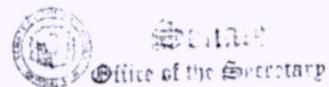


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
Office of the Secretary

'19 JUL 23 P5:13

SENATE
S. B. No. 705

RECEIVED BY J

Introduced by Senator SONNY ANGARA

**AN ACT
DEFINING AND PROHIBITING SENIOR CITIZEN ABUSE, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Respect for our elders has been one of the hallmarks of Philippine culture and society. The Constitution has several provisions relating to the protection of the elders and quite emphatically, it makes it the duty of the family and the State to take care of the elderly members of society.

This notwithstanding and despite our strong tradition of filial piety, senior citizen abuse is not unheard of in modern Filipino culture. A rise in the incidents of senior citizen abuse has been seen as of late. According to the Commission on Population (POPCOM), by the end of 2018, the Philippines is estimated to breach the 8 million senior citizen population and that number is projected to grow to 19.6 million by 2040. As the population of the senior citizens increase, it is also expected that the incidence of abuse will also increase.

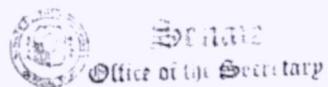
This bill seeks to provide proper and adequate protection for the welfare of our senior citizens. It aims to strengthen and reinforce the fact that senior citizen abuse is not a private matter but a public and serious one which should be the concern of the entire society. By clearly defining what constitutes senior citizen abuse and providing well-defined penalties therefor, this bill hopes to deter the abusers from committing any form of abuse against our senior citizens. This bill also aims to provide institutional support to victims of senior citizen abuse with the hope that a more participative involvement of the society will afford our senior citizens more protection.

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



SONNY ANGARA

EIGHTEENTH CONGRESS OF THE)
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19 JUL 23 P5:14

SENATE
S. B. No. 705

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Introduced by Senator SONNY ANGARA

**AN ACT
DEFINING AND PROHIBITING SENIOR CITIZEN ABUSE, PROVIDING
PENALTIES THEREFOR, AND FOR OTHER PURPOSES**

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

1 Section 1. *Short Title.* – This Act shall be known as the "Anti-Senior Citizen
2 Abuse Act of 2019."

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to protect and
4 promote the rights, dignity, security and welfare of the senior citizens of our society.
5 Towards this end, the State shall work actively for the elimination of all forms of senior
6 citizen abuse. The State shall provide sanctions for the commission of any form of
7 senior citizen abuse and adopt a program for the prevention and deterrence of and
8 crisis intervention in situations of senior citizen abuse.

9 Sec. 3. *Definition of Terms.* – As used in this Act:

10 a) *Senior Citizen* refers to a person 60 years old or above; and
11 b) *Senior Citizen Abuse* refers to a single, or repeated act, or lack of appropriate
12 action, occurring within any relationship where there is an expectation of trust
13 which causes harm or distress to a Senior Citizen. It includes, but is not limited
14 to, the following acts:

15 A. *Physical Abuse* refers to acts that include bodily or physical harm. It
16 includes striking, hitting, beating, pushing, shoving, shaking, slapping,
17 kicking, pinching, and burning, inappropriate use of drugs and physical
18 restraints, force-feeding, and physical punishment of any kind.

- 1 B. *Sexual Abuse* refers to non-consensual acts which are sexual in nature.
2 It includes rape, acts of lasciviousness, sodomy, coerced nudity, and
3 sexually explicit photographing and unwanted touching.
- 4 C. *Psychological Abuse* refers to acts or omissions causing or likely to cause
5 mental or emotional suffering. It includes verbal assaults, insults,
6 threats, intimidation, public ridicule, humiliation, mockery and
7 vilification, harassment, and enforced social isolation.
- 8 D. *Economic Abuse* refers to acts that make or attempt to make a Senior
9 Citizen financially dependent. It includes withdrawal of financial support,
10 controlling or misusing a Senior Citizen's own money or properties,
11 cashing a Senior Citizen's checks without authorization or permission,
12 forging a Senior Citizen's signature, coercing or deceiving a Senior
13 Citizen into signing any document, and the improper use of
14 conservatorship, guardianship, or power of attorney.
- 15 E. *Neglect* refers to the failure of those responsible to feed, provide shelter
16 or health care, or protection to the Senior Citizen.

