

EIGHTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 65

Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

In Article II, Sections 10 and 11 of the Constitution, it is declared that the State shall provide social justice in all phases of national development and that the State values the dignity of every human person and guarantees full respect for human rights. Furthermore, pursuant to Article XV, Section 4, it is the duty of the family to take care of its elderly members while the State may design programs of social security for them.

Elder abuse in the country remains invisible and unaddressed. One in six elderly people experience abuse and the figure is seen to rise as the population ages globally, a study of the World Health Organization (WHO) shows. Despite the frequency and serious consequences, elder abuse remains one of the least investigated types of violence and one of the least addressed in national plans to prevent violence, the WHO study further noted. The most common type of abuse experienced is verbal abuse and the most common perpetrators are their own children and other family members.

The number of senior citizens in the country, which is currently around 8 million, has been steadily growing. Currently, there is no specific legislation on the prevention of elder abuse or on the provision of support services and access to redress for victims. While there are laws protecting women and children from abuse, it is also imperative to have a dedicated national legislation on the prevention of elder abuse and on the provision of support services.

Thus, this bill seeks to provide senior citizens who are victims of violence with protection and legal assistance, medical assistance, support services from the DSWD and LGU concerned, livelihood assistance, and all other appropriate programs to ensure the personal safety and security of seniors and prevent the recurrence of violent acts committed against them. This measure also mandates stiffer penalties against elder abuse. Every barangay is further mandated to establish a Senior Citizen Help Desk that shall provide immediate assistance to victims of abuse.

To afford greater protection to our senior citizens, the passage of this bill is earnestly sought.

A stylized, handwritten signature of "VICTOR A. YAP" enclosed in a decorative oval border.

Representative, 2nd District of Tarlac

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AN ACT
PROTECTING SENIOR CITIZEN FROM VIOLENCE, DEFINING ELDER ABUSE,
AND PRESCRIBING PENALTIES THEREFOR

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Anti-Elder Abuse Act”.
2

3 **SEC. 2. *Declaration of Policy*** – It is hereby declared the policy of the State to value the
4 dignity of senior citizens and thereby guarantee full respect for human rights. The State also
5 recognizes the need to protect the family and its members, particularly the senior citizens from all
6 forms of violence, abuse, neglect, exploitation and coercion, especially acts deleterious to their
7 personal safety and security.

8 Towards this end, the State shall exert efforts to address all forms of violence, abuse, neglect,
9 exploitation and coercion, especially acts deleterious to their personal safety, security, dignity or any
10 discriminatory act committed against senior citizens in keeping with the fundamental freedom
11 guaranteed under the Constitution and the provisions of the universal Declaration of Human Rights.
12

13 **SEC. 3. *Definition of Terms.*** – As used in this Act.

14 a) *Domestic violence* refers to acts or threats of violence on a senior citizen, to exclude an
15 act of self-defense, committed by any of the following:

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

1 b) *Elder abuse* refers to a single or repeated act, or lack of appropriate action, occurring
2 with any relationship where there is an expectation of trust, which causes harm or distress to a
3 senior citizen. It includes any act or series of acts committed by any person against a senior citizen,
4 within or outside the family abode, which result or is likely to result in physical or psychological
5 harm, suffering or distress, or neglect including threats of such acts, battery, physical assault,
6 coercion or arbitrary deprivation of liberty. This includes physical violence, psychological or
7 emotional, economic or domestic violence, and neglect or abandonment;

8 c) *Emotional abuse* refers to acts that include shouting, swearing, scaring or humiliating a
9 senior citizen through name-calling, ridicule, constant criticism, accusing, blaming, showing
10 disrespect, ignoring, or giving them the silent treatment;

11 d) *Safe place or shelter* refers to any home or institution maintained or managed by the
12 Department of Social Welfare and Development (DSWD) or by any other suitable place that is
13 willing to accommodate the aggrieved senior citizen; and

14 e) *Senior citizen* refers to any resident citizen of the Philippines at least sixty (60) years old
15 as defined under Republic Act No. 9994, otherwise known as the "Expanded Senior Citizen Act of
16 2010."

