



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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 8897



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

AN ACT
DEFINING AND PENALIZING ELDERLY ABUSE AS A PUBLIC CRIME, PROVIDING PROTECTIONS TO ELDERLY VICTIM-SURVIVORS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

This bill seeks to define and penalize elderly abuse as a public crime, recognizing that protecting the elderly is both a duty of the State and a shared responsibility of the community. It provides clear definitions of prohibited acts, prescribes corresponding penalties, and establishes protection orders and remedies to prevent further harm. It also delineates the duties of barangay officials, law enforcers, healthcare providers, prosecutors, and courts in addressing cases of elder abuse.

According to the World Health Organization (WHO), one in six older persons worldwide has experienced some form of abuse¹. In the Philippines, a 2004 community study revealed that about 40% of older persons in urban poor areas had experienced abuse², often committed by family members or caregivers. Alarming, only 2% of cases were reported to authorities, underscoring the hidden and underreported nature of the problem due to shame, fear, and the lack of accessible reporting and support mechanisms. Experts believe that the actual figures are much higher.

While existing laws provide social welfare benefits and privileges for

¹ n.a. (2024). *Abuse of older people*. Retrieved from <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people#:~:text=Key%20facts,are%20experiencing%20rapidly%20ageing%20populations>.

² Gonzales, C. (2020). *Elder abuse increased during COVID-19 pandemic — CHR official*. Retrieved from <https://newsinfo.inquirer.net/1291743/elder-abuse-increased-during-covid-19-pandemic-chr-official>

senior citizens, there remains no comprehensive legal framework that specifically addresses protection from abuse, neglect, and exploitation. Consequently, many elderly Filipinos remain vulnerable to physical harm, psychological trauma, and financial manipulation, often inflicted by those entrusted with their care.

Through this measure, the State reaffirms its constitutional mandate to promote the welfare and protect the rights of the elderly and upholds the constitutional guarantee of the right to life, liberty, and security of all Filipinos, regardless of age. It strengthens institutional mechanisms for prevention, protection, and redress, closes existing policy gaps, and ensures that senior citizens live their remaining years in dignity, security, and respect.

A similar bill was previously filed in the 19th Congress by Representative Ernesto “Ernix” M. Dionisio Jr.

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



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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 "*Anti-Elder Abuse Act.*"

SECTION 2. *Declaration of Policy.* – Enshrined in Article XV, Section 4 of 1987 Philippine Constitution is the duty of the State to design programs of social security for the elderly. Additionally, Article XIII, Section 11 provides for the State to ensure accessible health and social services, giving priority to the needs of the elderly alongside other vulnerable sectors. To fulfill these mandates, the State shall eliminate all forms of senior citizen abuse, penalize violators, and adopt programs for prevention, deterrence, and crisis intervention.

SECTION 3. *Definition of Terms.* - For the purposes of this Act, the following definitions shall apply:

- a. ***Elderly*** refers to any individual aged sixty (60) and above;
- b. ***Elderly abuse*** refers to a single or repeated act, or the lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an elderly individual including, but not limited to, physical, sexual, psychological or emotional abuse, material or financial exploitation, and neglect.

SECTION 4. *Prohibited Acts.* – The following acts of violence against the elderly are declared unlawful and therefore prohibited:

- a. Physical Abuse refers to acts committed with the intent to cause bodily harm or physical pain to an elderly individual. It includes striking, slapping, beating, pushing, kicking, burning, the inappropriate use of physical restraints or medication, force-feeding, or any act resulting in physical injuries such as bruises, sprains, welts, abrasions, or fractures;
- b. Sexual Abuse refers to any non-consensual act that is sexual in nature, committed against an elderly individual. It includes rape, acts of lasciviousness, coerced nudity, unwanted sexual touching, sexually explicit photographing, sexual coercion, or forcing the victim into prostitution or other sexual acts.
- c. Psychological or Emotional Abuse refers to acts or omissions that cause or are likely to cause mental or emotional suffering to an elderly individual. It includes verbal assaults, threats, humiliation, ridicule, intimidation, or other similar acts that result in or contribute to emotional anguish, whether or not accompanied by physical abuse;

- d. Material, Financial, or Economic Abuse refers to the unauthorized or improper use of an elderly individual's resources, property, or assets for another person's monetary or personal gain, or any act that deprives the elderly of rightful access to or control over their finances or possessions. It includes financial exploitation, theft, coercion or deception in signing legal documents, misuse of property or funds, and other acts of economic manipulation or deprivation.
- e. Neglect refers to the failure or refusal, whether intentional or unintentional, to provide the basic needs of an elderly individual, including food, shelter, healthcare, protection, or companionship. It includes the deliberate withholding or inadequate provision of items or services essential to daily living, particularly for those who are physically dependent.