17 Sec. 4. *Prohibited Acts Constituting Senior Citizen Abuse.* – The crime of Senior
18 Citizen Abuse is committed through any of the following acts:

- 19 a) Causing Physical Abuse to a Senior Citizen;
20 b) Threatening to cause Physical Abuse to a Senior Citizen;
21 c) Attempting to cause a Senior Citizen Physical Abuse;
22 d) Placing a Senior Citizen in fear of imminent Physical Abuse;
23 e) Causing or attempting to cause Sexual Abuse to a Senior Citizen;
24 f) Causing or attempting to cause Psychological Abuse to a Senior Citizen;
25 g) Causing or attempting to cause Economic Abuse to a Senior Citizen; and
26 h) Neglect of a Senior Citizen.

27 Sec. 5. *Penalties.* – The crime of Senior Citizen Abuse under Section 4 hereof
28 shall be punished according to the following rules:

- 29 a) Acts falling under Sec 4(a) constituting attempted, frustrated or consummated
30 parricide or murder or homicide shall be punished in accordance with the
31 provisions of the Revised Penal Code;

1 If these acts resulted in mutilation, it shall be punishable in accordance with
2 the Revised Penal Code; those constituting serious physical injuries shall have the
3 penalty of *prison mayor*; those constituting less serious physical injuries shall be
4 punished by *prision correccional*; and those constituting slight physical injuries
5 shall be punished by *arresto mayor*.

- 6 b) Acts falling under Sec. 4(b) shall be punished by imprisonment of one degree
7 lower than the prescribed penalty for the consummated crime as specified in
8 Sec. 5(a) but shall in no case be lower than *arresto mayor*;
9 c) Acts falling under Sec. 4(c) and 4(d) shall be punished by *arresto mayor*;
10 d) Acts falling under Sec. 4(e), except rape, shall be punished by *prision mayor*;
11 Rape shall be shall be punished in accordance with the provisions of the Revised
12 Penal Code.
13 e) Acts falling under Sec. 4(f) shall be punished by *prision mayor*;
14 f) Acts falling under Sec. 4(g) shall be punished by *prision correccional*; and
15 g) Acts falling under Sec. 4(h) shall be punished by *arresto mayor*.

16 The penalty provided shall be imposed in its maximum period if:

- 17 1) The offender-perpetrator has been previously convicted under this Act;
18 2) The offender is a descendant, collateral relative or family member of up to the
19 2nd degree of consanguinity or affinity;
20 3) The offender is a owner-operator, manager, or employee of a privately-
21 operated, for profit or non-profit, elderly facility; and
22 4) The offender is a public official, staff or employee of a government-operated
23 elderly residential/group home; Provided that said public servant or employee
24 can be subjected to suspension and/or termination according to administrative
25 discipline procedures.

26 The above-mentioned penalties shall not preclude the consequent civil case for
27 damages or administrative charges that may also result in the suspension or
28 revocation of accreditation or license to operate of any institution from the Department
29 of Social Welfare and Development (DSWD).

30 Sec. 6. *Public Crime.* – Senior Citizen Abuse shall be considered a public offense
31 which may be prosecuted upon the filing of a complaint by any citizen having personal
32 knowledge of the circumstances involving the commission of the crime.

1 Sec. 7. *Prohibited Defense.* – Being under the influence of alcohol, any illicit
2 drugs, or any other mind-altering substance shall not be a defense under this Act.

3 Sec. 8. *Persons Intervening Exempt from Liability.* – Any person or private
4 individual acting in accordance with law, responds or intervenes without using violence
5 or restraint greater than necessary to ensure the safety of the victim, shall not be
6 liable for any criminal, civil, or administrative case resulting therefrom.

