

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2851



Introduced by Lone District of Agusan del Norte Representative
HON. DALE B. CORVERA

AN ACT
PROTECTING SENIOR CITIZENS FROM VIOLENCE AND ABUSE, TO BE
KNOWN AS “SENIOR CITIZEN PROTECTION ACT”, DEFINING ELDER
ABUSE PRESCRIBING PENALTIES THEREFOR AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Section 5, Article II of the Constitution states that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Section 11 of the same Article dictates that the State values the dignity of every human person and guarantees full respect for human rights.

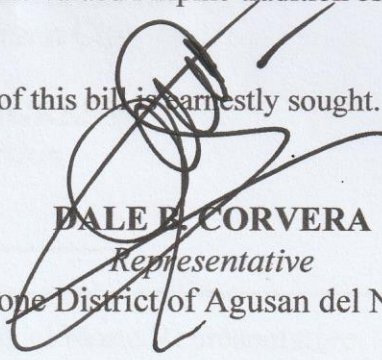
Likewise, Section 4 of Article XV of the Constitution provides that the family has the duty to care for its elderly members but the State may also do so through just programs of social security.

According to a study of the World Health Organization (World Health Organization, 2022), one in six senior citizens experienced some form of abuse during the past year. During the pandemic, the rates of abuse have increased owing to the community quarantine imposed by governments which made interactions between senior citizens and their potential abusers more frequent. Elder abuse is forecasted to further increase as many countries are experiencing rapidly ageing populations, which are expected to double from 900 million in 2015 to about two billion in 2050.

Senior citizens are prone to physical and psychological violence, financial abuse, and neglect as a result of their physical frailty, yearning for companionship and slower mental faculties. The proposed measure recognizes these vulnerabilities and aims to uphold the dignity of senior citizens and thereby guarantee full respect for human rights by protecting the senior citizens against discriminatory acts and all forms of violence, abuse, neglect, exploitation, coercion, and other acts deleterious to their personal safety and security.

Likewise, this serves as an encouragement to the Filipino families and communities who live, care, and support senior citizens to reaffirm the valued Filipino tradition of caring for their elderlies.

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



DALE B. CORVERA
Representative
Lone District of Agusan del Norte

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

SECTION 1. *Short Title.* – This act shall be known as the “Senior Citizen Protection Act”.

SEC. 2. *Declaration of Policies and Objectives* – As provided in the Constitution of the Republic of the Philippines, it is a declared policy that the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. The State values the dignity of every human person and guarantees full respect for human rights.

The family has the duty to take care for its elderly members but the State may also do so through just programs of social security.

Towards this end, this Act shall serve the following objectives:

- a) To uphold the dignity of senior citizens and thereby guarantee full respect for human rights;
- b) To protect the senior citizens from all forms of violence, abuse, neglect, exploitation, coercion, and other acts deleterious to their personal safety and security;
- c) To protect the senior citizens against discriminatory acts; and
- d) To encourage their families and the communities they live with to reaffirm the valued Filipino tradition of caring for the senior citizens.

In accordance with these objectives, this Act shall:

- (1) Adopt measures to address all forms of violence, abuse, neglect, exploitation and coercion, especially acts deleterious to their personal safety and security;
- (2) Adopt measures to ensure the preservation of dignity of senior citizens and that they are protected from discriminatory acts;
- (3) Establish community-based mechanisms to ensure quick and efficient response against elder abuse; and
- (4) Establish community-based welfare programs to guarantee senior citizens.

SEC. 3. *Definition of Terms.* – As used in this Act:

- a) Domestic Violence refers to acts or threats of violence on a senior citizen 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 with whom the victim shares a child in common;
 - 4) a person who is or has been in a social relationship of romantic or intimate nature with the victim; or
 - 5) 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) Financial abuse refers to unauthorized or improper use of funds or material resources of the senior citizen.
- c) Elder Abuse refers to any act or series of acts, or lack of appropriate action when the circumstances require, including threats of such acts, committed by a person against a senior citizen, which result in or is likely to result in physical or psychological harm, suffering or distress to the latter, including battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes physical, psychological, or domestic violence, financial abuse, and neglect or abandonment;
- d) Psychological Violence refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, scaring, damage to property, public ridicule or humiliation, repeated verbal abuse, swearing, name-calling, or other similar forms of showing disrespect, or unreasonably giving the senior citizen the silent treatment;
- e) Neglect or Abandonment refers to the act of 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. It shall include the deliberate withholding of items needed for daily living including food, medicine, companionship and care;

- f) 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 other agency or voluntary organization accredited by the DSWD for the purposes of this Act or any other suitable place the resident of which is willing to temporarily accommodate the aggrieved senior citizen;
- g) Senior Citizen or Elderly refers to any resident citizen of the Philippines at least sixty (60) years old.

