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Senate
Office of the Secretary

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

'22 JUL 14 P3:45

SENATE
S. B. No. 639

RECEIVED BY:

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 Philippine Statistics Authority (PSA), there were 12.3 million Filipinos aged 60 years old and above as of May 2020, while the United Nations (U.N.) Department of Economic and Social Affairs projected that the country will have an ageing population by 2032 such that those aged 65 years and above are expected to account for more than 7 percent of the total Philippine population. As the number of 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
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Title.*** – This Act shall be known as the "*Anti-Senior Citizen Abuse*
2 *Act.*"

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

1 which causes harm or distress to a Senior Citizen. It includes, but is not limited
2 to, the following acts:

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

7 B. *Sexual Abuse* refers to non-consensual acts which are sexual in nature.
8 It includes rape, acts of lasciviousness, sodomy, coerced nudity, and
9 sexually explicit photographing and unwanted touching.

10 C. *Psychological Abuse* refers to acts or omissions causing or likely to cause
11 mental or emotional suffering. It includes verbal assaults, insults,
12 threats, intimidation, public ridicule, humiliation, mockery and
13 vilification, harassment, and enforced social isolation.

14 D. *Economic Abuse* refers to acts that make or attempt to make a Senior
15 Citizen financially dependent. It includes withdrawal of financial support,
16 controlling or misusing a Senior Citizen's own money or properties,
17 cashing a Senior Citizen's checks without authorization or permission,
18 forging a Senior Citizen's signature, coercing or deceiving a Senior
19 Citizen into signing any document, and the improper use of
20 conservatorship, guardianship, or power of attorney.

21 E. *Neglect* refers to the failure of those responsible to feed, provide shelter
22 or health care, or protection to the Senior Citizen.

23 **SEC. 4. *Prohibited Acts Constituting Senior Citizen Abuse.*** – The crime
24 of Senior Citizen Abuse is committed through any of the following acts:

- 1 a) Causing Physical Abuse to a Senior Citizen;
- 2 b) Threatening to cause Physical Abuse to a Senior Citizen;
- 3 c) Attempting to cause a Senior Citizen Physical Abuse;
- 4 d) Placing a Senior Citizen in fear of imminent Physical Abuse;
- 5 e) Causing or attempting to cause Sexual Abuse to a Senior Citizen;
- 6 f) Causing or attempting to cause Psychological Abuse to a Senior Citizen;
- 7 g) Causing or attempting to cause Economic Abuse to a Senior Citizen; and
- 8 h) Neglect of a Senior Citizen.

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

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

14 If these acts resulted in mutilation, it shall be punishable in accordance with
15 the Revised Penal Code; those constituting serious physical injuries shall have the
16 penalty of *prision mayor*; those constituting less serious physical injures shall be
17 punished by *prision correccional*; and those constituting slight physical injuries
18 shall be punished by *arresto mayor*.

- 19 b) Acts falling under Sec. 4(b) shall be punished by imprisonment of one degree
20 lower than the prescribed penalty for the consummated crime as specified in
21 Sec. 5(a) but shall in no case be lower than *arresto mayor*;

- 22 c) Acts falling under Sec. 4(c) and 4(d) shall be punished by *arresto mayor*;

- 23 d) Acts falling under Sec. 4(e), except rape, shall be punished by *prision mayor*;

1 Rape shall be shall be punished in accordance with the provisions of the Revised
2 Penal Code.

3 e) Acts falling under Sec. 4(f) shall be punished by *prision mayor*;

4 f) Acts falling under Sec. 4(g) shall be punished by *prision correccional*; and

5 g) Acts falling under Sec. 4(h) shall be punished by *arresto mayor*.

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

7 1) The offender-perpetrator has been previously convicted under this Act;

8 2) The offender is a descendant, collateral relative or family member of up to the
9 2nd degree of consanguinity or affinity;

10 3) The offender is a owner-operator, manager, or employee of a privately-
11 operated, for profit or non-profit, elderly facility; and

12 4) The offender is a public official, staff or employee of a government-operated
13 elderly residential/group home; Provided that said public servant or employee
14 can be subjected to suspension and/or termination according to administrative
15 discipline procedures.

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

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

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

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

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

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

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

22 **SEC. 11. *Healthcare Provider Response to Abuse.*** – Any healthcare
23 provider, including, but not limited to, an attending physician, nurse, clinician,

1 barangay health worker, therapist, social worker or counselor who suspects abuse or
2 has been informed by the victim of Senior Citizen Abuse shall:

- 3 a) Properly document any of the victim's physical, emotional or psychological
4 injuries;
- 5 b) Properly record any of the victim's suspicions, observations and circumstances
6 of the examination or visit;
- 7 c) Automatically provide the victim, free of charge, a medical certificate
8 concerning the examination or visit;
- 9 d) Safeguard the records and make them available to the victim upon request at
10 actual cost; and
- 11 e) Provide the victim immediate and adequate notice of right and remedies
12 provided under this Act, and services available to them.

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

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

23 **SEC. 13. *Barangay Protection Order.*** – Barangay Protection Orders (BPOs)
24 refer to the protection order issued by the Punong Barangay ordering the perpetrator

1 to desist from committing acts under Section 4 of this Act. A Punong Barangay who
2 receives applications for a BPO shall issue the protection order to the applicant on the
3 date of filing after *ex parte* determination of the basis of the application. If the Punong
4 Barangay is unavailable to act on the application for a BPO, the application shall be
5 acted upon by any available Barangay Kagawad. If the BPO is issued by a Barangay
6 Kagawad the order must be accompanied by an attestation by the Barangay Kagawad
7 that the Punong Barangay was unavailable at the time for the issuance of the BPO.
8 BPOs shall be effective for thirty (30) days. Immediately after the issuance of an *ex*
9 *parte* BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy
10 of the same on the respondent, or direct any barangay official to effect is personal
11 service.

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

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

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

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

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

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

14 **SEC. 17. *Trainings and Capacity-Building for Intervenors.*** – All
15 government agencies involved in responding to Senior Citizen Abuse cases shall be
16 required to undergo education and training to be conducted by the DSWD to acquaint
17 them with:

- 18 a) the nature, extent, causes, and risk factors of Senior Citizen Abuse;
- 19 b) the legal rights and remedies of victims of Senior Citizen Abuse;
- 20 c) legal duties of barangay officials, OSCA Heads, LSWDOs, police officers and
21 court authorities in offering assistance and protection;
- 22 d) the available services and facilities for victims of Senior Citizen Abuse; and
- 23 e) specific techniques in handling Senior Citizen Abuse cases to minimize injury
24 and promote the safety and ensure the well-being of the victim.

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

7 **SEC. 18. *Counseling and Rehabilitation of Offenders-Perpetrators.*** –

8 The DSWD shall provide rehabilitative counseling and treatment of perpetrators
9 towards learning constructive ways of coping with their anger, emotional outbursts,
10 or stress, and reforming their ways. Psychiatric treatment or confinement may also be
11 recommended by the responsible authorities if necessary.

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

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

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

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

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

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

Approved,