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Senate

Office of the Secretary

**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*

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'22 JUL 14 AIO :58

**SENATE**

**S.B No. 582**

RECEIVED BY:

**INTRODUCED BY SENATOR RISA HONTIVEROS**

**AN ACT  
DEFINING AND PROHIBITING ELDER ABUSE, PROVIDING PENALTIES  
THEREFORE, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

For many years, elder abuse was a hidden, unspoken issue in society. Similar to wife-beating, incest, and child abuse, it was a private problem kept within the confines of the domestic sphere. But as a form of family violence, it has remained under- or misdiagnosed, under-reported, and poorly addressed by public policy. It is often overlooked by health professionals, and sadly, most perpetrators of the abuse are usually one's own family members.

As the elderly population multiplies, so will the incidence of elder abuse. Extreme cases have obvious manifestations, like pressure marks on the body, broken bones, depression, unexplained withdrawal from normal activities, unattended medical needs, or strained, tense relationships. But most elder abuse is subtle. It is difficult to tell the difference between normal interpersonal stress and abuse. Thus, it seems, elder abuse and neglect are often "hidden".

But the phenomenon of elder abuse is becoming increasingly recognized by both medical facilities and social institutions. More and more studies have highlighted the seriousness and magnitude of elder abuse as an issue concerning the health and welfare of older persons. As such, elder abuse is now considered a major public health and human rights issue.

The World Health Organization's (WHO) Toronto Declaration on Elder Abuse defines elder abuse as "a single or repeated act, a lack of appropriate action, occurring within any relationship where there is an expectation of trust that causes harm or distress to an older person." It may take the form of physical, psychological and emotional abuse, financial or material exploitation, medical maltreatment, even sexual exploitation and abandonment of the vulnerable elderly.

Statistics uncovers a frightening picture of elderly abuse around the world. The World Health Organization said that around 1 in 6 people 60 years and older experienced some form of abuse in community settings during the past year. The problem may get worse as the number of senior citizens increase. The global population of the elderly will more than double, from 900 million in 2015 to about 2 billion in 2050. Meanwhile, the Philippines' elderly population has been steadily increasing in both size and proportion. In 2021, senior citizen population has breached 10 million, according to the Commission on Population and Development, and between 2025 to 2030, the country's population would start to age.

Initially thought to be a problem of the developed world, elder abuse is now recognized as universal, although evidence from less-developed countries is primarily anecdotal. In the Philippines, despite a strong tradition of filial piety, cases of elder abuse is no longer unheard of, where some cases land the headlines. To mitigate this growing problem policy intervention is required.

The objective of this bill is more than just to clearly define elder abuse as a specific offense with corresponding penalties. It also seeks to bring to light the special context of elder abuse, of the particular "vulnerability" brought about by old age, and which is taken advantage of by offender-perpetrators. Like domestic violence or VAWC, elder abuse may be a form of family abuse that is both sensitive and controversial, requiring careful intervention from the State. And among the most important aspect of this intervention is the institutionalization of clear and concrete affirmative acts that will raise public awareness and prevent such abuse from happening.

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

  
**RISA HONTIVEROS**  
Senator

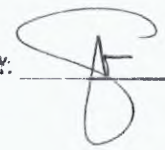


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**AN ACT  
DEFINING AND PROHIBITING ELDER ABUSE, PROVIDING PENALTIES  
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 SECTION 1. *Short Title* – This Act shall be known as the “Anti-Elder Abuse Law of  
2 2022”.

3 Sec. 2. *Declaration of Policy* – Pursuant to Article II, Section 11 of the Philippine  
4 Constitution, the State values the dignity of every human person and thereby guarantees  
5 the full respect for human rights, and Article III, Section 1, which mandates that “No  
6 person shall be deprived of life, liberty, or property without due process of law, nor shall  
7 any person be denied the equal protection of the laws,” it is hereby declared the policy  
8 of the State to work actively for the elimination of all forms of discrimination, violence  
9 and abuse against the elderly.

