

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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11497



Introduced by **ANG PROBINSYANO**
Party-List Representative Alfred Delos Santos

EXPLANATORY NOTE

The State, under Article II, Section 11 of the 1987 Constitution, proclaims the “value[of] the dignity of every human person,” thereby “guarantee[ing] full respect for human rights.” In connection, under Article XIII, Section 11, the sector of the elderly is one that is entitled to prioritization when it comes to receiving government aid and protection, for their access and enjoyment of “essential goods, health and other social services.” Hence, under Article XV, Section 4, though the family, as a social unit, is entrusted with “the duty to care for its elderly members,” the State is likewise given this responsibility, to be acted upon “through just programs of social security.”

As early as March 2020, it was confirmed that we have gotten “closer to having an aging population,” where “at least 7[%] are over 65 years old”:¹

More than 8 million, or 8.2 percent, of the Philippines’ population of 108.9 million are aged 60 and above, per a report of the Commission on Population and Development (PopCom). Of this group, 5 million (or 4.7 percent) are aged 65 and older.

With the rise in the aged population came an increase in the cases of senior citizens who have been subjected to abuse and/or been abandoned outrightly by their families:²

The Coalition of Services of the Elderly Inc., which advocates better care for senior citizens, warned recently that a crisis looms in elderly care.

¹Ador Vincent Mayol, “Number of abandoned elderly rising,” *Inquirer*, March 9, 2020, available at <https://newsinfo.inquirer.net/1238586/number-of-abandoned-elderly-rising#ixzz6VxqjnkLU>.

²“Crisis in elderly case,” *Philippine Star*, July 13, 2003, available at <https://www.philstar.com/opinion/2003/07/13/213451/crisis-elderly-care>.

COSE said the elderly has become the fastest growing sector of the Philippine population.

COSE, citing figures from the National Statistics Office, reported that the country has 155,200 people aged 65 to 80 who are listed as living alone. Some are widowed; others live alone by choice while others have been listed as abandoned. About 31,500 who are at least 80 years old have been abandoned or are living alone, COSE reported.

Elderly abuse has unfortunately become a full-blown social cancer in the Philippines:³

Physical abuse are acts that are committed with intention of causing physical pain and injury. It can be in the form of being hit, sexually assaulted or burned. Any act leading to physical or bodily pain (i.e. bruises, sprains, welts, abrasions and fractures) and injury is classified under this. **Psychological or emotional abuse** involves verbal assaults, threats, humiliation, and ridicule. Such abuse is usually accompanied by physical abuse but may happen separately. **Material or financial abuse** includes misuse of property or money, theft, or forced signing of legal documents. **Neglect** may be referred to as passive or unintentional and active or intentional. **Passive or unintentional neglect** would mean isolation of the elderly or the elderly are left alone. The family, because of other duties, may not be able to meet the needs of the elderly or the caregiver is incompetent to provide care for the elderly. **Active or intentional neglect** involves the deliberate withholding of items needed for daily living (food, medicine, companionship and care) especially from those who are physically dependent.

x x x

A. Domestic Abuse

There has been no major local study of this incident. DSWD admitted receiving reports of such circumstances but no record or action has been made. Unlike child abuse, to be able to protect abused elderly, the elderly themselves should report such incident before any action could be taken. Many abuses occur in different forms in their own homes but only few would admit such circumstances. The victims are often silent or in denial. They are afraid to seek help and guidance from people who can help them. Thus, elderly abuse is still unrecognized in our country.

³Clarita R. Carlos, "Concerns of the Elderly in the Philippines," *Philippine Social Sciences Review* 56(1-4): 18-22, available at <https://pdfs.semanticscholar.org/8a6b/2d097fc02065e561553ba2231b04f3a9450d.pdf>.

Being physically vulnerable, the elderly is one of the most usual preys and victims of abuse. Because of the frailty, such condition is taken advantage of. Moreover being single and widowed is another factor adding to their susceptible condition. Being dependent on the family, unfortunately, in a way has become a disadvantage as well. For some families, they see the state of the elderly as an opportunity to take over whatever wealth the elderly has and deliberately neglecting or ignoring the elderly.