SEC. 4. *Construction* – This Act shall be liberally construed to promote the protection and safety of victims of elder abuse.

SEC. 5. *Elder Abuse*. – The crime of elder abuse is committed through any of the following acts:

- a) Causing, attempting or threatening physical harm to the senior citizen;
- b) Placing the senior citizen in fear of imminent physical harm;
- c) Causing psychological violence;
- d) Financial abuse; and
- e) Neglect or abandonment.

SEC. 6. *Penalties*. – The crime of elder abuse, under the immediately preceding section hereof shall be punished in accordance with the following penalties:

- a) Acts falling under Section 5 (a) constituting any attempted, frustrated or consummated stage of any crime against persons as defined under Title Eight, Book Two of the Revised Penal Code shall be punished with imprisonment in accordance with the provisions of the Revised Penal Code;
- b) Acts falling under Section 5 (b) and (e) shall be punished by arresto mayor;
- c) Acts falling under Section 5 (c) shall be punished by prision mayor;
- d) Acts falling under Section 5 (d) constituting theft or swindling, as the case may be, shall be punished with imprisonment in accordance with Title Ten, Book Two of the Revised Penal Code, Provided, That the exemption from criminal liability under Article 332 of the same Title shall apply;
- e) In addition to imprisonment, the perpetrator shall i) pay a fine in the amount of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Three Hundred Thousand Pesos (P300,000.00); and ii) undergo mandatory psychological counseling or psychiatric treatment and shall report compliance to the court.

Provided, That, in cases of domestic violence, the penalty next higher in degree than the prescribed in the preceding paragraphs shall be imposed on the perpetrator.

SEC. 7. *Prescriptive Period*. – Actions for elder abuse shall prescribe in twenty (20) years from the commission of the unlawful act.

SEC. 8. *Jurisdiction Over and Venue of Elder Abuse Cases*. – The Family Court shall have original and exclusive jurisdiction over cases of elder abuse under this Act. In the absence

of such court in the place where the offense was committed, the case shall be filed with the RTC where the offense or any of its elements was committed, at the option of the complainant.

SEC. 9. Automatic Consideration of Guardianship. – In cases of elder abuse when the perpetrator serves as the guardian of the senior citizen victim, the former's propriety as guardian shall be automatically considered.

If the perpetrator is not the guardian but otherwise primarily responsible for the custody, care or welfare of the senior citizen victim, the court shall automatically conduct a determination on the propriety of the appointment of a guardian.

SEC. 10. Protection Order. – A Protection Order (PO) is an order issued under this Act for the purpose of preventing further acts of elder abuse against a senior citizen specified under Section 5 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 from threatening to commit or committing, personally or through another, any of the acts of mentioned in Section 5 of this Act;
- b) Prohibition of the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;
- c) Removal and exclusion of the respondent from the residence of the petitioner;
- d) Removal of personal effects of the respondent from the residence, in which case the court shall direct a law enforcement agent to accompany and escort the respondent while gathering his/her things;
- e) Directing the respondent to stay away from petitioner at a distance specified by the court, and to stay away from the residence, school, place of employment, or any specified place frequented by the petitioner;
- f) Prohibition of the respondent from any use or possession of any firearm or deadly weapon and order him to surrender the same to the court for appropriate disposition by the court, including revocation of license and disqualification to apply for any license to use or possess a firearm. If the respondent is a law enforcement agent, the court shall order the respondent to surrender his firearm and shall direct the appropriate authority to investigate on the respondent and take appropriate action on the matter
- g) Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, and loss of income;

- h) Directing the DSWD and the Social Welfare Development Officer of the LGU concerned to provide therapy, counseling and other services;
- i) Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner, provided that the petitioner consents to such relief.

