

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. **2212**



Introduced by **Hon. Sol Aragon**

EXPLANATORY NOTE

The Constitution, Article 11, Section 5, provides:

The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

This bill seeks to develop strategies for preventing and punishing crimes that target or otherwise disproportionately affect senior citizens, by collecting appropriate data to measure the extent of crimes committed against senior citizens, and determine the extent of domestic and elder abuse. It likewise aims to strengthen existing services being accorded to senior citizens by the government.

The bill tasks the Department of Justice (DOJ) through the National Bureau of Investigation (NBI), as well as the Department of Interior and Local Government (DILG) through the Philippine National Police (PNP), to conduct a study relating to crimes against senior citizens in order to assist in developing new strategies to prevent or reduce the incidence of these crimes.

Also, the bill provides for the strengthening of government service and support mechanisms for senior citizens through agencies including local government units (LGUs) and government-owned and controlled corporations (GOCCs).

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

A handwritten signature in black ink, appearing to read "Sol Aragon", written in a cursive style.

HON. SOL ARAGON
Representative, Third District of Laguna

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House Bill No. _____

Introduced by **Hon. Sol Aragones**

1 AN ACT PROTECTING SENIOR CITIZEN FROM VIOLENCE, DEFINING ELDER
2 ABUSE, AND PRESCRIBING PENALTIES THEREFOR
3

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
5 *assembled:*
6

7 **SECTION 1.** *Short Title.* – This Act shall be known as the "*Anti-Elder Abuse Act*".

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

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

18 **SECTION 3.** *Definition of Terms* – As used in this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b) counselling, healing, recovery, and rehabilitation services; and

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

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

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

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

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

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

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

e) ensure the enforcement of the Protection Orders (PO) issued by the *Lupong Tagapamayapa*, the *Punong Barangay* or Barangay Chairman and the court;

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

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

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

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

- a) the nature, extent, and causes of violence;
- b) the legal rights of, and remedies available to victims of violence;
- c) the services and facilities available to victims or survivors;

1 d) the duties imposed on police officers in making lawful arrest and to offer
2 protection and assistance; and

3 e) the necessary techniques to be employed in handling incidents of violence to
4 minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.

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

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

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

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

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

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

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

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

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

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

- 19 a) Prohibition of the respondent or offender from threatening to commit,
20 personally or through another, any acts of violence as defined in Section 4;
- 21 b) Whenever applicable, issuance of an order to the respondent or offender to
22 immediately leave the domicile or residence of the petitioner. If personal effects must be
23 removed from residence, the Court shall direct a law enforcement officer to accompany the
24 respondent to the residence until such time that respondent has gathered all belongings, and to

1 escort the respondent from the residence: *Provided*, That the victim or the aggrieved party shall
2 likewise be accorded the same protection contemplated herein;

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

7 d) Prohibition of the respondent from directly or indirectly communicating or
8 contacting the petitioner;

9 e) Issuance of an Order to proper law enforcement officers to enforce the
10 provisions of this Section;

11 f) Issuance of an Order to the DSWD and the Social Welfare Development Office
12 (SWDO) of the LGU concerned to provide therapy, counselling, and other support services to
13 the aggrieved part or parties;

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

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

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

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

1 1) the circumstances of the disclosure of the violence or abuse suffered by the
2 victim; and

3 2) the circumstances of consent, or lack thereof, given by the victim for the filing
4 of the application.

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

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

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

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

- 20 1) the offended party;
- 21 2) any member of the family or household of the victim as defined in this Act;
- 22 3) social worker from the DSWD or the SWDO of the LGU or any accredited
23 social welfare organization;
- 24 4) law enforcement or agent;
- 25 5) lawyer, counsellor, therapist or healthcare provider of the petitioner; and

1 6) any concerned responsible citizen of the community who has personal
2 knowledge of the offense committed.

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

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

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

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

14 **SECTION 16. *Legal Representation of Applicant for a PO.*** – If a petitioner for a PO
15 is requesting for the appointment of a counsel because of lack of economic means to hire a
16 counsel *de parte*, the Court shall immediately direct the Office of the Public Prosecutor who
17 has jurisdiction over the case to represent the petitioner in the hearing on the application sought.
18 The applicant who cannot afford to hire the services of a private counsel or lacks access to
19 family or conjugal resources such as when the same are controlled by the abuser, shall qualify
20 for legal representation of the DOJ, the Public Prosecutors' Office or the PAO.

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

23 **SECTION 17. *Barangay Protection Order (BPO).*** – A Barangay Protection Order is
24 issued by the *Lupong Tagapamayapa* and the *Punong Barangay* or Barangay Chairman. The

1 issuance of a BPO or the pendency of an application for a BPO shall not preclude petitioner
2 from applying for, or the Court from granting a TPO or PPO.

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

5 A *Punong Barangay* or Barangay Chairman who receives application for a BPO shall
6 issue the PO to the applicant on the date of filing after *ex parte* determination of the basis of
7 the application. If the *Punong Barangay* or Barangay Chairman is unavailable to act on the
8 application for a BPO, the application shall be acted upon by any available *Lupong*
9 *Tagapamayapa* or *Barangay Kagawad*. If the BPO is issued by a *Barangay Kagawad*, the order
10 must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay*
11 and the *Lupong Tagapamayapa* were not available at the time of the issuance of the BPO.