A radio program called the Senior Citizen hour receives several calls and letters asking for advice regarding elderly abuse. Most of the abusers are the children themselves. Financial abuse is one of the frequent complaints accompanied by physical abuse. The children who still live with their parents, either employed or unemployed are oftentimes the perpetrators or abusers. The abusers extort money from them to support their needs or expenses, failure of the elderly to give money usually leads to physical abuse. There are also cases wherein the working parents would force their elderly parents to take care of their grandchildren even though the elderly have expressed their refusal. There are several cases being reported but do not really fall into any category of elderly abuse but still can be considered to be abusive. For instance, an elderly couple live together with their four children. The house belongs to the elderly couple, their children ages 27 to 45 are earning for themselves but have never contributed to the household expenses such as food, water and electricity bills. The mother earns through sewing while the father no longer works because of paralysis. Since the mother is earning by herself yet supporting everyone in the family, she has requested financial assistance from the children. The children ignored her request and continued with their own lifestyles. To make things worse, one of the children accepted a bed spacer, yet the mother does not profit from the said arrangement because the rent goes directly to the child. The bed spacer on the other hand uses the house facilities such as water and electricity that the mother shoulders.

Medical workers for a non-government agency also revealed that there are some elderly who would come for treatment of bruises and welts. When asked how they got such injuries, they would explain that they either fell from the stairs or hit themselves accidentally. However, the specialist would speculate that accidental falling or bumping could not cause such injuries. In such cases wherein the elderly do not admit being victims of abuse, the medical workers could only treat, or try to give them unsolicited advice.

x x x (citations omitted, emphasis supplied)

This bill is offered as a solution to this growing problem. As part of the various measures to be proposed, this Bill aims to: 1) penalize the various forms of elder abuse; 2) secure the rights of elders, especially during the pendency of abuse suits; and 3) institutionalizes the various protective mechanisms for elders.

In view of the foregoing, the passage of this measure is urgently sought.



ALFRED C. DELOS SANTOS
Representative, Ang Probinsyano Partylist

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AN ACT
PROTECTING SENIOR CITIZENS FROM VIOLENCE, DEFINING ELDER
ABUSE, AND PRESCRIBING PENALTIES THEREOF

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.* – It is hereby declared the policy of the State to value the dignity of senior citizens and thereby guarantee full respect for human rights. This State also recognizes the need to protect the family and its members, particularly the senior citizens from all forms of violence, abuse, neglect, exploitation, and coercion, especially acts deleterious to their personal safety and security.

Towards this end, the State shall exert efforts to address all forms of violence, abuse, neglect, exploitation, and coercion, especially acts deleterious to their personal safety, security, dignity, or any discriminatory act committed against senior citizens in keeping with the fundamental freedom guaranteed under the Constitution and the provisions of the universal Declaration of Human Rights.

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

- (a) **Domestic violence** to acts or threat of violence on a senior citizen, to exclude an act of self-defense, committed by any of the following:
- a. Current or former spouse of the victim;
 - b. A person related by blood or marriage to the victim;

- c. A person who is cohabiting with or has cohabited with the victim;
 - d. A person with whom the victim shares a child in common;
 - e. A person who is or has been in a social relationship of romantic or intimate nature with the victim; or
 - f. A person similarly situated to a spouse of the victim, or by an other person, if the domestic or family violence laws of the jurisdiction of the victim provide for legal protection of the victim;
- (b) **Elder abuse** refers to a single or repeated act, or lack of appropriate action, occurring within any relationship or interaction by any person which causes harm or distress to a senior citizen. It includes any act or series of acts committed by any person against a senior citizen, within or outside the family abode, which result or is likely to result in physical violence, psychological or emotional, economic, or domestic violence, and neglect or abandonment;
- (c) Emotional abuse refers to acts that include shouting, swearing, scaring, or humiliating a senior citizen through name-calling, ridicule, constant criticism, accusing, blaming, showing disrespect, ignoring, or giving them the silent treatment;
- (d) 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 suitable place that is willing to accommodate the aggrieved senior citizen; and
- (e) Senior citizen refers to any resident citizen of the Philippines at least sixty (60) years old as defined under Republic Act No. 9994, otherwise known as the “Expanded Senior Citizen Act of 2010.”