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 issuance of a BPO or the pendency of an application for BPO shall not preclude a petitioner from applying for, or the court from granting a TPO or PPO.

SEC. 11. *Barangay Protection Orders (BPOs); Who May Issue and How.* – Barangay Protection Orders (BPOs) refer to the protection order issued by the *Punong Barangay* ordering the perpetrator to desist from committing acts under Section 5 of this Act. A *Punong Barangay* who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the *Punong Barangay* is unavailable to act on the application for a BPO, the application shall be acted upon by any available *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* was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or *Barangay Kagawad* shall personally serve a copy of the same to the respondent, or direct any barangay official to effect its personal service.

The parties may be accompanied by a non-lawyer advocate in any proceeding before the Punong Barangay.

SEC. 12. *Temporary Protection Orders.* – Temporary Protection Orders (TPOs) refers to the protection order issued by the court on the date of filing of the application after *ex parte* determination that such order should be issued. A court may grant in a TPO any, some or all of the reliefs mentioned in this Act and 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.

SEC. 13. *Permanent Protection Orders.* – Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing.

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 a period of thirty (30) days at each particular time until the propriety of the issuance of the PPO has been determined. The extended or renewed TPO may be modified by the court as may be necessary or applicable to address the needs of the applicant.

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

SEC. 14. *Who may file Petition for Protection Orders.* – A petition for protection order may be filed by any of the following:

- a) the offended party;
- b) guardian of the offended party;
- c) ascendants, descendants or collateral relatives within the fourth civil degree of consanguinity or affinity of the offended party;
- d) officers or social workers of the DSWD or social workers of local government units (LGUs);
- e) police officers;
- f) Barangay Chairpersons or Councilors;
- g) lawyer, counselor, therapist or healthcare provider of the offended party;
- h) At least two (2) concerned responsible citizens of the city or municipality where the elder abuse occurred and who has personal knowledge of the offense committed.

SEC. 15. *Where to Apply for a Protection Order.* – Applications for BPOs shall follow the rules on venue under Section 409 of the Local Government Code of 1991 and its implementing rules and regulations. An application for a TPO or PPO may be filed in the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court with territorial jurisdiction over the place of residence of the petitioner: Provided, however, That if a family court exists in the place of residence of the petitioner, the application shall be filed with that court.

SEC.16. *Lapse of Time Not a Bar for Issuance of Protection Order.* – No court shall deny the issuance of protection order on the basis of the lapse of time between the act of violence and the filing of the application.

SEC. 17. *Priority of Application for a Protection Order.* – Ex parte and adversarial hearings to determine the basis of applications for a protection order under this Act shall have priority over all other proceedings. Barangay officials and the courts shall schedule and conduct hearings on applications for a protection order under this Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a protection order.

SEC. 18. *Mandatory Period for Acting on Applications for Protection Orders* – Failure to act on an application for a protection order within the reglementary period specified in the previous sections without justifiable cause shall render the official or judge administratively liable.

SEC. 19. *Enforceability of Temporary and Permanent Protection Orders.* – All TPOs and PPOs issued under this Act shall be enforceable anywhere in the Philippines

SEC. 20. *Violation of Protection Orders.* – A complaint for a violation of a BPO issued under this Act must 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.

A judgement of violation of a BPO may be appealed in accordance with the Rules of Court. During trial and upon judgment, the trial court may motu proprio issue a protection order as it deems necessary without need of an application.

Violation of any provision of a TPO or PPO issued under this Act shall constitute indirect contempt of court and shall be punished in accordance with the provisions of the Rules of Court.

SEC. 21. *Applicability of Protection Orders to Criminal Cases.* – The foregoing provisions on protection orders shall be applicable and impliedly instituted with the criminal actions involving elder abuse.

SEC. 22. *Bond to Keep the Peace.* – The Court may order any person against whom a TPO or PPO is issued to give a bond to keep the peace, to present two sufficient sureties who shall undertake that such person will not commit the violence sought to be prevented.

Should the respondent fail to give the bond as required, he shall be detained for a period which shall in no case exceed six (6) months.