7 Sec. 9. *Confidentiality.* – All cases pertaining to Senior Citizen Abuse cases shall
8 be confidential and all public officers and employees of public or private hospitals and
9 clinics shall respect the right to privacy of the victim. Any person who shall make public
10 any relevant or identifying information about the case or the victim shall be made
11 liable for contempt of court and shall suffer the penalty of one (1) year imprisonment
12 and a fine of Five Hundred Thousand Pesos (P500,000.00).

13 Sec. 10. *Establishment of a Senior Citizens Help Desk.* – Every barangay shall
14 establish a Senior Citizen Help Desk which shall provide immediate assistance to the
15 victims of Senior Citizen Abuse. The Senior Citizen Help Desk may be manned by
16 representatives of the Senior Citizens who are residents of the barangay or members
17 of a local Senior Citizen organization designated and authorized by the Barangay
18 Council or Chairperson.

19 Barangay officials or law enforcers shall respond immediately to a call for help
20 or request for assistance by entering the dwelling, checking on the well-being of the
21 victim, and ensuring the safety of the victim. As immediate responders, they must also
22 transport or escort the victim to a safe place of their choice or to a clinic or hospital,
23 if and when necessary.

24 Sec. 11. *Healthcare Provider Response to Abuse.* – Any healthcare provider,
25 including, but not limited to, an attending physician, nurse, clinician, barangay health
26 worker, therapist, social worker or counselor who suspects abuse or has been
27 informed by the victim of Senior Citizen Abuse shall:

- 28 a) Properly document any of the victim's physical, emotional or psychological
29 injuries;
- 30 b) Properly record any of the victim's suspicions, observations and circumstances
31 of the examination or visit;

- 1 c) Automatically provide the victim, free of charge, a medical certificate
2 concerning the examination or visit;
3 d) Safeguard the records and make them available to the victim upon request at
4 actual cost; and
5 e) Provide the victim immediate and adequate notice of right and remedies
6 provided under this Act, and services available to them.

7 Sec. 12. *Rights of Victims.* – In addition to their rights under existing laws,
8 victims of Senior Citizen Abuse shall have the following rights:

- 9 a) To be treated with respect and dignity;
10 b) To avail of legal assistance from the Public Attorneys Office (PAO);
11 c) To be entitled to support services from the DSWD and Local Government Units
12 (LGUs);
13 d) To be entitled to all legal remedies and support as provided for under the Family
14 Code; and
15 e) To be informed of their rights and the services available to them including their
16 right to apply for a protection order

17 Sec. 13. *Barangay Protection Order.* – Barangay Protection Orders (BPOs) refer
18 to the protection order issued by the Punong Barangay ordering the perpetrator to
19 desist from committing acts under Section 4 of this Act. A Punong Barangay who
20 receives applications for a BPO shall issue the protection order to the applicant on the
21 date of filing after *ex parte* determination of the basis of the application. If the Punong
22 Barangay is unavailable to act on the application for a BPO, the application shall be
23 acted upon by any available Barangay Kagawad. If the BPO is issued by a Barangay
24 Kagawad the order must be accompanied by an attestation by the Barangay Kagawad
25 that the Punong Barangay was unavailable at the time for the issuance of the BPO.
26 BPOs shall be effective for thirty (30) days. Immediately after the issuance of an *ex*
27 *parte* BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy
28 of the same on the respondent, or direct any barangay official to effect its personal
29 service.

30 The parties may be accompanied by a non-lawyer advocate in any proceeding
31 before the Punong Barangay.

1 Sec. 14. *Mandatory Programs and Services for Victims.* – The DSWD and LGUs
2 shall provide the victims temporary shelters, provide counseling, psycho-social
3 services and/or recovery, rehabilitation programs and livelihood assistance.