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

21 a) Physical abuse or infliction of pain or injury with the use of physical force resulting in bodily
22 injury, physical harm, pain or impairment, suffering or distress;

23 b) Psychological, mental or emotional abuse causing mental or emotional suffering or distress;

24 c) Material exploitation through illegal or improper use of funds or resources of the senior
25 citizen; and economic or financial abuse through acts that make the senior citizen financially
26 dependent; and

27 d) Abandonment or desertion by leaving a senior citizen unattended at a place for such a
28 considerable length of time, as may be likely to endanger the health and welfare of a senior citizen,
29 by an individual who has assumed responsibility for providing care for the senior citizen, or by a
30 person with custody of the senior citizen.

32 **SEC. 5. *Rights of a Senior Citizen Who is a Victim of Violence.*** – During the pendency of
33 the case involving violence against a senior citizen, in addition to those provided under existing law,
34 a senior citizen shall have the following rights:

35 a) to avail of protection and legal assistance from the Public Attorney's Office (PAO) of the
36 Department of Justice (DOJ) or any public legal assistance office;

37 b) to be entitled to support services from the DSWD and the Local Government Unit (LGU)
38 concerned;

39 c) to be entitled to all legal remedies as provided for under the Family Code;

- 1 d) to be informed through the Senior Citizen Help Desk established hereunder of the senior
2 citizen's rights and services available including the right to apply for a protection order; and
3 e) to be entitled to actual, compensatory, moral and exemplary damages.

4

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

- 8 a) a safe place or temporary shelter, such as senior housing or nursing home or other suitable
9 facility or service, when appropriate, as emergency short-term shelters. This safe place or temporary
10 shelter shall provide counseling, psycho-social services, recovery or rehabilitation programs and
11 livelihood assistance;
- 12 b) counseling, healing, recovery and rehabilitation services; and
- 13 c) the appropriate programs to ensure the personal safety and security of a senior citizen and
14 prevent the recurrence of the violent acts committed against them.

15 The Department of Health (DOH) shall provide medical assistance to senior citizens who are
16 victims or survivors of violence and similar acts.

17

18 **SEC. 7. Response to a Request for Assistance.** – In responding to a request for assistance,
19 a barangay official or law enforcer shall have the following duties:

- 20 a) respond immediately to a call for help or request for protection of the victim by entering the
21 senior citizen victim's dwelling, if necessary, whether or not a protection order has been issued to
22 ensure the safety of the victim;
- 23 b) confiscate any harmful object in the possession of the perpetrator, or one which is within
24 plain view;
- 25 c) transport the victim to a barangay hall, or to a clinic or hospital;
- 26 d) assist the victim in removing personal belongings from the dwelling;
- 27 e) ensure the enforcement of the Protection Order (PO) issued by the *Lipong Tagapamaya*,
28 the *Punong Barangay* or Barangay Chairman and the Court;
- 29 f) arrest the suspected perpetrator even without a warrant when any of the acts of violence
30 defined in this Act is occurring, or on a personal knowledge, an act of violence has been committed,
31 and there is imminent danger to the life or limb of the senior citizen as defined in this Act; and
- 32 g) immediately report the call for assistance to the DSWD, the LGU or accredited Non-
33 Government Organization (NGO).

34

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

1 ***SEC. 9. Education and Training Programs for Law Enforcement Officers and Persons***

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

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

15

16 ***SEC. 10. Mandatory Reporting of Domestic Violence.***- A public officer who receives a
17 complaint of violence committed against a senior citizen or the head of a public or private hospital,
18 medical clinic or similar institutions, as well as the attending physician or nurse, clinician, barangay
19 health worker, therapist or counselor who examined or rendered treatment to a senior citizen victim
20 shall make a report of the complaint, examination or treatment within forty-eight (48) hours from
21 the time of complaint, examination or treatment to the nearest police station.