SECTION 5. *Public Crime.* – Elder abuse shall be considered as a public offense which may be prosecuted upon the filing a complaint by any citizen having personal knowledge of the circumstances involving the commission of the crime.

SECTION 6. *Penalties.* – The prohibited acts outlined hereof shall be punished according to the following rules:

- a. Acts falling under Sec. 4 (a) and (b) shall be punished in accordance with the provisions of the Revised Penal Code (RPC);
- b. Acts falling under Sec. 4 (c) shall be punished by *prision mayor*;
- c. Acts falling under Sec. 4 (d) which are covered in the RPC shall be punished in accordance with the Code. However, acts not found in the RPC such as the unauthorized, or improper use of the resources of an elderly,

depriving an elderly of rightful access to, or use of, benefits, resources, belongings, or assets, misuse of property or money, or forced signing of legal documents shall be punished by *prision correccional*; and

- d. Acts falling under Sec. 4(e) shall be punished by *prision mayor*.

The penalty provided shall be imposed in its maximum period if:

- a. The offender-perpetrator has been previously convicted under this Act or is a habitual delinquent;
- b. The offender is a descendant, collateral relative, family relative up to the 2nd degree of consanguinity or affinity or guardian;
- c. The offender is an owner-operator, manager, or employee of a privately-operated elderly facility; and
- d. The offender is a public official, staff, or employee of a government-operated residential home; provided, that said public official staff or employee may be subjected to suspension and/or termination according to administrative disciplinary procedures.

SECTION 7. *Prohibited Defense.* – Being under the influence of alcohol, illicit drugs, or any other mind-altering substance shall not be a defense under this Act.

SECTION 8. *Persons Intervening Exempt from Liability.* – Any person who responds or intervenes with force or violence that is greater than necessary to ensure the safety of the victim shall not be liable for any criminal, civil, or administrative case resulting therefrom.

SECTION 9. *Venue.* – The Regional Trial Court designated as a Family Court

shall have original and exclusive jurisdiction over cases of violence against the elderly under this law. 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.

SECTION 10. *Protection Orders.* – A protection order is an order issued under this Act for the purpose of preventing further acts of violence against the elderly and granting other necessary relief. The relief granted under a protection order serves the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over his/her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the Barangay Protection Order (BPO), Temporary Protection Order (TPO) and Permanent Protection Order (PPO).

The protection orders that may be issued under this Act shall include any, some or all of the following reliefs:

- a. Prohibition of the offender from threatening to commit or committing, personally or through another, any of the acts mentioned in Section 4 of this Act;
- b. Prohibition of the offender from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;
- c. Removal and exclusion of the offender from the residence of the petitioner, regardless of ownership of the residence, either temporarily for the purpose of protecting the petitioner, or permanently where no property rights are violated, and if offender must remove personal effects from the residence,

the court shall direct a law enforcement agent to accompany the offender in gathering their things and escort offender from the residence;

- d. Directing the offender to stay away from petitioner and designated family or household member at a distance specified by the court, and to stay away from the residence or any specified place frequented by the petitioner and any designated family or household member;
- e. Directing lawful possession and use by petitioner of an automobile and other essential personal effects, regardless of ownership, and directing the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to the possession of the automobile and other essential personal effects, or to supervise the petitioner's or offender's removal of personal belongings;
- f. Prohibition of the offender from any use or possession of any firearm or deadly weapon and order them 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 offender is a law enforcement agent, the court shall order the offender to surrender their firearm and shall direct the appropriate authority to investigate on the offender and take appropriate action on matter;
- g. Restitution for actual damages caused by the violence inflicted, including, but not limited to, property damage, medical expenses, childcare expenses and loss of income;
- h. Directing the Department of Social Welfare and Development (DSWD) or any appropriate agency to provide services that the petitioner may need; and
- i. Provision of such other forms of relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member, provided petitioner and any designated family or household member consents to such relief.

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.

SECTION 11. *Legal Representation of Petitioners for Protection Order.* – If the elderly victim requests, in the application for a protection order, the appointment of counsel due to lack of economic means to hire a counsel *de parte*, the court shall immediately direct the Public Attorney's Office (PAO) to represent the petitioner in the hearing on the application.

If the PAO determines that the applicant has sufficient means to engage the services of a counsel *de parte*, it shall facilitate the legal representation of the petitioner by a counsel *de parte*. The lack of access to personal or family resources by the applicant, such as when such resources are controlled or withheld by the perpetrator, shall qualify the petitioner for legal representation by the PAO.

However, a private counsel offering free legal service shall not be barred from representing the petitioner.

SECTION 12. *Barangay Protection Orders (BPOs).* – Barangay Protection Orders (BPOs) refer to the protection order issued by the Punong Barangay ordering the perpetrator to desist from committing acts constituting physical or sexual abuse under Section 4 of this Act.