10 Moreover the following Constitutional provisions also mandate that:

11 “The State shall promote a just and dynamic social order that will ensure the prosperity  
12 and independence of the nation and free the people from poverty through policies that  
13 provide adequate social services, promote full employment, a rising standard of living and  
14 an improved quality of life for all.” (Article II, Section 9)

15 “The State shall adopt an integrated and comprehensive approach to health  
16 development which shall endeavor to make essential goods, health and other social  
17 services available to all the people at affordable cost. There shall be priority for the needs  
18 of the underprivileged sick, elderly, disabled, women and children.” (Article XIII, Section  
19 12 on Health Services)

20 “The family has the duty to take care of its elderly members but the State may also do  
21 so through just programs of social security.” (Article XV, Section 4 on the Filipino Family)



1 In addition, Republic Act No. 9262 or the VAWC Act declares that the State shall exert  
2 efforts to address violence committed against women, and Republic Act No. 9710 or the  
3 Magna Carta of Women Section 33 on the Protection of Senior Citizens state that “the  
4 State shall protect women senior citizens from neglect, abandonment, domestic violence,  
5 abuse, exploitation, and discrimination.”

6 Towards this end, the following discriminatory and abusive practices committed against  
7 senior citizens defined herein shall be proscribed and penalized. Moreover, the State shall  
8 ensure the establishment of support services and special protective mechanisms to  
9 safeguard older people against violence, sexual abuse, exploitation, and discrimination.

10 Sec. 3. Definition of Terms –

- 11 a) Elderly refers to any resident of the Philippines at least sixty (60) years of  
12 age;
- 13 b) Discrimination - Any distinction, exclusion, restriction, or preference,  
14 whether actual or perceived, and which has the purpose or effect of  
15 nullifying or impairing the recognition, enjoyment, or exercise by all persons  
16 of an equal footing of all rights and freedoms.
- 17 c) Marginalization – Any condition where people are systematically excluded  
18 from meaningful participation in economic, social, political, cultural and  
19 other forms of human activity in their communities and thus are denied the  
20 opportunity to fulfil themselves as human beings.
- 21 d) Senior Citizen – is a person 60 years old or older; it may be used  
22 interchangeably with the terms “elderly” or “older person,” which are more  
23 encompassing in reference to older people.
- 24 e) Elder Abuse - Any act of commission or of omission (“neglect”) to an elderly  
25 that may either be intentional or unintentional, resulting in unnecessary  
26 suffering, injury or pain, the loss or violation of human rights, and a  
27 diminished quality of life for the older person. It may take the form of  
28 physical, psychological and emotional abuse, neglect, financial or material  
29 exploitation, medical maltreatment, sexual exploitation and abandonment.  
30 Some cases involve more than one type of abusive behavior, such as the  
31 abuser victimizing the elderly person both physically and emotionally.
- 32 f) Physical abuse - The infliction of pain or injury, physical coercion, or  
33 physical or drug-induced restraint. Includes intentional acts of violence that  
34 inflict bodily or physical harm.
- 35 g) Battery – The act of inflicting physical harm resulting to physical and  
36 psychological or emotional distress.

- 1 h) Sexual abuse - A non-consensual sexual contact of any kind with an  
2 elderly. Applies to acts which are sexual in nature such as sexual  
3 harassment, acts of lasciviousness, rape and/or sexual assault.
- 4 i) Psychological or Emotional abuse - The infliction of mental anguish. Applies  
5 to acts and/or omissions causing or likely to cause mental or emotional  
6 suffering such as but not limited to intimidation, public ridicule and  
7 humiliation, mockery and vilification, repeated verbal abuse, harassment,  
8 and threats.
- 9 j) Financial or Material abuse - The illegal or improper exploitation or use of  
10 funds or resources of the elderly. Applies to acts that make or attempt to  
11 make an older person financially dependent, and/or the actual deprivation  
12 or threat of deprivation of financial resources such as withdrawal of  
13 financial support, including controlling the victim-survivor's own money or  
14 properties.
- 15 k) Neglect - Consists of the refusal or failure to fulfill a care-giving obligation.  
16 It may be a result of a conscious and intentional attempt to inflict physical  
17 or emotional distress on the older person.

18 *Sec. 4. Meaning and Context of Elder Abuse* – Under this Act, advanced age or  
19 elderliness shall no longer be considered as a mere “aggravating circumstance” in an  
20 offense. As in the case of child abuse, age shall be appreciated with the added dimension  
21 of vulnerability, a vulnerability an offender or perpetrator takes advantage of.