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

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

28

29 ***SEC. 11. Establishment of a Senior Citizen Help Desk.*** – Every barangay shall establish a
30 Senior Citizen Help Desk which shall provide immediate assistance to victim-survivors of abuse.
31 Besides barangay officials, it may be manned by representatives of the senior citizen sector or by
32 members of a local senior citizen organization designated and authorized by the Barangay Council or
33 Chairperson.

34

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

1 **SEC. 13. Venue.** – The Regional Trial Court (RTC) designated as a Family Court shall have
2 original and exclusive jurisdiction over cases of violence against senior citizen as provided in this
3 Act. In the absence of such court in the place where the offense was committed, the case shall be
4 filed in the nearest RTC where the crime or any of its elements was committed at the option of the
5 complainant.

6

7 **SEC. 14. Protection Order (PO).** – A Protection Order (PO) is an injunction under this Act
8 that maybe requested or issued for the purpose of preventing further acts of abuse or violence
9 against senior citizens as specified in Section 4 of this Act and granting other necessary relief. The
10 provisions of the PO shall be enforced by law enforcement agencies.

11 The types of PO that may be issued under this Act are, as follows:

- 12 a. Barangay Protection Order (BPO);
13 b. Temporary Protection Order (TPO); and
14 c. Permanent Protection Order (PPO).

15 The PO that may be issued under this Act shall include any or all of the following reliefs:

16 a) Prohibition of the respondent or offender from threatening to commit, personally or
17 through another, any of the acts of violence as defined in Sec. 4;

18 b) Whenever applicable, issuance of an order to the respondent or offender to
19 immediately leave the domicile or residence of the petitioner. If personal effects must be removed
20 from the residence, the Court shall direct a law enforcement officer to accompany the respondent to
21 the residence until such time that respondent has gathered all belongings, and to escort the
22 respondent from the residence: *Provided*, that the victim or the aggrieved party shall likewise be
23 accorded the same protection contemplated herein;

24 c) Issuance of an Order to the respondent to stay away from the petitioner within a
25 distance to be determined by the Court: *Provided*, That the order shall ensure the physical safety of
26 the petitioner in the residence, place of work, school and such other places frequented by the
27 offended party;

28 d) Prohibition of the respondent from directly or indirectly communicating or
29 contacting the petitioner;

30 e) Issuance of an Order to proper law enforcement offices to enforce the provisions of
31 this Section;

32 f) Issuance of an Order to the DSWD and the Social Welfare Development Office
33 (SWDO) of the LGU concerned to provide therapy, counseling and other support services to the
34 aggrieved party or parties;

35 g) Issuance of an Order for the restitution for actual damages caused by the violence
36 inflicted, including but not limited to property damaged, medical expenses, and loss of income; and

37 h) Such other relief of the deemed necessary by the Court for the protection of the
38 petitioner and such other persons who may be in need of the same.

1 Any of the reliefs provided under this Section shall be granted even in the absence of
2 a decree of legal separation or annulment, or declaration of absolute nullity of marriage in the case of
3 married individuals.

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

- 7 1) the circumstances of the disclosure of the violence or abuse suffered by the
8 victim; and
- 9 2) the circumstances of consent, or lack thereof, given by the victim for the
10 filing of the application.

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

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

- 16 1) names and addresses of petitioner and respondent;
- 17 2) description of relationship between petitioner and respondent, in the case of
18 violence within the context of Section 4 of this Act;
- 19 3) a statement of the circumstances and the nature of violence or abuse;
- 20 4) description of the reliefs requested by the petitioner as specified in this
21 section;
- 22 5) request for counsel and reasons for such request;
- 23 6) request for waiver of application fees until hearing; and
- 24 7) an attestation that there is no pending application for a PO in another Court.

25 The following persons may file the petition for a PO:

- 26 1) the offended party;
- 27 2) any member of the family or household of the victim as defined in this Act;
- 28 3) social worker from the DSWD or the SWDO of the LGU or any accredited
29 social welfare organization;
- 30 4) law enforcement officer or agent;
- 31 5) lawyer, counselor, therapist or healthcare provider of the petitioner; and
- 32 6) any concerned responsible citizen of the community who has personal
33 knowledge of the offense committed.

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

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

1 ***SEC. 15. Transfer of Residence; New Application Needed.*** – A petitioner previously

2 granted a BPO under this Act and who desires to relocate to a new residence outside the original
3 city or municipality of residence has to apply for a new BPO.

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

9 ***SEC. 16. Legal Representation of Applicant for a PO.*** – If a petitioner for a PO is

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

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

18 ***SEC. 17 Barangay Protection Order (BPO).*** – A Barangay Protection Order (BPO) is

19 issued by the *Lupong Tagapamayapa* and the *Punong Barangay* or Barangay Chairman. The issuance of a
20 BPO or the pendency of an application for a BPO shall not preclude petitioner from applying for,
21 the Court from granting a TPO or PPO.

22 Application for a BPO shall follow the Rules on venue under the Local Government Code of
23 1991 and its implementing rules and regulations.

24 A *Punong Barangay* or Barangay Chairperson who receives application for a BPO shall issue the
25 PO to the applicant on the date of filing after *ex parte* determination of the basis of the application.
26 If the *Punong Barangay* or the Barangay Chairman is unavailable to act on the application for a BPO,
27 the application shall be acted upon by any available *Lupong Tagapamayapa* or *Barangay Kagawad*. If the
28 BPO is issued by a *Barangay Kagawad* that the *Punong Barangay* and the *Lupong Tagapamayapa* were not
29 available at the time of the issuance of the BPO.

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

35 Within forty-eight (48) hours of issuance of an *ex parte*, BPO, the *Punong Barangay* or *Barangay*
36 *Kagawad* must refer the case to the *Lupong Tagapamayapa*. The case shall be heard by the *Lupong*

1 Tagapamayapa within seven (7) days from the date of referral and within the fifteen (15) – day
2 effectivity period of the *ex parte* BPO.

3 Notice of the hearing shall be given to both parties. Subsequent to a hearing on the merits of
4 the application, the *Lupong Tagapamayapa* may extend a BPO that grants relief under Section 14 for a
5 period of six (6) months. The issuance of a BPO shall not preclude any applicant from applying or
6 receiving a subsequent BPO concerning the same matter.
7

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

16 A Court that receives an application for a PO shall issue a TPO on the date of filing of the
17 application for *ex parte* determination that such order shall be issued. The TPO shall be effective for
18 thirty (30) days. The Court shall schedule a hearing on the issuance of a PPO prior to or on the date
19 of expiration of the TPO. The Court shall order the immediate service of the TPO on respondent
20 by the Court Sheriff who may obtain the assistance of law enforcement agents for the purpose. The
21 TPO shall include a notice of the hearing on the merits of the issuance of PPO.
22

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

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

30 Respondent's non-appearance despite proper notice, or lack of a lawyer, or the non-availability
31 of respondent's lawyer shall not be a ground for rescheduling or postponing the hearing on the
32 merits of the issuance of a PPO. If the respondent appears without counsel on the date of the
33 hearing on the PPO, the Court shall appoint a lawyer for the respondent and immediately proceed
34 with the hearing. In case the respondent fails to appear despite proper notice, the Court shall allow
35 *ex parte* presentation of the evidence by the applicant and render judgment on the basis of the
36 evidence presented. The Court shall allow the introduction of any history of abusive conduct of a
37 respondent even if the same was not directed against the applicant or the person for whom the
38 application is made.

1 The court shall, to the extent possible, conduct the hearing on the merits of the issuance of a
2 PPO in one(1) day. Where the court is unable to conduct the hearing within one (1) day and the
3 TPO issued is due to expire, the court shall continuously extend or renew the TPO for the duration
4 of the case until final resolution on the case is issued. *Provided*, however, that the PPO may be
5 modified by the Court accordingly to address the needs of the applicant.

6 The Court may grant any, some, or all of the reliefs provided in Section 14 hereof through a
7 PPO. A PPO shall be effective until revoked by a Court upon application of the person in whose
8 favor the order was issued. The Court shall ensure immediate service of the PPO on respondent.