SECTION 4. *Acts of Violence Against a Senior Citizen.* – Acts of violence against a senior citizen are acts that cause harm or distress committed once or repeatedly through any of the following:

- (a) Physical abuse or infliction of pain or injury with the use of physical force or resulting in bodily injury, physical harm, pain or impairment, suffering or distress;
- (b) Psychological, mental, or emotional abuse causing mental or emotional suffering or distress;
- (c) Material exploitation through illegal or improper use of funds or resources of the senior citizen; and economic or financial abuse through acts that make the senior citizen financially dependent or cause financial damage to them; and
- (d) 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 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.

SECTION 5. *Rights of a Senior Citizen.* – During the pendency of the case involving violence against a senior citizen, in addition to those provided under existing law, a senior citizen shall have the following rights:

- (a) To avail of protection and 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 Local Government Unit (LGU) concerned;
- (c) To be entitled to all legal remedies as provided for under the Family Code;
- (d) To be informed through the Senior Citizen Help Desk established hereunder of the senior citizen's rights and services available, including the right to apply for a protection order; and
- (e) To be entitled to actual, compensatory, moral, and exemplary damages.

SECTION 6. *Mandatory Programs and Services for a Senior Citizen who is a Victim of Violence.* – The DSWD, in coordination with the LGUs, shall provide a senior citizen who is a victim of violence and similar acts the following services:

- (a) A safe place or temporary shelter, such as senior housing or nursing home or other suitable facility or service, when appropriate, as emergency short-term shelters. This safe place or temporary shelter shall provide counselling, psycho-social, recovery or rehabilitation programs and livelihood assistance;
- (b) Counselling, healing, recovery, and rehabilitation services; and
- (c) The appropriate programs to ensure the personal safety and security of a senior citizen who are victims or survivors of violence and similar acts.

SECTION 7. *Response to a Request for Assistance.* – 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 protection of the victim by entering the senior citizen victim's dwelling, if necessary, whether or not a perpetrator or one which is within plain view;
- (b) Confiscate any harmful object in the possession of the perpetrator, or one which is within plain view;
- (c) Transport the victim to a barangay hall, 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 Lupong Tagapamayapa, the Punong Barangay or Barangay Chairman and the Court;

- (f) Arrest the suspected even without a warrant when any of the acts of violence defined in this Act is occurring, or on a personal knowledge, an act of violence has been committed, and there is imminent danger to the life or limb of the senior citizen as defined in this Act; and
- (g) Immediately report the call for assistance to the DSWD, the LGU or accredited Non-Government Organization (NGO).

SECTION 8. *Philippine National Police (PNP) Protocol in Responding to Violence Committed Against a Senior Citizen.* – The Philippine National Police (PNP) is hereby directed to adopt a written protocol establishing written guidelines and procedures to be followed by police officers in responding to request for assistance and calls related to violence against senior citizens.

SECTION 9. *Education and Training Programs for Law Enforcement Officers and Persons Involved in Responding to Cases of Violence Against a Senior Citizen.* – All persons involved in responding to cases on all forms of abuse, violence, threats to personal safety and security or any discriminatory act committed against a senior citizen, shall be required to undergo education and training. The PNP, in coordination with the LGU concerned and the DSWD shall establish education and training programs to assist law enforcement officers and barangay officials to enable them to properly handle cases of violence against senior citizens and acquaint them with:

- (a) The nature, extent, causes of violence;
- (b) The legal rights of, and remedies available to, victims of violence;
- (c) The services and facilities available to victims or survivors;
- (d) The duties imposed on police officers in making lawful arrest and to offer protection and assistance; and
- (e) The necessary techniques to be employed in handling incidents of violence to minimize the likelihood of inquiry to the officer and promote the safety of the victim or survivor.

