

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6324



INTRODUCED BY REPRESENTATIVE MILAGROS AQUINO – MAGSAYSAY

EXPLANATORY NOTE

This bill seeks to protect senior citizens from being targeted and victimized by devious individuals or syndicates through scams and fraudulent machinations that utilize mail and telecommunication technologies.

Of late, there have been numerous reports of senior citizens being victimized by individuals or syndicates. These strangers befriending them or tricking them, before depriving them of their hard-earned pensions, retirement funds or savings. As we continue to navigate the digital age, it is of paramount importance that we not only embrace the opportunities that technology provides us, but also take steps to protect those who may be vulnerable to its dangers. One such group that we must be particularly mindful of is our senior citizens.

Senior citizens are often targeted by online fraudsters and scammers, who use various tactics such as love scams, phishing schemes, and other forms of deception to steal their money and personal information. These types of crimes not only have a financial impact on our senior citizens, but they can also cause emotional distress, and in some cases, even lead to serious physical harm. We must take action to educate and protect them, and work together to bring scammers to justice. It is our responsibility as lawmakers to look out for the elderly and ensure that they can enjoy the benefits of technology without fear of falling victim to these types of crimes.

It mandates the Department of the Interior and Local Government (DILG) through the local government units (LGUs), to periodically disseminate to senior citizens, their families and caregivers within their respective jurisdictions, general information on mail, telemarketing, and internet fraud targeting senior citizens. The proposed measure also defines the roles of other government agencies in protecting our elderly from these various forms of fraud.

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


MILAGROS AQUINO-MAGSAYSAY

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AN ACT PROTECTING SENIOR CITIZENS FROM VARIOUS FORMS OF SCAMS AND FRAUDULENT MACHINATIONS

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 "*Senior Citizens' Protection From Fraud Act*".

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to care for the elderly and prioritize their needs and protection. It shall ensure that this sector of society shall be protected from the ills and evils of modern technology that take advantage of their lack of information and knowledge on these innovations. Towards this end, the government shall establish mechanisms to protect senior citizens from fraud that utilize mail and telecommunication technologies.

SECTION 3. *Common Types of Online Scams and Fraud* – The following are considered common online scams or frauds perpetuated against older persons punishable under relevant laws:

- a. Phishing and “assisted” fund transfers utilizing fake banks, PhilHealth, GSIS, SSS SMS/email messages on supposed “account revalidation”;
- b. Fake investment platforms promising to “double your money” such as high returns from crypto/farming/e-load and/or referral bonuses;
- c. Love or Companion Scams from being contacted by overseas or foreigner “retirees” needing money and/or emotional/romantic grooming via social media like facebook, Instagram, tiktok, etc.
- d. Tech-Support Take-Over with Pop-Up messages claiming your device is infected or compromised, and asking for remote access and payment of a fee for the recovery service;
- e. Emergency Hoaxes claiming an accident occurred and a family member is in the hospital, or a “grandchild in jail” where someone claiming to be a relative or family friend needs emergency financial help;
- f. SIM Swap or OTP Hijack where the perpetrator obtains replacement SIM, or intercepts OTP verifications to empty e-wallets; and
- g. Other similar or analogous circumstances perpetuating online or digital scams and fraud.

SECTION 4. Advocacy, Awareness-Raising, Information Dissemination and Education on Mail, Telemarketing, and Internet Fraud Targeting Senior Citizens. - The Department of the Interior and Local Government (DILG), through the local government units (LGUs), after consultation and in coordination with the Department of Information and Communications Technology (DICT), Department of Trade and Industry (DTI), Department of Justice (DOJ), Philippine Postal Corporation, Bangko Sentral ng Pilipinas (BSP) and the National Commission of Senior Citizens (NCSC) shall:

- a. Periodically disseminate to senior citizens, their families and caregivers, general information on mail, telemarketing, and internet fraud targeting senior citizens, including descriptions of the most common fraud schemes;
- b. Periodically disseminate to senior citizens, their families and caregivers, information on methods available to report fraud targeting seniors, through:
 - 1) the referral of complaints to law enforcement agencies, including the Philippine National Police (PNP) and the National Bureau of Investigation (NBI);
 - 2) the establishment of telephone hotlines for reporting mail, telemarketing and internet fraud; and
 - 3) creation of a website to serve as a resource for information for senior citizens, and families and caregivers of senior citizens, regarding mail, telemarketing, and internet fraud targeting senior citizens.