22 Elder abuse may be defined as “a single or repeated act, a lack of appropriate action,  
23 occurring within any relationship where there is an expectation of trust and support, that  
24 causes harm or distress to an older person”.

25 *Sec. 5. Prohibited Acts Constituting Elder Abuse* – Physical abuse is defined as the  
26 use of physical force that may result in bodily injury, physical pain, or impairment. Physical  
27 abuse may include but is not limited to such acts of violence as striking (with or without  
28 the use of an object), hitting, beating, pushing, shoving, shaking, slapping, kicking,  
29 pinching, and burning. In addition, inappropriate use of drugs and physical restraints,  
30 force-feeding, and physical punishment of any kind are also considered physical abuse.

- 31 a) Sexual abuse is defined as a non-consensual sexual contact of any kind  
32 with an elderly person. Sexual contact with any older person incapable of  
33 giving consent is also considered sexual abuse. It includes, but is not  
34 limited to, unwanted touching, all types of sexual assault or battery, such  
35 as rape, sodomy, coerced nudity, and capturing sexually explicit acts in  
36 photographs and video.

1 b) Emotional or psychological abuse is defined as the infliction of anguish,  
2 pain, or distress through verbal or nonverbal acts.  
3 Emotional/psychological abuse includes but is not limited to verbal  
4 assaults, insults, threats, intimidation, humiliation, and harassment. In  
5 addition, treating an older person like an infant; isolating an elderly person  
6 from her/his family, friends, or regular activities; giving an older person  
7 the "silent treatment;" and enforced social isolation are considered  
8 emotional/psychological abuse.

9 c) Financial or material exploitation is defined as the illegal or improper use  
10 of an elder's funds, property, or assets. This includes, but are not limited  
11 to, cashing an elderly person's checks without authorization or  
12 permission; forging an older person's signature; misusing or stealing an  
13 older person's money or possessions; coercing or deceiving an older  
14 person into signing any document (e.g. contracts or will); and the  
15 improper use of conservatorship, guardianship, or a Power of Attorney.

16 d) Neglect is defined as the refusal or failure to fulfill any part of a person's  
17 obligations or duties to an elder. Neglect may also include failure of a  
18 person who has fiduciary responsibilities to provide care for an elder or  
19 the failure on the part of an in-home service provider to provide necessary  
20 care.

21 Neglect typically means the refusal or failure to provide an elderly person  
22 with such life necessities as food, water, clothing, shelter, personal  
23 hygiene, medicine, comfort, personal safety, and other essentials included  
24 in an implied or agreed-upon responsibility to an elder.

25 e) Abandonment is defined as the desertion of an elderly person by an  
26 individual who has assumed responsibility for providing care for an elder,  
27 or by a person with physical custody of an elder.

28 *Sec. 6. Penalties* – The crime of Elder Abuse shall be punished according to the  
29 following Rules:

30 a) An offender-perpetrator shall be punished with imprisonment according  
31 to present criminal laws under The Revised Penal Code (RPC) and  
32 Republic Act No. 9262, or the Anti-Violence against Women and Children  
33 Act (Anti-VAWC);

34 a. Acts constituting attempted, frustrated, or consummated parricide,  
35 murder or homicide shall be penalized according to the RPC,  
36 especially if it results to mutilation;



- 1                   b. Acts constituting serious physical injuries shall suffer the penalty of  
2                   *prision mayor*, and acts constituting less serious injuries shall suffer  
3                   the penalty of *prision correccional*, and anything constituting slight  
4                   physical injuries shall suffer the penalty of *arresto mayor*;  
5                   c. Any act constituting sexual abuse or similar sexual-related offenses  
6                   shall suffer the penalty of *prision mayor*;  
7                   d. Any act constituting psychological and/or emotional abuse shall  
8                   suffer the penalty of *prision mayor*;  
9                   e. Any act constituting financial, economic or material abuse shall  
10                  suffer the penalty of *prision correccional*;  
11                  f. Any act constituting neglect or abandonment of an older person  
12                  shall suffer the penalty of by *arresto mayor*;

