenets and practices of any church or religious denomination of which the vulnerable elderly person or the person with disability is a member.

SECTION 6. *Penalty.* — Any person found guilty of committing the acts punished in this Act shall be punished by imprisonment of not less than one (1) year but not exceeding five (5) years and a fine not less than Ten Thousand Pesos (PhP 10,000.00) but not exceeding One Hundred Thousand Pesos (PhP 100,000.00).

SECTION 7. *Other Remedies.* — No provision of this Act shall be construed to limit the remedies available to the vulnerable elderly person or the person with disability under any other provision of laws.

SECTION 8. *Separability Clause.* — If any provision or part hereof is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 9. *Repealing Clause.* — All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

SECTION 10. *Effectivity.* — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,