

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 488



INTRODUCED BY HONORABLE CHERYL P. DELOSO-MONTALLA

EXPLANATORY NOTE

The Constitution, Article 2, Section 11 provides that The State values the dignity of every human person and guarantees full respect for human rights. In addition, Article 15, Section 4 provides that the family has the duty to care for its elderly members but the state may also do so through just programs of social security.


The Penal Code is replete with provisions penalizing abandonment of children and other persons in danger. Articles 275 to 378 of the Penal Code punish various forms of abandonment or neglect. However, there is no punishment for abandoning or neglecting elderly people and people with disability.

While Republic Act No. 9994, also known as the Expanded Senior Citizens Act of 2010, and Republic Act No. 7277, also known as the Magna Carta for Disabled Persons, were enacted to “recognize the rights of senior citizens” and to “give full support to the improvement of the total well-being of disabled persons”, respectively, both laws failed to address causes of neglect of the elderly and persons with disabilities.

Our country is known for caring for our elders and our family members who have disabilities. However, there are still reported cases of neglect and abandonment of vulnerable elderly persons and persons with disabilities. Admittedly, the government has very limited resources to provide for each and every vulnerable elderly person and person with disability. It still must rely primarily on these persons' family members.

Therefore, in order to protect this vulnerable sector of our society, this bill aims to penalize neglect of vulnerable elderly persons and persons with disabilities.

It is in this light that this bill is being filed and immediate passage of this bill is earnestly sought.


CHERYL P. DELOSO-MONTALLA
Representative
2nd District, Zambales

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 488

INTRODUCED BY HONORABLE CHERYL P. DELOSO-MONTALLA

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

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

SECTION 1. Title. - This Act shall be known as “*Care for the Elderly and the Disabled Act*”.

SECTION 2. Declaration of Policy. - 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.

SECTION 3. Definition of Terms. - For the purposes of this Act, the following terms shall mean:

(1) “Abandon” means to desert a vulnerable elderly person with intent to wholly abandon 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 a disability, at such person's place of residence, including but not limited to, food and nutrition, shelter, hygiene, prescribed 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 with or resides in the same building with and who regularly visits the vulnerable elderly person or the person with a 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 or regularly visit the vulnerable elderly person or the person 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 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; and
- (e) a person who holds a power of attorney or other legal or fiduciary relationship that

requires such person 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 other 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 a 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 is a caregiver and:

(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 pre-existing physical or mental condition to deteriorate; or

(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; or

(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 violating any provision 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 (P100,000.00).

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 section, provision or part of this Act shall be declared unconstitutional, the remaining portion thereof shall remain valid and in full force and effect.

SECTION 9. *Repealing Clause.* - All other laws, decrees, executive orders and issuances, resolutions, revenue regulations, ordinances or circulars inconsistent with the provisions of this Act are hereby repealed or modified accordingly or declared null and void and inoperative.

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

Approved,