SECTION 10. *Mandatory reporting of Domestic Violence.* – A public officer who receives a complaint of violence committed against a senior citizen or the head of a public or private hospital, medical clinic, or similar institutions, as well as the attending physician or nurse, clinician, barangay health worker, therapist, or counsellor who examined or rendered treatment to a senior citizen victim shall make a report of the complaint, examination or treatment to the nearest police station.

All public workers and medical professionals who have knowledge of the incident involving domestic violence and to whom said abuse or violence was reported or revealed in the course of the performance of official duty, shall immediately report the incident to the proper authorities.

In all cases, a report shall be made to any law enforcement agency within forty-eight (48) hours from knowledge of the same. Whereupon, investigation shall immediately follow. The DSWD shall assign a social worker to verify incidents of violence and file a petition for PO, if warranted.

SECTION 11. *Establishment of Senior Citizen Help Desk.* – Every barangay shall establish a Senior Citizen Help Desk which shall provide immediate assistance to victim-survivors of abuse. Besides barangay officials, it may be manned 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.

SECTION 12. *Special Prosecution Unit.* – The DOJ is hereby directed to establish special units that shall handle complaints of violence against senior citizens as defined in this Act, and the prosecution thereof.

SECTION 13. *Venue.* – The Regional Trial Court (RTC) designated as a Family Court shall have original and exclusive jurisdiction over cases of violence against senior citizens as provided in this Act. In the absence of such court in the place where the offense was committed at the option of the complainant.

SECTION 14. *Protection Order (PO).* – A Protection Order (PO) is an injunction under this Act that may be requested or issued for the purpose of preventing further acts of abuse or violence against senior citizens as specified in Section 4 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 or offender from threatening to commit, personally or through another, any of the acts of violence as defined in Section 4 hereof;
- (b) Whenever applicable, issuance of an order to the respondent or offender to immediately leave the domicile or residence of the petitioner. If personal effects must be removed from the residence, the Court shall direct a law enforcement officer to accompany the respondent to the residence until such time that respondent has gathered all belongings, and to escort the respondent from the residence: Provided, that the

- victim or the aggrieved party shall likewise be accorded the same protection contemplated herein;
- (c) Issuance of an Order to the respondent to stay away from the petitioner within a distance to be determined by the Court: Provided, that the order shall ensure the physical safety of the petitioner in the residence, place of work, school, and such other places frequented by the offended party;
 - (d) Prohibition of the respondent from directly or indirectly communicating or contacting the petitioner;
 - (e) Issuance of an Order to proper law enforcement offices to enforce the provisions of the Section;
 - (f) Issuance of an Order to the DSWD and the Social Welfare Development Office (SWDO) of the LGU concerned to provide therapy, counselling, and other support services to the aggrieved party or parties;
 - (g) Issuance of an Order for the restitution for actual damages caused by the violence inflicted, including but not limited to property damaged, medical expenses, and loss of income; and
 - (h) Such other relief deemed necessary by the Court for the protection of the petitioner and such other persons who may be in need of the same.

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 application for PO must be in writing, signed and verified under oath by the applicant. If the applicant is not the victim, the application must be accompanied by an affidavit of the applicant attesting to:

- (a) The circumstances of the disclosure of the violence or abuse suffered by the victim; and
- (b) The circumstances of consent, or lack thereof, given by the victim for the filing of the application.

When disclosure of the address of the abused senior citizen will pose danger to the person's life, it shall be stated in the application. In such a case, the applicant shall attest that the victim is residing in the municipality or city over which the Court has territorial jurisdiction, and shall provide a mailing address for the purpose of the service of the court processes.

