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

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RECEIVED BY: _____



SENATE

S.B. No. 816

Introduced by SEN. WIN GATCHALIAN

**AN ACT
PROVIDING PROTECTION TO THE ELDERLY
AGAINST ABUSE, NEGLECT, AND EXPLOITATION, AND
PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF**

EXPLANATORY NOTE

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

From a young age, our culture has taught us to honor and respect our elders. Filipino values dictate that we have a moral duty to maintain and care for our elders. Although generally speaking, Filipino society cherishes, respects, and cares for our elders more compared to western societies, we cannot deny the fact that a number of our senior citizens have become victims of physical,

emotional, and economic abuse at the hands of people who are entrusted with their care. Their advanced age and fragile condition are taken advantage of by persons in charge of them and even by members of their immediate family.

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

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

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



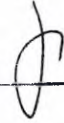
WIN GATCHALIAN



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

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

2

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

8 Towards this end, the State shall exert efforts to address all forms of violence, abuse,
9 neglect, exploitation and coercion, especially acts deleterious to their personal safety,
10 security, dignity or any discriminatory act committed against senior citizens in keeping

1 with the fundamental freedom guaranteed under the Constitution and the provisions of
2 the universal Declaration of Human Rights.

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

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

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

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

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

- 1 d) *Safe place or shelter* refers to any home or institution maintained or managed
2 by the Department of Social Welfare and Development (DSWD) or by any other
3 suitable place that is willing to accommodate the aggrieved senior citizen; and
4 e) *Senior citizen* refers to any resident citizen of the Philippines at least sixty (60)
5 years old as defined under republic Act. No. 9994, otherwise known as the
6 "Expanded Senior Citizen Act of 2010."
7

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

- 11 a) Physical abuse or infliction of pain or injury with the use of physical force
12 resulting in bodily injury, physical harm, pain or impairment, suffering or
13 distress;
14 b) Psychological, mental or emotional abuse causing mental or emotional
15 suffering or distress;
16 c) Material exploitation through illegal or improper use of funds or resources of
17 the senior citizen; and economic or financial abuse through acts that make the
18 senior citizen financially dependent; and
19 d) Abandonment or desertion by leaving a senior citizen unattended at a place for
20 such a considerable length of time, as may be likely to endanger the health
21 and welfare of a senior citizen, by an individual who has assumed responsibility
22 for providing care for the senior citizen, or by a person with custody of the
23 senior citizen.
24

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

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

- 1 b) to be entitled to support services from the DSWD and the Local Government
2 Unit (LGU) concerned;
- 3 c) to be entitled to all legal remedies as provided for under the Family Code;
- 4 d) to be informed through the Senior Citizen Help Desk established hereunder of
5 the senior citizen's rights and services available including the right to apply for
6 a protection order; and
- 7 e) to be entitled to actual, compensatory, moral and exemplary damages.
- 8

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

- 12 a) a safe place or temporary shelter, such as senior housing or nursing home or
13 other suitable facility or service, when appropriate, as emergency short-term
14 shelters. This safe place or temporary shelter shall provide counseling, psycho-
15 social services, recovery or rehabilitation programs and livelihood assistance;
- 16 b) counseling, healing, recovery and rehabilitation services; and
- 17 c) the appropriate programs to ensure the personal safety and security of a senior
18 citizen and prevent the recurrence of the violent acts committed against them.

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

21

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

- 24 a) respond immediately to a call for help or request for protection of the victim by
25 entering the senior citizen victim's dwelling, if necessary, whether or not a
26 protection order has been issued to ensure the safety of the victim;
- 27 b) confiscate any harmful object in the possession of the perpetrator, or one which
28 is within plain view;
- 29 c) transport the victim to a barangay hall, or to a clinic or hospital;
- 30 d) assist the victim in removing personal belongings from the dwelling;

- 1 e) ensure the enforcement of the Protection Order (PO) issued by the *Lupong*
2 *Tagapamayapa*, the *Punong Barangay* or Barangay Chairman and the Court;
3 f) arrest the suspected perpetrator even without a warrant when any of the acts
4 of violence defined in this Act is occurring, or on a personal knowledge, an act
5 of violence has been committed, and there is imminent danger to the life or
6 limb of the senior citizen as defined in this Act; and
7 g) immediately report the call for assistance to the DSWD, the LGU or accredited
8 Non-Government Organization (NGO).
9

10 SEC. 8. *Philippine National Police (PNP) Protocol in Responding to Violence*
11 *Committed Against a Senior Citizen.* - The Philippine National Police (PNP) is hereby
12 directed to adopt a written protocol establishing written guidelines and procedures to be
13 followed by police officers in responding to request for assistance and calls related to
14 violence against senior citizens.
15