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

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

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

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

9 A Court that receives an application for a PO shall issue a TPO on the date of the filing
10 of the application after *ex parte* determination that such order shall be issued. The TPO shall
11 be effective for thirty (30) days. The Court shall schedule a hearing on the issuance of a PPO
12 prior to or on the date of the expiration of the TPO. The Court shall order the immediate service
13 of the TPO on respondent by the Court Sheriff who may obtain the assistance of law
14 enforcement agents for the purpose. The TPO shall include a notice of the date of the hearing
15 on the merits of the issuance of a PPO.

16 **SECTION 19. *Permanent Protection Order (PPO).*** – A Permanent Protection Order
17 (PPO) may be issued only by the Court after notice and hearing.

18 Any application for TPO or PPO must be made with an RTC, Metropolitan Trial Court,
19 Municipal Trial Court, or Municipal Circuit Trial Court with territorial jurisdiction over the
20 place of residence of the person for whom the application is made, the application shall be filed
21 with that Court.

22 Respondent's non-appearance despite proper notice, or lack of a lawyer, or the non-
23 availability of respondent's lawyer shall not be ground for rescheduling or postponing the
24 hearing on the merits of the issuance of a PPO. If the respondent appears without counsel on
25 the date of the hearing on the PPO, the Court shall appoint a lawyer for the respondent and

1 immediately proceed with the hearing. In the case the respondent fails to appear despite proper
2 notice, the Court should allow *ex parte* presentation of the evidence by the applicant and render
3 judgement on the basis of the evidence presented. The Court shall allow the introduction of
4 any history of abusive conduct of a respondent even if the same was not directed against the
5 applicant or the person for whom the application is made.

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

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

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

17 Regardless of the conviction of the or acquittal of the respondent, the Court must
18 determine whether or not the PPO shall become final. Even in a dismissal of the application
19 for a PPO, the same shall be granted as long as there is no clear showing that the act from which
20 the order might arise did no exist. Failure to act on an application for a PO within the period
21 specified in the previous sections without justifiable cause shall render the *Lupong*
22 *Tagapamayapa*, the *Punong Barangay* or Barangay Chairman, the *Barangay Kagawad*, the
23 Official or the judge administratively liable.

24 **SECTION 20.** *Priority Action on Application for a Protection Order.* – Hearings on
25 application for a PO under this Act shall have priority over all other proceedings. Barangay

officials, *Lupong Tagapamayapa*, and the Courts shall schedule and conduct hearings on applications for a PO under this Act above all other business and, if necessary, suspend other proceedings in order to hear applications for a PO.

Respondents shall be notified of the issuance of a PO.

SECTION 21. *Prohibition Against Undue Influence over a Protection Order*

Applicant. – A *Lupong Tagapamayapa*, a *Punong Barangay* or Barangay Chairman, or the Court hearing an application for a PO shall not order, direct, force or in any way unduly influence the applicant for a PO to compromise or abandon any of the reliefs sought in the application for PO provided under this Act. Section 7 of the Family Courts Act of 1997 and Sections 410, 411, 412, and 413 of the Local Government Code of 1991 shall not apply in proceedings where relief is sought under this Act.

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

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

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

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

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

5 Any violation of a PO issued under this Act shall constitute an offense punishable by
6 imprisonment of thirty (30) days, without prejudice to any criminal or civil action that the
7 offended party may file against a person who has committed any of the acts described in Section
8 4 hereof.

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

15 A judgment by on a violation of a Po may be appealed according to the Rules of
16 Criminal Procedure. During trial and upon judgment, the Court may *motu proprio* issue a PO
17 as it deems necessary.

18 **SECTION 24. Hold Departure Order.** – A hold departure order shall be issued
19 immediately by the Court against the respondent of a complaint of abuse against a senior citizen
20 as described under this Act.

21 **SECTION 25. Penalties.** – Commission of the acts described under Section 4 hereof
22 shall suffer the following penalties:

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

b) Acts falling under Section 4 (a) resulting in mutilation shall be punishable in accordance with the Revised Penal Code: *Provided*, That those resulting in serious physical injuries shall be punishable with the penalty of *prison mayor*, those resulting in less physical injuries shall be punishable by *prison correccional* and those resulting in slight physical injuries shall be punishable by *arresto mayor*.

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

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

A Barangay Official or law enofrcer who fails to respond to any request for assistance or projection from or on behalf of the victim shall suffer imprisonment of six (6) months to one (1) year, at the discretion of the Court and pay a fine of not less than Five thousand pesos (5,000.00), but not more than Ten thousand pesos (P10,000).

Any person who fails to report any act of violence described in Section 4 hereof as required herein shall be liable for a fine of not less than Ten thousand pesos (P10,000). Whenever applicable, criminal or administrative charges may also be filed.

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

SECTION 27. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the concerned departments. Thereafter, the amount needed for the continued implementation of this Act shall

1 be included in the budget for the concerned departments in the annual General Appropriations
2 Act.

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

5 In addition, the departments concerned and the LGUs may accept donations,
6 contributions, and grants from various sources for purposes of implementing this Act.

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

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

17 **SECTION 30. *Separability Clause.*** – If any part or provision of this Act shall be held
18 to be invalid or unconstitutional, other parts or provisions hereof which are not affected thereby
19 shall continue to be in full force and effect.

20 **SECTION 31. *Repealing Clause.*** – All laws, rules, regulations, orders, memoranda,
21 circulars inconsistent with this Act are hereby revoked, repealed or modified accordingly.

22 **SECTION 32. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
23 publication in the Official Gazette or in any two national newspapers of general circulation.

24 Approved,