SECTION 5. Applicable and Relevant Anti-Scam or Fraudulent Acts Laws - The above-mentioned acts under Section 3 shall be punishable offenses under the following relevant and applicable laws:

- a. Revised Penal Code Article 315 on Swindling or Estafa, and Article 318 on “Other Deceits”;
- b. Republic Act (RA) No. 8484 or “Access Devices Regulation Act of 1998”;
- c. Republic Act (RA) No. 8799 or the Securities Regulation Code;
- d. Republic Act (RA) No. 10175 or the “Cybercrime Prevention Act of 2012”;
- e. Republic Act (RA) No. 11765 or the “Financial Products and Services Consumer Protection Act”;
- f. Republic Act (RA) No. 11934 or the SIM Registration Act;

SECTION 6. DILG Coordination with other Government Agencies. - In gathering information fraud to be disseminated to senior citizens, the DILG shall coordinate with the following government agencies:

- a. Bangko Sentral ng Pilipinas (BSP) – Consumer Assistance Mechanism – with respect to fraud and scams related to products and services of BSP-regulated financial institutions, particularly e-money and bank account intrusions, and restitutions under RA 11765;
- b. Securities and Exchange Commission (SEC) and Insurance Commission (IC) - with respect to fraud and scams related to lending and investment instruments and insurance products;
- c. National Telecommunications Commission (NTC) - with respect to text scams and Subscriber Identification Module (SIM) card fraud;
- d. Philippine Postal Corporation - with respect to fraud and scams committed through post or regular mail;

- e. National Bureau of Investigation-Cybercrime Division (NBI-CCD) - for syndicated and high-value fraud and international cooperation via MLATs;
- f. Philippine National Police-Anti-Cybercrime Group (PNP-ACG) - for walk-in complaints, digital forensic imaging and entrapment operations;
- g. Department of Information and Communication Technology- Cybercrime Investigation and Coordinating Center (DICT-CICC) – which provides first-level triage and/or referral for other fraudulent activities and cybercrimes.

The DICT shall establish an online network among the agencies mentioned above as well as other relevant government agencies that shall link them to facilitate coordination and sharing of information.

SECTION 7. *Roles of Other Government Agencies.* -

- a. Local Government Units' Social Welfare and Development Offices – In cooperation with their respective Office of Senior Citizens Affairs (OSCAs), LSWDOs may assist senior citizens with the drafting of complaint-affidavits and provide referrals for psychological support;
- b. Department of Justice – Office of Cybercrime (DOJ-OOC) - which serves as the central authority for MLA requests and oversees digital-evidence chain-of-custody, shall provide necessary technical support and legal assistance;
- c. Department of Information and Communication Technology (DICT) - shall periodically provide the DILG information on internet and telecommunications fraud targeting senior citizens, including information on how they may be protected from the same. It shall also provide technical assistance to senior citizens, families, and caregivers who directly seek the assistance of the Department on internet and telecommunications fraud; and
- d. Department of Trade and Industry (DTI) - shall, in response to a specific request by a party inquiring about any history of fraud committed by a particular entity or individual, provide to such party any publicly available information on any record of law enforcement action for fraud against such entity or individual by the DTI and by any other agency that reports such actions to the DTI.

SECTION 8. *Implementing Rules and Regulations.* - The DICT shall, within sixty (60) days after the effectivity of this Act, in cooperation and coordination with all the above-mentioned government agencies shall formulate and promulgate the necessary rules and regulations for its effective implementation.

SECTION 9. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision or part not otherwise affected shall remain valid and subsisting.

SECTION 10. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 11. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,