SEC. 23. *Establishment of a Senior Citizen Help Desk.* – Every barangay shall establish a Senior Citizen Help Desk (SCHD) which shall provide immediate assistance to victims of elder abuse on a 24/7 basis. The SCHD shall be manned by the social welfare development officer or by the appropriately trained and duly designated barangay officials of the Local Government Unit (LGU), or by representatives of the senior citizen sector or by members of a local senior citizen organization designated and authorized by the Barangay Council or Chairperson.

SEC. 24. *Establishment of a Senior Citizen Help Hotline.* – The National Commission of Senior Citizens, in coordination with the Department of Interior and Local Government (DILG), Department of Social Welfare and Development (DSWD), and other relevant government agencies, shall establish a national hotline for reporting of alleged cases of elder abuse.

SEC. 25. *Duties of Responding Barangay Officials and Law Enforcers.* – 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 assistance or protection of the victim by entering the senior citizen victim'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 a safe place or shelter or to a clinic or hospital;
- d) assist the victim in removing personal belongings from the dwelling;
- e) ensure the enforcement of the Protection Order (PO) issued by the Barangay Chairperson or the courts;
- f) arrest the suspected perpetrator; and

- g) immediately report the call for assistance to the DSWD, accredited Non-Government Organizations (NGO) and other appropriate authorities.

Any barangay official or law enforcer who fails to respond to a call for help within a reasonable amount of time shall be liable for a fine not exceeding Ten Thousand Pesos (P10,000.00). The imposition of fine shall not preclude the filing of the appropriate civil, criminal or administrative actions.

SEC. 26. *Rights of a Victim of Elder Violence.* – In addition to those provided under existing laws, a senior citizen shall have the following rights:

- a) to avail of free 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 LGUs concerned;
- c) to be entitled to all legal remedies as provided for under the Family Code;
- d) to be informed of their rights and the services available including to them, including the right to apply for a protection order; and
- e) to be entitled to actual, compensatory, moral and exemplary damages.

SEC. 27. *Mandatory Programs and Services for Victims of Elder Abuse.* – The DSWD and DOH, in coordination with the LGUs, shall provide a victim of elder abuse with the following:

- a) a safe place or shelter;
- b) appropriate medical attention for injuries sustained as a result of elder violence; and
- c) counseling, recovery and rehabilitation services.

SEC. 28. *Duties of Healthcare Providers.* – Any attending healthcare provider of the senior citizen, including physicians, nurses, clinicians, barangay health workers, therapists or counselors who suspect elder abuse or has been informed by the victim of such shall:

- a) properly document any of the victim's physical, emotional or psychological injuries;
- b) properly record any of victim's suspicions, observations and circumstances of the examination or visit;
- c) automatically provide the victim with a medical certificate concerning the examination or visit at no cost to the victim;
- d) safeguard the records and make them available to the victim upon request at actual cost; and
- e) provide the victim immediate and adequate notice of rights and remedies provided under this Act, and services available to them.

SEC. 29. *Education and Training Programs for Barangay Officials and Law Enforcers.* – All barangay officials and law enforcers involved in responding to alleged cases of elder abuse shall be required to undergo regular education and training to acquaint them with:

- a) the nature, extent and causes of elder abuse;

- b) the legal rights of, and remedies available to victims of elder abuse;
- c) the services and facilities available to victims of elder abuse;
- d) the legal duties imposed on barangay officials and law enforcers in making lawful arrest, offering protection and assistance; and
- e) the necessary techniques to be employed in handling incidents of elder abuse to minimize the likelihood of injury to the responding officer or enforcer and to promote the safety of the victim or survivor.

SEC. 30. *Counseling and Treatment of Offenders.* – The DSWD shall provide rehabilitative counseling 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.

SEC. 31. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the respective current year's appropriations of the concerned agencies. Thereafter, the amount needed for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 32. *Implementing Rules and Regulations.* – Within six (6) months from the approval of this Act, the National Commission of Senior Citizens, in coordination with the DILG, DSWD, DOH and other relevant government agencies, shall formulate the rules and regulations for the effective implementation of this Act.

SEC. 33. *Suppletory Application.* – For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

SEC. 34. *Separability Clause.* – If, for any reason, any section, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

SEC. 35. *Repealing Clause.* – All laws, presidential decrees, issuances, executive orders, letters of instruction, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 36. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,