

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1313



Introduced by Honorable Wes Gatchalian

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

EXPLANATORY NOTE

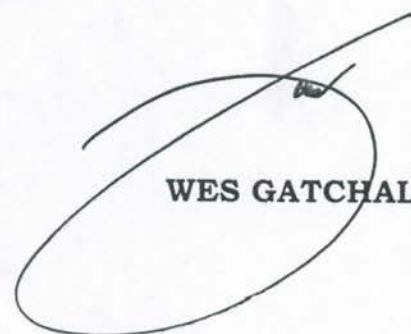
Each year, more and more senior citizens are abused, exploited, and neglected. The usual victims are seniors who are older, frail, vulnerable, and unable to help themselves and who depend on others to meet their most basic needs. Abusers of senior citizens may be men and women, family members, friends, or caregivers. In general, elder abuse is a term referring to any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.

From a young age, our culture has taught us to honor and respect our elders. Filipino values dictate that we have a moral duty to maintain and care for our elders. Although generally speaking, Filipino society cherishes, respects, and cares for our elders more compared to western societies, we cannot deny the fact that a number of our senior citizens have become victims of physical, emotional, and economic abuse at the hands of people who are entrusted with their care. Their advanced age and fragile condition are taken advantage of by persons in charge of them and even by members of their immediate family.

Studies have shown that elderly people who suffer abuse choose to keep it to themselves and prefer to suffer in silence. The occurrence of elderly abuse often goes unpublicized in our society, especially when the perpetrators belong to their own family. In a case study presented by the University of the Philippines-National College of Public Administration and Governance, it was noted that children of the elders rank highest in number in terms of perpetrating the abuse, followed by spouses and then grandchildren.

Section 11, Article II of the 1987 Constitution provides that "[t]he State values the dignity of every human person and guarantees full respect for human rights." Section 4, Article XV also provides that "[t]he family has the duty to care for its elderly members but the State may also do so through just programs of social security." To this end, the State engages to protect our senior citizens who are more prone to abuse and because of their weaker state, have less physical and mental agility to defend and provide for themselves. As the number of older Filipinos grows proportionally in this country, this bill seeks to provide special protection for senior citizens through the prevention and deterrence of acts inimical to the security and safety of our senior citizens. This Act will likewise provide them with legal remedies for immediate protection, such as protection orders that victims may avail of. The State must help our senior citizens claim their rights so they can lead dignified and secure lives.

In view of the foregoing, considerations, approval of this bill is earnestly sought.



WES GATCHALIAN

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

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

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

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

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

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

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

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

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

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

1 e) *Senior citizen* refers to any resident citizen of the Philippines at least
2 sixty (60) years old as defined under republic Act. No. 9994, otherwise known
3 as the “Expanded Senior Citizen Act of 2010.”

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

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

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

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

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

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

24 a) to avail of protection and legal assistance from the Public Attorney’s
25 Office (PAO) of the Department of Justice (DOJ) or any public legal assistance
26 office;

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

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

1 d) to be informed through the Senior Citizen Help Desk established
2 hereunder of the senior citizen's rights and services available including the
3 right to apply for a protection order; and

4 e) to be entitled to actual, compensatory, moral and exemplary damages.

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

9 a) a safe place or temporary shelter, such as senior housing or nursing
10 home or other suitable facility or service, when appropriate, as emergency
11 short-term shelters. This safe place or temporary shelter shall provide
12 counseling, psycho-social services, recovery or rehabilitation programs and
13 livelihood assistance;

14 b) counseling, healing, recovery and rehabilitation services; and

15 c) the appropriate programs to ensure the personal safety and security of a
16 senior citizen and prevent the recurrence of the violent acts committed against
17 them.

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

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

23 a) respond immediately to a call for help or request for protection of the
24 victim by entering the senior citizen victim's dwelling, if necessary, whether or
25 not a protection order has been issued to ensure the safety of the victim;

26 b) confiscate any harmful object in the possession of the perpetrator, or
27 one which is within plain view;

28 c) transport the victim to a barangay hall, or to a clinic or hospital;

29 d) assist the victim in removing personal belongings from the dwelling;

1 e) ensure the enforcement of the Protection Order (PO) issued by the
2 *Lupong Tagapamayapa*, the *Punong Barangay* or Barangay Chairman and the
3 Court;

4 f) arrest the suspected perpetrator even without a warrant when any of
5 the acts of violence defined in this Act is occurring, or on a personal
6 knowledge, an act of violence has been committed, and there is imminent
7 danger to the life or limb of the senior citizen as defined in this Act; and

8 g) immediately report the call for assistance to the DSWD, the LGU or
9 accredited Non-Government Organization (NGO).

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

15 **SEC. 9. Education and Training Programs for Law Enforcement**
16 **Officers and Persons Involved in Responding to Cases of Violence Against**
17 **a Senior Citizen.** – All persons involved in responding to cases on all forms of
18 abuse, violence, threats to personal safety and security or any discriminatory
19 act committed against a senior citizen, shall be required to undergo education
20 and training. The PNP, in coordination with the LGU concerned and the DSWD
21 shall establish education and training programs to assist law enforcement
22 officers and barangay officials to enable them to properly handle cases of
23 violence against senior citizens and acquaint them with:

- 24 a) the nature, extent and causes of violence;
25 b) the legal rights of, and remedies available to victims of violence;
26 c) the services and facilities available to victims or survivors;
27 d) the duties imposed on police officers in making lawful arrest and to
28 offer protection and assistance; and,
29 e) the necessary techniques to be employed in handling incidents of
30 violence to minimize the likelihood of injury to the officer and promote the
31 safety of the victim or survivor.