The standard application form for PO shall include the following information:

- 1) Names and addresses of petitioner and respondent;
- 2) Description of relationship between petitioner and respondent, in the case of violence within the context of Section 4 of this Act;
- 3) A statement of the circumstances and the nature of violence or abuse;

- 4) Description of the reliefs requested by the petitioner as specified in this section;
- 5) Request for counsel and reasons for such request;
- 6) Request for waiver of application fees until hearing; and
- 7) An attestation that there is no pending application for a PO in another Court.

The following persons may file the petition for a PO:

- 1) The offended party;
- 2) Any member of the family or household of the victim as defined in this Act;
- 3) Social worker from the DSWD or the SWDO of the LGU or any accredited social welfare organization;
- 4) Law enforcement officer or agent;
- 5) Lawyer, counsellor, therapist, or healthcare of the petitioner; and
- 6) Any concerned responsible citizen of the community who has personal knowledge of the offense committed.

No filing fee shall be required in the application for a PO.

An application for a PO filed with the Court shall be considered an application for both a TPO and a PPO.

SECTION 15. *Transfer of Residence; New Application Needed.* – A petitioner previously granted a BPO under this Act and who desires to relocate to a new residence outside the original city or municipality of residence has to apply for a new BPO.

When a PO has been issued by a Court of competent jurisdiction and the person in whose favor it is issued transfers to a place outside the court's jurisdiction, the person may still have the order enforced by filing a petition before a court in the place where the person has transferred. The petition to enforce the order shall include a copy of the previously obtained PO. The respondent shall be noticed of the issuance of a new PO.

SECTION 16. *Legal Representation of Applicant for a PO.* – If a petitioner for a PO is requesting for the appointment of a counsel because of lack of economic means to hire a counsel de parte, the Court shall immediately direct the Office of the Public Prosecutor who has jurisdiction over the case to represent the petitioner in the hearing on the application sought. The applicant who cannot afford to hire the services of a private counsel or lacks access to family or conjugal resources such as when the same are controlled by the abuse, shall qualify for legal representation by the DOJ, the Public Prosecutors' Office or the PAO.

However, a private counsel offering free legal service is not barred from representing the petitioner with the latter's consent, and with the leave of Court.

SECTION 17. *Barangay Protection Order (BPO).* – A Barangay Protection Order (BPO) is issued by the Lupong Tagapamayapa and the Punong Barangay or Barangay Chairman. The issuance of a BPO or the pendency of an application for a BPO shall not preclude petitioner from applying for, or the Court from granting, a TPO or PPO.

Application for a BPO shall follow the Rules on venue under the Local Government Code of 1991 and its implementing rules and regulations.

A Punong Barangay or Barangay Chairperson who receives application for a BPO shall issue the PO to the applicant on the date of filing after ex parte determination of the basis of the application. If the Punong Barangay or the Barangay Chairman is unavailable to act on the application for a BPO, the application shall be acted upon by any available Lupong Tagapamayapa or Barangay Kagawad.

A BPO issued by the Lupong Tagapamayapa, a Punong Barangay or Barangay Chairperson and the Barangay Kagawad may cover the relief provided in Section 14 hereof and shall be effective for fifteen (15) days. Immediately after the issuance of an ex parte BPO, the Punong Barangay or Kagawad shall personally serve a copy of the same on the respondent, or direct any barangay official to personally serve the order.

Within forty-eight (48) hours of issuance of an ex parte BPO, the Punong Barangay or Barangay Kagawad must refer the case to the Lupong Tagapamayapa. The case shall be heard by the Lupong Tagapamayapa within seven (7) days from the date of referral and within the fifteen (15)-day effectivity period of the ex parte BPO.

Notice of the hearing shall be given to both parties. Subsequent to a hearing on the merits of the application, the Lupong Tagapamayapa may extend a BPO that grants relief under Section 14 for a period of six (6) months. The issuance of a BPO shall not preclude any applicant from applying or receiving a subsequent BPO concerning the same matter.