4 The Office for Senior Citizens Affairs (OSCA) shall include services addressing
5 Senior Citizen Abuse. All suspected cases of Senior Citizen Abuse must be reported in
6 accordance with existing laws. The OSCA, in coordination with the Local Social Welfare
7 and Development Office (LSWDO), shall maintain a Senior Citizen Abuse
8 documentation and case monitoring system, and set up a databank to keep an
9 accurate and reliable record of instances of abuse and violence committed against the
10 Senior Citizens.

11 Sec. 15. *Formulation of the Program.* – There shall be a comprehensive
12 program to be formulated, by the Department of Justice (DOJ) and the DSWD in
13 coordination with other government agencies and private sector concerned, within
14 one (1) year from the effectivity of this Act, to protect the Senior Citizen against Senior
15 Citizen Abuse.

16 Sec. 16. *Duties of Other Government Agencies and LGUs.* – Other government
17 agencies and LGUs shall establish programs such as, but not limited to, education and
18 information campaign and seminars or symposia on the nature, causes, incidence and
19 consequences of Senior Citizen Abuse particularly towards educating the public on its
20 social impacts.

21 It shall be the duty of the concerned government agencies and LGUs to ensure
22 the sustained education and training of their officers and personnel on the prevention
23 of Senior Citizen Abuse under the Act.

24 Sec. 17. *Trainings and Capacity-Building for Intervenors.* – All government
25 agencies involved in responding to Senior Citizen Abuse cases shall be required to
26 undergo education and training to be conducted by the DSWD to acquaint them with:
27 a) the nature, extent, causes, and risk factors of Senior Citizen Abuse;
28 b) the legal rights and remedies of victims of Senior Citizen Abuse;
29 c) legal duties of barangay officials, OSCA Heads, LSWDOs, police officers and
30 court authorities in offering assistance and protection;
31 d) the available services and facilities for victims of Senior Citizen Abuse; and

1 e) specific techniques in handling Senior Citizen Abuse cases to minimize injury
2 and promote the safety and ensure the well-being of the victim.

3 The Department of Health (DOH) and other concerned institutions shall provide
4 capacity-building on the prevention, detection, and management of psycho-social
5 problems and other geriatric concerns of Senior Citizens such as dementia and
6 Alzheimer's Disease, among healthcare providers, home caregivers, and staff and
7 employees of nursing homes and/or elderly residential facilities, specifically on
8 handling Senior Citizen Abuse.

9 Sec. 18. *Counseling and Rehabilitation of Offenders-Perpetrators*. – The DSWD
10 shall provide rehabilitative counseling and treatment of perpetrators towards learning
11 constructive ways of coping with their anger, emotional outbursts, or stress, and
12 reforming their ways. Psychiatric treatment or confinement may also be recommended
13 by the responsible authorities if necessary.

14 Sec. 19. *Funding*. – The amount necessary to carry out the provisions of this
15 Act is hereby authorized to be appropriated in the General Appropriations Act of the
16 year following its enactment into law and thereafter.

17 Sec. 20. *Implementing Rules and Regulations*. – Within six (6) months from the
18 approval of this Act, the DOJ, the DSWD, the DOH, the Department of Interior and Local
19 Government, and the Philippine National Police, and three (3) representatives from non-
20 government organizations to be identified by the DSWD shall promulgate the
21 Implementing Rules and Regulations of this Act.

22 Sec. 21. *Suppletory Application*. – For purposes of this Act, the Revised Penal Code
23 and other applicable laws, shall have suppletory application.

24 Sec. 22. *Separability Clause*. – If any portion or provision of this Act is subsequently
25 declared invalid or unconstitutional, other provisions hereof which are not affected thereby
26 shall remain in full force and effect.

27 Sec. 23. *Repealing Clause*. – All other laws, acts, presidential decrees, executive
28 orders, presidential proclamations, issuances, rules and regulations, or parts thereof which
29 are contrary to or inconsistent with any of the provisions of this Act are hereby repealed,
30 amended, or modified accordingly.

31 Sec. 24. *Effectivity*. – This Act shall take effect fifteen (15) days after its publication
32 in the *Official Gazette* or in a newspaper of general circulation.

Approved,