A Punong Barangay who receives an application 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 from the date of issuance. Immediately after the issuance of an *ex parte* BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy of the same on 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.

SECTION 13. *Temporary Protection Orders (TPOs).* – Temporary Protection Orders (TPOs) refer to protection orders 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 provided under this Act. The TPO shall be effective for thirty (30) days from issuance.

The court shall schedule a hearing on the issuance of a Permanent Protection Order (PPO) prior to or on the date of the expiration of the TPO.

The court shall order the immediate personal service of the TPO on the respondent by the court sheriff, who may obtain the assistance of law enforcement officers or barangay officials in effecting such service.

The TPO shall include a notice of the date of hearing on the merits of the issuance of a PPO.

SECTION 14. *Permanent Protection Orders (PPOs).* – Permanent Protection

Orders (PPOs) refer to protection orders issued by the court after notice and hearing.

The respondent's non-appearance despite proper notice, or his lack of a lawyer, or the non-availability of his lawyer, shall not be a ground for the rescheduling or postponement of the hearing on the merits of the issuance of a PPO. If the respondent appears without counsel on the date of the hearing, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing.

In case the respondent fails to appear despite proper notice, the court shall allow *ex parte* presentation of evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history of abusive conduct of the respondent, even if the same was not directed against the applicant or the person for whom the application is made.

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 complete the hearing within one (1) day and the Temporary Protection Order (TPO) is due to expire, the court shall continuously extend or renew the TPO for a period of thirty (30) days at a time until final judgment is issued. The extended or renewed TPO may be modified by the court as may be necessary to address the needs of the applicant.

The court may grant any, some, or all of the reliefs provided under this Act in a PPO. A PPO shall remain effective until revoked by the court upon application of the person in whose favor the order was issued. The court shall ensure immediate personal service of the PPO upon the respondent.

The court shall not deny the issuance of a protection order on the basis of the lapse of time between the act of abuse and the filing of the application.

Regardless of the conviction or acquittal of the respondent, the court must

determine whether or not the PPO shall become final. Even in the case of a dismissal, a PPO shall be granted unless there is a clear showing that the act from which the order may arise did not exist.

SECTION 15. *Violation of Protection Orders.* – A complaint for a violation of a Barangay Protection Order (BPO) issued under this Act shall be filed directly with any Municipal Trial Court (MTC), Metropolitan Trial Court (MeTC), or Municipal Circuit Trial Court (MCTC) 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 the filing of any other criminal or civil action that the offended party may pursue for any of the acts committed.

A judgment for 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 from the offended party.

Violation of any provision of a Temporary Protection Order (TPO) or Permanent Protection Order (PPO) issued under this Act shall constitute contempt of court, punishable under Rule 71 of the Rules of Court, without prejudice to the filing of any other criminal or civil action that the offended party may initiate for any of the acts committed.

SECTION 16. *Establishment of a Senior Citizens Help Desk.* – Every barangay shall establish a Senior Citizen Help Desk and corresponding hotline number which shall provide immediate assistance to the victims of elder abuse. The

Senior Citizen Help Desk may consist of representatives of the Senior Citizens who are residents of the barangay or members of a local Senior Citizen organization designated and authorized by the Barangay Council or Chairperson. In addition, police stations across the country shall have a Senior Citizen Desk which shall attend to, and act on, complaints/cases covered by this Act.

SECTION 17. *Duties of Prosecutors/Court Personnel.* – Prosecutors and court personnel should observe the following duties when dealing with victims under this Act:

- a. Communicate with the victim in a language understood by the elder victim; and
- b. Inform the victim of their rights including legal remedies available and procedure, and privileges for indigent litigants.

SECTION 18. *Duties of Barangay Officials and Law Enforcers.* – Barangay officials and law enforcers 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 necessary whether or not a protection order has been issued and ensure the safety of the victim;
- b. Confiscate any deadly weapon in the possession of the perpetrator or within plain view;
- c. Transport or escort the victim to a safe place of their choice or to a clinic or hospital;
- d. Assist the victim in removing personal belongings from the house;
- e. Assist the barangay officials and other government officers and employees who respond to a call for help;

- f. Ensure the enforcement of the Protection Orders issued by the Punong Barangay or the courts;
- g. Arrest the suspected perpetrator without a warrant when any of the acts of violence defined by this Act is occurring, or when they have personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim as defined in this Act; and
- h. Immediately report the call for assessment or assistance of the DSWD, Social Welfare Department of LGUs or accredited non-government organizations (NGOs).

Any barangay official or law enforcer who fails to report the incident shall be liable for a fine not exceeding Ten Thousand Pesos (PhP10,000.00) or whenever applicable criminal, civil or administrative liability.