SECTION 18. *Temporary Protection Order (TPO).* – A Temporary Protection Order (TPO) may be issued by a Court prior to the issuance of a Permanent Protection Order (PPO) and shall be based on an application under Section 14 herein. Any application for TPO or PPO must be made with territorial RTC, Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial Court with territorial jurisdiction over the place of residence of the offended family or the senior citizen victim who suffered violence described under Section 4 of this Act; Provided, however, that if a Family Court exists in the place of residence of

the person for whom the application is made, the application shall be filed with that Court.

A Court that received an application for a PO shall issue a TPO on the date of the filing of the application for ex parte determination that such order shall be issued. The TPO 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 expiration of the TPO. The Court shall order the immediate service of the TPO on respondent by the Court Sheriff who may obtain the assistance of law enforcement agents for the purpose. The TPO shall include a notice of the hearing on the merits of the issuance of PPO.

SECTION 19. *Permanent Protection Order (PPO).* – A Permanent Protection Order (PPO) may be issued only by the Court after the notice and hearing.

Any application for TPO or PPO must be made with an RTC, Metropolitan Trial Court, Municipal Trial Court, or Municipal Circuit Trial Court with territorial jurisdiction over their place of residence of the offended family or the abused senior citizen who suffered violence described under Section 4 of the Act; Provided, however, that if a Family Court exists in the place of residence of the person for whom the application is made, the application shall be filed with that Court.

Respondent's non-appearance despite proper notice, or lack of a lawyer, or the non-availability of respondent's lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondent appears without counsel on the date of the hearing on the PPO, 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 the 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 a respondent even if the same was not directed against the applicant or the person for whom the application is made.

The court shall, to 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 the duration of the case until final resolution on the case is issued. Provided, however, that the PPO may be modified by the Court accordingly to address the needs of the applicant.

The Court may grant any, some, or all of the reliefs provided in Section 14 hereof through a PPO. A PPO shall be effective until revoked by a Court upon application of the person in whose favor the order was issued. The Court shall ensure immediate service of the PPO on respondent. The Court shall not deny

the issuance of a PO on the basis of the lapse of time between the act of violence or abuse as defined in Section 4 herein, 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 a dismissal of the application for a PPO, the same shall be granted as long as there is no clear showing that the act which the order might arise from did not exist.

Failure to act on application for a PO within the period specified in the previous sections without justifiable cause shall render the Lupong Tagapamayapa, the Punong Barangay or the Barangay Chairman, the Barangay Kagawad, the Official, or the Judge administratively liable.

SECTION 20. *Priority Action on Application for a Protection Order.* – Hearings on applications for a PO under this Act shall have priority over all other proceedings. Barangay officials, Lupong Tagapamayapa and the Courts shall schedule and conduct hearings on applications for a PO under this Act above all other businesses and, if necessary, suspend other proceedings in order to hear applications for a PO.

Respondents shall be notified of the issuances of a PO.

SECTION 21. *Prohibition Against Undue Influence Over a Protection Order Applicant.* – A Lupong Tagapamayapa, a Punong Barangay or Barangay Chairman, or the Court hearing an application for a PO shall not order, direct, force, or in any way unduly influence the application for a PO to compromise or abandon any of the reliefs sought in the application for a PO provided under this Act. Section 7 of the Family Courts Act of 1997 shall not apply in the proceedings where relief is sought under this Act.

Failure to comply with this section shall render the concerned individuals, official, or Judge administratively liable.

SECTION 22. *Mutual Protection Order Prohibited.* – No order for protection of the offender or respondent may be granted by a Lupong Tagapamayapa or a Punong Barangay or Barangay Chairman and the Courts.

SECTION 23. *Complaint against a Violation of Protection Order.* – A complaint on the violation of a BPO issued under this Act shall 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 under Section 4 hereof.

A judgment on a violation of a BPO may be appealed according to the Rules of Court. During trial and upon judgment, the trial court may motu proprio issue a PO as it seems necessary without need of an application.

A violation of any provision of a TPO or PPO issued under this Act shall constitute contempt of court punishable under the Rules of Court, without prejudice to any other criminal or civil action that the offended party may file for any of the acts committed in accordance with Section 4 hereof.