13           b) The penalty provided shall be imposed in its maximum period:

- 14                  a. If the offender-perpetrator has been previously convicted under  
15                  this Act;  
16                  b. If the offender is a descendant, collateral relative or family member  
17                  of up to the 2<sup>nd</sup> degree of consanguinity or affinity;  
18                  c. If the offender is an owner-operator, manager, or employee of a  
19                  privately-operated, for profit or non-profit, elderly facility;  
20                  d. If the offender is a public official, staff or employee of a  
21                  government-operated elderly residential care facility; Provided,  
22                  that said public servant or employee can be subjected to  
23                  suspension and/or termination based on administrative  
24                  procedures.

25           c) In cases involving elderly residential care facilities and homes for the  
26           aged, the above-mentioned penalties shall not preclude the consequent  
27           civil case for damages or administrative charges that may also result in  
28           the suspension or revocation of accreditation or license to operate from  
29           the Department of Social Work and Development (DSWD).

30    Sec. 7. *Enforcement and Protocols* –

- 31           a) Public Crime - Elder abuse shall be considered a public offense which may  
32           be prosecuted upon the filing of a complaint by any citizen having  
33           personal knowledge of the circumstances involving the commission of the  
34           crime;  
35           b) The following persons may file a complaint for elder abuse –  
36                  a. The offended older person

- 1                   b. Anyone with personal knowledge of the circumstances involving  
2                   the commission of the crime, including:
- 3           i.     A caregiver, family member or collateral relative within the 4<sup>th</sup> degree  
4                   of consanguinity or affinity;
- 5           ii.    A healthcare provider, therapist, or counselor;
- 6           iii.   A fellow senior citizen from an elderly organization, or a churchmate  
7                   from the parish;
- 8           iv.    A priest or a church leader;
- 9           v.     Barangay officials, including *Barangay Tanods* and other barangay  
10                  personnel;
- 11          vi.    Social Welfare Officers from the DSWD or Local Government Unit;
- 12          vii.   Police or other law enforcement officers.
- 13   c) Barangay officials or law enforcers shall respond immediately to a call for  
14          help or request for assistance by entering the dwelling or wherever the  
15          incident occurs, checking on the well-being of the victim, and ensuring  
16          the safety of the victim-survivor; As immediate responders, they must also  
17          transport or escort the victim to a safe place of their choice or to a clinic  
18          or hospital, if and when necessary;
- 19   d) Immunity - Any person or private individual acting in accordance with the  
20          law, responds or intervenes without using violence or restraint greater  
21          than necessary to ensure the safety of the victim, shall not be liable for  
22          any criminal, civil, or administrative case resulting therefrom.
- 23   e) Prohibited Defense - Being under the influence of alcohol, any illicit drugs,  
24          or any other mind-altering substance shall not be a defense under this  
25          Act.
- 26   f) Prohibited Acts by Government Officials - Any barangay official or court  
27          hearing an application for a Protection Order for an abused elderly shall  
28          not order, direct, force, or in any way influence the applicant to  
29          compromise or abandon any of the reliefs sought. Failure to comply shall  
30          render the official or judge administratively liable.
- 31   g) The DSWD, the Department of Health (DOH), and the National  
32          Commission of Senior Citizens (NCSC) shall require physicians,  
33          caregivers, or social workers who suspect ill-treatment of senior citizens  
34          to discuss the concern with the family or the head of the nursing home or  
35          elderly facility. In case the ill-treatment is confirmed, or in the event of



1 suspicious death, the same shall be reported to the appropriate  
2 authorities.

3 h) Confidentiality - All cases pertaining to elder abuse including those at the  
4 barangay level shall be confidential, and all public officers and employees  
5 of public or private hospitals/clinics shall respect the right to privacy of  
6 the victim-survivor. Any person who shall make public any relevant or  
7 identifying information about the case or the victim shall be made liable  
8 for contempt of court and shall suffer the penalty of a fine of two hundred  
9 thousand pesos (PHP 200,000.00).

10 Sec. 8. *Establishment of a Senior Citizens Help Desk* – Every barangay shall  
11 establish a senior citizens Help Desk which shall provide immediate assistance to victim-  
12 survivors of elder abuse. Apart from barangay officials, it may be staffed by duly  
13 accredited representatives of the senior citizens sector or from the membership of a local  
14 elderly organization designated and authorized by the Barangay Council or Chairperson.

