

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4973



Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

The Constitution, Article 11, Section 11, provides:

"The State values the dignity of every human person and guarantees full respect for human rights."

The elderly have always been victims of moderate to severe abuse. Elderly abuse takes on many forms, including physical abuse, sexual abuse, psychological (emotional) abuse, neglect (intended or unintended) and financial exploitation.

Unfortunately, there are relatively few statistics and research studies regarding violence against older or disabled persons. Public and professional awareness and identification of elderly abuse is difficult because older or disabled persons are not tied into many social networks such as schools or jobs, and may become isolated in their homes, which can increase the risk of elderly abuse. Further, elderly abuse is severely underreported, with only a fraction of cases reported, according to the most recent studies. Some elder or disabled persons, particularly women and minorities, fail to report abuse because of shame, privacy concerns, or as a result of prior unsatisfactory experiences with individuals, agencies, or others who lacked sensitivity to the concerns or needs of elder or disabled people. Others fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized.

Hence, this bill seeks to ensure that older or disabled persons are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older or disabled persons victimized by such violence.


JOHN MARVIN "YUL SERVO" C. NIETO

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AN ACT

TO ENSURE THAT OLDER OR DISABLED PERSONS ARE PROTECTED FROM INSTITUTIONAL, COMMUNITY AND DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND TO IMPROVE OUTREACH EFFORTS AND OTHER SERVICES AVAILABLE TO OLDER OR DISABLED PERSONS VICTIMIZED BY SUCH VIOLENCE

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 **"Older Filipino's Protection from Violence Act."**

SEC. 2. Law School Clinical Programs on Elder Abuse, Neglect and Exploitation. - The Secretary of Justice shall make grants to law school clinical programs for the purposes of finding the inclusion of cases addressing issues of elder abuse, neglect and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

SEC. 3. Training Programs for Law Enforcement Officers. - The Secretary of Justice, in consultation with the Secretary of Social Welfare and Development and nongovernmental organization shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors and relevant officers of courts in recognizing, addressing, investigating and prosecuting instances of elder abuse, neglect and exploitation, including domestic violence and sexual assault against older or disabled individuals.

SEC. 4. Support Services. - The Secretary of Social Welfare and Development, in cooperation and coordination with non-governmental organizations shall:

a) establish domestic violence programs to encourage the development programs, including outreach, support groups and counseling, targeted to victims of elder domestic abuse and establishment of domestic violence shelters, which shall include the use of senior housing, nursing homes or other suitable facilities or services when appropriate as emergency short term shelters or measures for older or disabled individuals who are the victims of elder abuse, including domestic violence and sexual assault against older or disabled individuals;

b) make grants to non-profit private organizations to support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect and exploitation, including domestic violence and sexual assault against older or disabled individuals.

c) make grants to develop and implement outreach programs directed toward assisting older or disabled individuals who are victims of elder abuse, neglect and exploitation (including domestic violence and sexual assault against older or disabled individuals) including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities and senior centers.

d) For purposes of this section, the term "domestic violence" means an act or threat of violence not including an act of self defense, committed:

- 1) by a current or former spouse of the victim;
- 2) by a person related by blood or marriage to the victim;
- 3) by a person who is cohabiting with or has cohabited with the victim;
- 4) by a person with whom the victim shares a child in common;
- 5) by a person who is or has been in the social relationship of a romantic or intimate nature with the victim; or
- 6) by a person similarly situated to a spouse of the victim, or by any other person, if the domestic or family violence laws of the jurisdiction of the victim provide for legal protection of the victim from the person.

SEC. 5. Training for Health Professionals on Screening for Elder Abuse, Neglect and Exploitation. -

a) The Secretary of Social Welfare and Development, shall, in consultation with the Assistant Secretary develop curricula and implement continuing education training programs for adult protective service workers, health care providers (including home health care providers), social workers, clergy, domestic violence service providers and other community-based social service providers in settings, including senior centers, adult day care facilities, nursing homes, board and care facilities and senior housing, to improve their ability to recognize and address instances of elder abuse, neglect and exploitation, including domestic violence and sexual assault against older or disabled individuals.

b) In carrying out paragraph (a), the Secretary in consultation with the Department of Health, and Commission on Higher Education shall develop and implement separate curricula and training programs for medical students, physicians, physician assistants, nurse practitioners and nurses.

SEC. 6. Funding. - The amount necessary to effectively carry out the provisions of this Act is hereby authorized to be appropriated.

SEC. 7. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 8. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

SEC. 9. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,