Any violation of a PO issued under this Act shall constitute an offense punishable by imprisonment of thirty (30) days, without prejudice to any criminal or civil action that the offended party may file against a person who has committed any acts described in Section 4 hereof.

A complaint on a violation of the PO shall be filed by the complainant directly with the Court that issued the order, or with that Court in the place of residence of the complainant, if the former is not practicable. A criminal case for violation of a PO shall be tried and resolved by the Court within sixty (60) days from the date the complaint was filed. The Court, upon determination of probable cause, shall cause the arrest of the accused who may post bail in the interim in an amount to be determined by the Court.

A judgment on a violation of a PO may be appealed according to the Rules of Criminal Procedure. During trial and upon judgment, the Court may motu proprio issue a PO as it deems necessary.

SECTION 24. *Hold Departure Order.* – A hold departure order shall be issued immediately by the Court against the respondent of a complaint of abuse against a senior citizen as described under this Act.

SECTION 25. *Penalties.* – Commission of the acts described under Section 3 hereof shall suffer the following penalties:

- (a) Acts falling under Section 4(a) hereof constituting attempted, frustrated, or consummated parricide or murder or homicide shall be punished in accordance with the provisions of the Revised Penal Code;
- (b) Acts falling under Section 4(a) resulting in mutilation shall be punishable in accordance with the Revised Penal Code: *Provided*, that those resulting in serious physical injuries shall be punishable with the penalty of *prison mayor*; those resulting in less serious physical injuries shall be punishable by *prison correctional* and those resulting in slight physical injuries shall be punishable by *arresto mayor*;
- (c) All other acts enumerated in Section 4 hereof shall be punishable by *prison correctional* and a fine in an amount not less than One hundred pesos (P100,000.00) but not more than Three hundred pesos (P300,000.00).

In addition to these penalties, a person found guilty of any of the acts enumerated in Section 4 hereof shall be required to undergo mandatory psychological counselling or psychiatric treatment and shall report compliance therewith to the court.

A Barangay Official or law enforcer who fails to respond to any request for assistance or protection from or on behalf of a victim shall suffer imprisonment of six (6) months to one (1) year, at the discretion of the Court and pay fine of not less than Five thousand pesos (P5,000.00), but not more than Ten thousand pesos (P10,000.00).

Any person who fails to report any act of violence described in Section 3 hereof as required herein shall be liable for a fine of not less than Ten thousand pesos (P10,000.00). Whenever applicable, criminal or administrative charges may also be filed.

SECTION 26. *Counseling and Treatment of Offenders.* – The DSWD shall provide rehabilitation counselling and treatment of perpetrators towards learning constructive ways of coping with anger and emotional outburst and reforming their ways. When necessary, the offender shall be ordered by the Court to submit to psychiatric treatment or confinement.

SECTION 27. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of concerned departments. Thereafter, the amount needed for the continued implementation of this Act shall be included in the budget of the concerned departments in the annual General Appropriations Acts.

For LGUs, the implementation of the programs shall be charged against the internal revenue allotment and other internally generated funds of the LGU concerned.

In addition, the departments concerned and the LGUs, may accept donations, contributions and grants from various sources for the purpose of implementing this Act.

SECTION 28. *Implementing Rules and Regulations (IRR).* – Within six (6) months from the approval of this Act, the secretary of the DSWD, in coordination with the Secretaries of the DOJ, the Department of Interior and Local Government (DILG) and the DOH, shall formulate rules and guidelines as may be necessary for the proper implementation and enforcement of this Act. This shall include developing protocols and training programs for all agencies and public officers concerned and a public information and education programs on

violence against senior citizens. The implementing rules and regulations (IRR) provided under this Act shall be reviewed periodically, and revised if necessary.

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 or part of this Act is held invalid or unconstitutional, the remaining provisions or parts unaffected shall remain in full force and effect.

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

SECTION 32. *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,