15 Sec. 9. *Mandatory Programs and Services for Victims of Elder Abuse* – The NCSC,  
16 DSWD and LGUs shall provide the victims temporary shelter, counseling, psycho-social  
17 services and/or recovery and rehabilitation programs, and financial assistance.

18 The NCSC/Office of Senior Citizens Affairs (OSCA) shall include services addressing  
19 gender-based violence as well as elder abuse. All suspected cases of abuse and/or neglect  
20 of senior citizens must be reported in accordance with existing laws. The NCSC/OSCA, in  
21 coordination with the Local Social Welfare and Development Officer (LSWDO), shall  
22 maintain an elder abuse documentation and case monitoring system, and set up a  
23 databank to keep an accurate and reliable record of instances of abuse and violence  
24 committed against the elderly.

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

30 Sec. 11. *Trainings and Capacity-Building for Intervenors* – All government agencies  
31 involved in responding to elder abuse cases shall be required to undergo education and  
32 training to acquaint them with:

- 33 a) The nature, extent, causes, and risk factors of elder abuse;  
34 b) The legal rights and remedies of victim-survivors of elder abuse;  
35 c) Legal duties of barangay officials, OSCA Heads, LSWDOs, police officers  
36 and court authorities in offering assistance and protection;

- 1 d) The available services and facilities for victim-survivors of elder abuse;
- 2 e) Specific techniques in handling elder abuse cases to minimize injury, and
- 3 promote the safety and ensure the well-being of the victim-survivor.

4 The DOH and other concerned institutions shall provide capacity-building on the  
5 prevention, detection, and management of psycho-social problems and other geriatric  
6 concerns of senior citizens, such as dementia and Alzheimer’s Disease, among healthcare  
7 providers, home caregivers, and staff and employees of nursing homes and/or elderly  
8 residential facilities, specifically on handling older person abuse.

9 Sec. 12. *Affirmative Acts* – To ensure that the rights and welfare of older persons  
10 are protected, the following programs and interventions shall be developed and  
11 implemented:

- 12 a) Establish clear advocacy/information programs and increase public awareness to
- 13 minimize risks of neglect, abuse and violence to older persons;
- 14 b) Include training on the prevention, detection, and management of social problems of
- 15 senior citizens among healthcare professionals and law enforcement officers, specifically
- 16 on the handling of elder abuse cases;
- 17 c) Encourage the development and utilization of supportive community resources that
- 18 provide in-home services, respite care, and stress reduction with high-risk families; In
- 19 addition, explore the possibilities of subsidies and outreach support for family and
- 20 caregivers to promote quality homecare for senior citizens; and
- 21 d) Ensure high priority for the enactment of measures that would provide social protection
- 22 to the elderly and reduce their socio-economic and political disparities.
- 23 e) Continue to develop and initiate programs and services for senior citizens that are
- 24 gender-responsive, rights-based, and culture-sensitive so as to ensure specific needs and
- 25 concerns of senior citizens are identified and addressed.
- 26 f) Review school curricula and teaching modules through the Department of Education
- 27 and the Commission on Higher Education to highlight with renewed focus the importance
- 28 of family values, filial piety, and respect for the elderly.

29 Sec. 13. *Implementing Rules and Regulations*. – The NCSC and the DSWD, in  
30 consultation with the Department of the Interior and Local Government (DILG),  
31 Department of Health (DOH), other relevant government agencies, LGUs, and at least  
32 two (2) elderly-focused non-government organizations with a proven track record, shall  
33 promulgate the *Implementing Rules and Regulations (IRR)* of this Act within six (6)  
34 months from its approval.

1           Section 14. *Separability Clause.* – If any provision of this Act is held unconstitutional  
2 or invalid, such provision shall not affect the enforceability and effectivity of the its  
3 remaining provisions.

4           Section 15. *Repealing Clause.* – All laws, decrees, executive orders, issuances, and  
5 rules and regulations, or parts thereof inconsistent with the provisions of this Act are  
6 hereby repealed or modified accordingly.

7           Sec. 22. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
8 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,