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

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

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

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

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

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

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

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

- 7 a. Barangay Protection Order (BPO);
- 8 b. Temporary Protection Order (TPO); and
- 9 c. Permanent Protection Order (PPO).

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

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

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

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

26 d) Prohibition of the respondent from directly or indirectly
27 communicating or contacting the petitioner;

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

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

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

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

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

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

- 16 1) the circumstances of the disclosure of the violence or abuse
17 suffered by the victim; and
- 18 2) the circumstances of consent, or lack thereof, given by the
19 victim for the filing of the application.

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

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

- 27 1) names and addresses of petitioner and respondent;
- 28 2) description of relationship between petitioner and
29 respondent, in the case of violence within the context of
30 Section 4 of this Act;

- 3) a statement of the circumstances and the nature of violence or abuse;
- 4) description of the reliefs requested by the petitioner as specified in this section;
- 5) request for counsel and reasons for such request;
- 6) request for waiver of application fees until hearing; and
- 7) an attestation that there is no pending application for a PO in another Court.

The following persons may file the petition for a PO:

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

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

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

SEC. 15. Transfer of Residence; New Application Needed. – A petitioner previously granted a BPO under this Act and who desires to relocate to a new residence outside the original city or municipality of residence has to apply for a new BPO.

When a PO has been issued by a Court of competent jurisdiction and the person in whose favor it is issued transfers to a place outside the court's jurisdiction, the person may still have the order enforced by filing a petition before a court in the place where the person has transferred. The petition to

1 enforce the order shall include a copy of the previously obtained PO. The
2 respondent shall be noticed of the issuance of a new PO.

3 **SEC. 16. Legal Representation of Applicant for a PO.** – If a petitioner
4 for a PO is requesting for the appointment of a counsel because of lack of
5 economic means to hire a counsel *de parte*, the Court shall immediately direct
6 the Office of the Public Prosecutor who has jurisdiction over the case to
7 represent the petitioner in the hearing on the application sought. The applicant
8 who cannot afford to hire the services of a private counsel or lacks access to
9 family or conjugal resources such as when the same are controlled by the
10 abuse, shall qualify for legal representation by the DOJ, the Public Prosecutors’
11 Office or the PAO.

12 However, a private counsel offering free legal service is not barred from
13 representing the petitioner with the latter’s consent, and with the leave of
14 Court.

15 **SEC. 17 Barangay Protection Order (BPO).** – A Barangay Protection
16 Order (BPO) is issued by the *Lupong Tagapamayapa* and the *Punong Barangay*
17 or Barangay Chairman. The issuance of a BPO or the pendency of an
18 application for a BPO shall not preclude petitioner from applying for, the Court
19 from granting a TPO or PPO.

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

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

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

7 Within forty-eight (48) hours of issuance of an *ex parte*, BPO, the *Punong*
8 *Barangay* or *Barangay Kagawad* must refer the case to the *Lupong*
9 *Tagapamayapa*. The case shall be heard by the *Lupong Tagapamayapa* within
10 seven (7) days from the date of referral and within the fifteen (15) – day
11 effectivity period of the *ex parte* BPO.

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

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

27 A Court that receives an application for a PO shall issue a TPO on the date
28 of filing of the application for *ex parte* determination that such order shall be
29 issued. The TPO shall be effective for thirty (30) days. The Court shall schedule
30 a hearing on the issuance of a PPO prior to or on the date of expiration of the

1 TPO. The Court shall order the immediate service of the TPO on respondent by
2 the Court Sheriff who may obtain the assistance of law enforcement agents for
3 the purpose. The TPO shall include a notice of the hearing on the merits of the
4 issuance of PPO.

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

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

14 Respondent's non-appearance despite proper notice, or lack of a lawyer, or
15 the non-availability of respondent's lawyer shall not be a ground for
16 rescheduling or postponing the hearing on the merits of the issuance of a PPO.
17 If the respondent appears without counsel on the date of the hearing on the
18 PPO, the Court shall appoint a lawyer for the respondent and immediately
19 proceed with the hearing. In case the respondent fails to appear despite proper
20 notice, the Court shall allow *ex parte* presentation of the evidence by the
21 applicant and render judgment on the basis of the evidence presented. The
22 Court shall allow the introduction of any history of abusive conduct of a
23 respondent even if the same was not directed against the applicant or the
24 person for whom the application is made.

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

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

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

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

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

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

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

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

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

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

6 **SEC. 23. Complaint Against a Violation of Protection Order.** – A
7 complaint on the violation of a BPO issued under this Act shall be filed directly
8 with any Municipal Trial Court, Metropolitan Trial Court, or Municipal Circuit
9 Trial Court that has territorial jurisdiction over the barangay that issued the
10 BPO. Violation of a BPO shall be punishable by imprisonment of thirty (30)
11 days without prejudice to any other criminal or civil action that the offended
12 party may file for any of the acts committed under Sec. 4 hereof.

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

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

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

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

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

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

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

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

12 b) Acts falling under Section 4 (a) resulting in mutilation shall be
13 punishable in accordance with the Revised Penal Code: *Provided*, that those
14 resulting in serious physical injuries shall be punishable with the penalty of
15 *prision mayor*; those resulting in less serious physical injuries shall be
16 punishable by *prision correctional* and those resulting in slight physical injuries
17 shall be punishable by *arresto mayor*.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved.