

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 5713



Introduced by HON. FRANCISCO G. DATOL, JR.

EXPLANATORY NOTE

Section 4, Article XV of the Constitution declares that it is the duty of the family ***"to take care of its elderly while the State may design programs of social security for them"***.

Upon this constitutional basis, this bill aims to amend certain provisions of the Revised Penal Code (RPC), specifically Articles 13 and 14, relating to the mitigating and aggravating circumstances affecting the elderly and senior citizens.

Senior citizens are, generally, frail, fragile, sensitive, susceptible to diseases and have weak reflexes. Unlike younger people, they could not put up a stand to defend themselves in case of any attack or violence inflicted against them.

According to World Health Organization (WHO), old age can be considered as a disorder of the self-regulation system in organism and a destroying process, when adoptive features of the organism are decreasing and the chance of death is increasing. In other words, the elderly people are generally in the twilight years of their remaining lives on earth.

Under our criminal justice system, minority as an age factor, would be considered as aggravating and mitigating circumstance in the commission of a crime. In like manner, seniority should be place in equal footing as either an aggravating or mitigating circumstance, if only to recognize the right of the elderly and senior citizens.

Hence, to serve as a deterrent to all would-be offender to victimize old, elderly and senior citizens in the commission of an offense, it is proposed that the age factor of the victim be considered as an aggravating circumstance under Articles 14 of the RPC. Similarly, if the offender is an elderly or senior citizen, due to their natural tendencies of having inadequate, mental and physical faculties.

Immediate consideration and approval of this bill is most earnestly sought.

A handwritten signature in black ink, appearing to read 'Francisco G. Datol, Jr.', with a horizontal line drawn through the middle of the signature.

HON. FRANCISCO G. DATOL, JR.
Representative
Senior Citizens Party List

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AN ACT

PROVIDING AS AGGRAVATING CIRCUMSTANCE WHEN THE VICTIM OF A CRIME IS A SENIOR CITIZEN AND MITIGATING CIRCUMSTANCE WHEN THE OFFENDER IS A SENIOR CITIZEN AND AMENDING FOR THE PURPOSE ACT NO. 3815 OTHERWISE KNOWN AS THE REVISED PENAL CODE

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

SECTION 1. Articles 13 and 14, Revised Penal Code, (Act No. 3815) as amended, are hereby further amended to read as follows:

Art. 13. *Mitigating circumstances.* - The following are mitigating circumstances:

X X X

9. That the offender is a senior citizen of the Philippines who is at least sixty (60) years old at the time of the commission of the offense.

X X X

Art. 14. *Aggravating circumstances.* - The following are aggravating circumstances:

X X X

3. That the act be committed with insult or in disregard of the respect due the offended party on account of his rank, or sex, or that it be committed in the dwelling of the offended party, if the latter has given provocation.

3A. That the act be committed against the offended party who is a senior citizen of the Philippines and who is at least sixty (60) years old at the time of the commission of the offense.

SECTION 2. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 3. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,