9 The Court shall not deny the issuance of a PO on the basis of the lapse of time between the
10 act of violence or abuse as defined in Section 4 herein, and the filing of the application.

11 Regardless of the conviction or acquittal of the respondent, the Court must determine whether
12 or not the PPO shall become final. Even in a dismissal of the application for a PPO, the same shall
13 be granted as long as there is no clear showing that the act which the order might arise did not exist.

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

17

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

23 Respondents shall be notified of the issuances of a PO.

24

25 ***SEC. 21. Prohibition Against Undue Influence Over a Protection Order Applicant.*** – A
26 *Lupong Tagapamayapa*, a *Punong Barangay* or Barangay Chairman, or the Court hearing an application
27 for a PO shall not order, direct, force or in any way unduly influence the application for a PO to
28 compromise or abandon any of the reliefs sought in the application for a PO provided under this
29 Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412 and 413 of the Local
30 Government Code of 1991 shall not apply in the proceedings where relief is sought under this Act.

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

33

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

37

38 ***SEC. 23. Complaint Against a Violation of Protection Order.*** – A complaint on the
39 violation of a BPO issued under this Act shall be filed directly with any Municipal Trial Court,

1 Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial jurisdiction over the
2 barangay that issued the BPO. Violation of a BPO shall be punishable by imprisonment of thirty
3 (30) days without prejudice to any other criminal or civil action that the offended party may file for
4 any of the acts committed under Sec. 4 hereof.

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

8 A violation of any provision of a TPO or a PPO issued under this Act shall constitute
9 contempt of Court punishable under the Rules of Court, without prejudice to any other criminal or
10 civil action that the offended party may file for any of the acts committed in accordance with Section
11 4 hereof.

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

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

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

24

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

28

29 **SEC. 25. Penalties.** – Commission of the acts described under Sec. 3 hereof shall suffer the
30 following penalties:

31 a) Acts falling under Section 4 (a) constituting attempted, frustrated or consummated
32 parricide or murder or homicide shall be punished in accordance with the provisions of the Revised
33 Penal Code.

34 b) Acts falling under Section 4 (a) resulting in mutilation shall be punishable in
35 accordance with the Revised Penal Code: *Provided*, that those resulting in serious physical injuries
36 shall be punishable with the penalty of *prision mayor*; those resulting in less serious physical injuries
37 shall be punishable by *prision correctional* and those resulting in slight physical injuries shall be
38 punishable by *arresto mayor*.

1 c) All other acts enumerated in Section 4 hereof shall be punishable by *prision correctional*
2 and a fine in an amount not less than One hundred thousand pesos (P100,000.00) but not more than
3 Three hundred thousand pesos (P300,000.00).

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

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

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

14

15 **SEC. 26. Counseling and Treatment of Offenders.** – The DSWD shall provide
16 rehabilitative counseling and treatment to perpetrators towards learning constructive ways of coping
17 with anger and emotional outbursts and reforming their ways. When necessary, the offender shall be
18 ordered by the Court to submit to psychiatric treatment or confinement.

19

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

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

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

28

29 **SEC. 28. Implementing Rules and Regulations (IRR).** – Within six (6) months from the
30 approval of this Act, the Secretary of the DSWD in coordination with the Secretaries of the DOJ,
31 the Department of Interior and Local Government (DILG) and the DOH shall formulate rules and
32 guidelines as may be necessary for the proper implementation and enforcement of this Act. This
33 shall include developing protocols and training programs for all agencies and public officers
34 concerned and a public information and education program on violence against senior citizens. The
35 implementing rules and regulations (IRR) provided for under this Act shall be reviewed periodically,
36 and revised, if necessary.

37

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

1 ***SEC. 30. Separability Clause.*** – If any provision of this Act shall be declared
2 unconstitutional or invalid, such declaration shall not invalidate other parts thereof which shall
3 remain in full force and effect.

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5 ***SEC. 32. Repealing Clause.*** – All laws, presidential decrees, executive orders, rules and
6 regulations or parts thereof which are inconsistent with or contrary to the provisions of this Act are
7 hereby amended, repealed or modified accordingly.

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

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12 Approved.