SECTION 19. *Healthcare Provider Response to Abuse.* – Any healthcare provider, including, but not limited to, an attending physician, nurse, clinician, barangay health worker, therapist or counselor who suspects abuse or has been informed by the victim of violence 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 free of charge a medical certificate concerning the examination or visit;
- 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.

SECTION 20. *Duties of Other Government Agencies and LGUs.* – Other government agencies and LGUs shall establish programs such as, but not limited to, education and information campaigns and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts.

It shall be the duty of the concerned government agencies and LGUs to ensure the sustained education and training of their officers and personnel on the prevention of violence against women and their children under the Act.

The Office for Senior Citizens Affairs (OSCA) of every LGU shall include services addressing the violence against elderly. All suspected cases must be reported in accordance with the existing laws. OSCA, in coordination with the Local Social Welfare and Development Office, shall also maintain its own documentation and monitoring systems of the cases.

SECTION 21. *Rights of Victims.* – In addition to their rights under existing laws, victims of violence against the elderly shall have the following rights:

- a. To be treated with respect and dignity;
- b. To avail of legal assistance from the PAO of the Department of Justice (DOJ) or any public legal assistance office;
- c. To be entitled to support services from the DSWD and LGUs;
- d. To be entitled to all legal remedies and support as provided for under the Family Code; and
- e. To be informed of their rights and the services available to them including their right to apply for a protection order.

SECTION 22. *Mandatory Programs and Services for Victims.* – The DSWD, in coordination with LGUs, shall provide the victims temporary shelters, provide counseling, psycho-social services and/or, recovery, rehabilitation programs and livelihood assistance.

Furthermore, the DSWD, in coordination with LGUs and accredited NGOs, shall establish and maintain shelters or temporary homes that will provide a safe, secure, and accessible refuge for elderly victims of abuse.

- a. Such shelters shall provide short-term and long-term accommodation, food, clothing, medical care, counseling, and rehabilitation services;
- b. Each region shall have at least one (1) government-operated shelter or partner facility designated for elderly victims of violence;
- c. LGUs are mandated to include in their annual investment plans the allocation for the operation and maintenance of shelters for elderly victims; and
- d. Priority shall be given to victims who are indigent, abandoned, or have no immediate family or household members to provide support.

The DOH shall provide medical assistance to victims.

SECTION 23. *Damages.* – Mandatory Programs and Services for Victims. – Any victim of violence under this Act shall be entitled actual, compensatory, moral and exemplary damages.

SECTION 24. *Training of Persons Involved in Responding to Cases of Elder Abuse.* – All government agencies, instrumentalities, and LGUs involved in responding to cases of violence against the elderly shall be required to undergo education and capacity-building programs to acquaint them with:

- a. The nature, extent, and causes of abuse against senior citizens;
- b. The legal rights of, and remedies available to, victims of Senior Citizen Abuse;
- c. The services and facilities available to victims or survivors;
- d. The legal duties imposed on police officers and barangay officials to make arrests and to offer protection and assistance; and
- e. Techniques and approaches for handling incidents of elder abuse that minimize the likelihood of injury to the officer and promote the safety, dignity, and well-being of the elderly victim-survivor.

The Philippine National Police (PNP), in coordination with the National Commission of Senior Citizens (NCSC), the DSWD, and the LGUs, shall establish an education and training program for police officers, barangay officials, and other first responders to ensure that they are properly equipped to handle cases of abuse against senior citizens in a gender-sensitive, rights-based, and age-appropriate manner to cases of elder abuse.

SECTION 25. *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.

SECTION 26. *Confidentiality.* – All records pertaining to cases of violence against the elderly including those in the barangay shall be confidential and all public officers and employees and public or private clinics/hospitals shall respect the right to privacy of the victim. Any person who shall make public any relevant

or identifying information about the case or the victims shall be liable to the contempt power of the court and shall suffer the penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (PhP 500, 000.00).

SECTION 27. *Appropriations.* – The amount necessary for the effective implementation of the provisions of this Act shall be included in the annual General Appropriations Act (GAA).

NCSC, DSWD, DOJ, and LGUs may utilize their respective program funds and other available appropriations to support and implement services, programs, and interventions for victims of Senior Citizen Abuse, consistent with the objectives of this Act.

SECTION 28. *Implementing Rules and Regulations.* – Within six (6) months from the approval of this Act, the NCSC, in coordination with the DOJ, DSWD, DOH, Department of Interior and Local Government (DILG), and the PNP, and in consultation with concerned stakeholders, shall promulgate the implementing rules and regulations for the effective implementation of this Act.

SECTION 29. *Suppletory Application.* – For purposes of this Act, the Revised Penal Code and other applicable laws, shall have suppletory application.

SECTION 30. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 31. *Repealing Clause.* – All other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 32. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,