

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

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 5822



**INTRODUCED BY
REP. ALFRED VARGAS**

**AN ACT
DEFINING AND PENALIZING CRIMINAL NEGLECT OF A VULNERABLE ELDERLY
PERSON OR A PERSON WITH DISABILITY**

EXPLANATORY NOTE

As enshrined in the 1987 Constitution, *"The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable costs. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children."* (Article XIII, Section 11)

"The family has the duty to care for its elderly members but the State may also do so through just programs of social security." (Article XV, Section 4)

The issues concerning rising incidents of abandonment of elderly and persons with disability (PWD) were raised upon this Representation's consultation with the senior citizens and PWD sectors. The problem is often attributed to the migration of young family workers, as well as the costs for elderly or disability care being unaffordable to low income households.

Recognizing the rights of the elderly and the PWD communities to respect, care, and protection, this bill seeks to penalize the criminal neglect of vulnerable elderly persons and PWDs.

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


ALFRED VARGAS

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

Section 1. Declaration of Policy – This Act shall be known as the “Care for the Elderly and Persons with Disability Act.”

Section 2. Declaration of Publicity – The State values the dignity of every person and guarantees full respect for human rights. To this end, the State will penalize the neglect of a vulnerable elderly person or a person with disability.

Section 3. Definition of Terms– For the purpose of this Act, the following terms shall mean:

- (1) “Abandon” means to desert a vulnerable elderly person or a person with disability with intent to wholly neglect him or her.
- (2) “Caregiver” means a person who provides for the health, welfare, and personal care of a vulnerable elderly person or a person with disability, at such person’s place of residence, including but not limited to, food and nutrition. Shelter, hygiene, prescribe medication and medical care or treatment. The term caregiver shall include:
 - a. A parent, spouse, adult, child or other relative by blood or marriage who resides in the same building with and who regularly visits the

- vulnerable elderly person or the person with disability, and who knows or reasonably should know that such person is unable to adequately provide for his or her own health and personal care;
- b. A person employed by the vulnerable elderly person or a person with a disability or by another to reside with a disability and provide for such person's health and personal care
 - c. A person who has agreed for consideration to reside with or regularly visit the vulnerable elderly person or the person with a disability and provide for such person's health and personal care;
 - d. A person who has been appointed by a private or a public agency or by a court of competent jurisdiction to provide for the health and personal care of the vulnerable elderly person or the person with a disability.

The term caregiver shall not include a long term health care facility licensed or certified under the provisions of public health laws or any administrative, medical or the personnel of such a facility, or a health care provider who is licensed under the law and renders care in the ordinary course of his or her profession.

- (3) "*Person with disability*" refers to any person who is suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being.
- (4) "*Vulnerable elderly person*" refers to any resident of the Philippines at least sixty (60) years old who is suffering from a disease or infirmity associated with advanced age.

Section 4. Criminal Neglect of a Vulnerable Elderly Person or a Person with a Disability - A person is guilty of criminal neglect of a vulnerable elderly person or a person with a disability when he or she:

- (1) Knowingly acts in a manner likely to cause the vulnerable elderly person or the person with a disability's life to be endangered, health to be injured, or preexisting physical or mental condition to deteriorate;
- (2) Fails to perform acts which he or she knows or reasonably should know are necessary to maintain or preserve the life or health of the vulnerable elderly person or the person with a disability and such failure causes said person's life to be endangered, health to be injured or pre-existing physical or mental condition to deteriorate;

(3) Abandons the vulnerable elderly person or the person with a disability.

Section 5. *Exceptions.* - No provision of this Act shall be deemed to impose criminal liability upon any person who has made a good faith effort to provide for the health and personal care of the vulnerable elderly person or the person with a disability but through no fault of his or her own has been unable to provide such care. In addition, no provision of this Act shall be construed as prohibiting a person from providing treatment by spiritual means through prayer alone and care consistent therewith in lieu of medical care and treatment in accordance with the tenets and practices of any church or religious denomination of which the vulnerable elderly person or the person with a disability is a member.

Section 6. *Penalty.* - Any person found guilty of committing the acts prohibited in this Act shall be punished by imprisonment of not less than one (1) year but not exceeding five (5) years and a fine not less than Ten Thousand Pesos (P 10,000.00) but not exceeding One Hundred Thousand Pesos (P1 00,000.00).

Section 7. *Other Remedies.* - No provision of this Act shall be construed to limit the remedies available to the vulnerable elderly person or the person with a disability under any other provision of law.

Section 8. *Separability Clause.* - If any provision or part thereof is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 9. *Repealing Clause.* - All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,