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

- 24 a) the nature, extent and causes of violence;
25 b) the legal rights of, and remedies available to victims of violence;
26 c) the services and facilities available to victims or survivors;
27 d) the duties imposed on police officers in making lawful arrest and to offer
28 protection and assistance; and,

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

5 SEC. 10. *Mandatory Reporting of Domestic Violence.* - A public officer who receives
6 a complaint of violence committed against a senior citizen or the head of a public or
7 private hospital, medical clinic or similar institutions, as well as the attending physician or
8 nurse, clinician, barangay health worker, therapist or counselor who examined or
9 rendered treatment to a senior citizen victim shall make a report of the complaint,
10 examination or treatment within forty-eight (48) hours from the time of complaint,
11 examination or treatment to the nearest 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
14 in the course of the performance of official duty, shall immediately report the incident to
15 the proper authorities.

16 In all cases, a report shall be made to any law enforcement agency with forty-eight
17 (48) hours from 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

21 SEC. 11. *Establishment of a Senior Citizen Help Desk.* - Every barangay shall
22 establish a Senior Citizen Help Desk which shall provide immediate assistance to victim-
23 survivors of abuse. Besides barangay officials, it may be manned by representatives of
24 the senior citizen sector or by members of a local senior citizen organization designated
25 and authorized by the Barangay Council or Chairperson.
26

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

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

6
7 SEC. 14. *Protection Order (PO).* – A Protection Order (PO) is an injunction under this
8 Act that maybe requested or issued for the purpose of preventing further acts of abuse
9 or violence against senior citizens as specified in Section 4 of this Act and granting other
10 necessary relief. The provisions of the PO shall be enforced by law enforcement agencies.

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

- 12 a) Barangay Protection Order (BPO);
13 b) Temporary Protection Order (TPO); and
14 c) Permanent Protection Order (FPO).

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

- 17 a) Prohibition of the respondent or offender from threatening to commit,
18 personally or through another, any of the acts of violence as defined in Sec. 4;
19 b) Whenever applicable, issuance of an order to the respondent or offender to
20 immediately leave the domicile or residence of the petitioner. If personal effects
21 must be removed from the residence, the Court shall direct a law enforcement
22 officer to accompany the respondent to the residence until such time that
23 respondent has gathered all belongings, and to escort the respondent from the
24 residence: *Provided,* that the victim or the aggrieved party shall likewise be
25 accorded the same protection contemplated herein;
26 c) Issuance of an Order to the respondent to stay away from the petitioner within
27 a distance to be determined by the Court: *Provided,* That the order shall ensure
28 the physical safety of the petitioner in the residence, place of work, school and
29 such other places frequented by the offended party;

- 1 d) Prohibition of the respondent from directly or indirectly communicating or
- 2 contacting the petitioner;
- 3 e) Issuance of an Order to proper law enforcement offices to enforce the
- 4 provisions of this Section;
- 5 f) Issuance of an Order to the DSWD and the Social Welfare Development Office
- 6 (SWDO) of the LGU concerned to provide therapy, counseling and other
- 7 support services to the aggrieved party or parties;
- 8 g) Issuance of an Order for the restitution for actual damages caused by the
- 9 violence inflicted, including but not limited to property damaged, medical
- 10 expenses, and loss of income; and
- 11 h) Such other relief of the deemed necessary by the Court for the protection of
- 12 the petitioner and such other persons who may be in need of the same.

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

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

- 19 a) the circumstances of the disclosure of the violence or abuse suffered by the
- 20 victim; and
- 21 b) the circumstances of consent, or lack thereof, given by the victim for the filing
- 22 of the application.

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

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

- 29 1) names and addresses of petitioner and respondent;

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

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

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

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

19 An application for a PO filed with the Court shall be considered an application for

20 both a TPO and a PPO.

21

22 SEC. 15. *Transfer of Residence; New Application Needed.* – A petitioner previously

23 granted a BPO under this Act and who desires to relocate to a new residence outside the

24 original city or municipality of residence has to apply for a new BPO.

25 When a PO has been issued by a Court of competent jurisdiction and the person in

26 whose favor it is issued transfers to a place outside the court's jurisdiction, the person

27 may still have the order enforced by filing a petition before a court in the place where the

28 person has transferred. The petition to enforce the order shall include a copy of the

29 previously obtained PO. The respondent shall be noticed of the issuance of a new PO.

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

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

11

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

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

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

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

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

5 Notice of the hearing shall be given to both parties. Subsequent to a hearing on the
6 merits of the application, the *Lupong Tagapamayapa* may extend a BPO that grants relief
7 under Section 14 for a period of six (6) months. The issuance of a BPO shall not preclude
8 any applicant from applying or receiving a subsequent BPO concerning the same matter.
9

10 **SEC. 18. *Temporary Protection Order (TPO).*** – A Temporary Protection Order (TPO)
11 may be issued by a Court prior to the issuance of a Permanent Protection Order (PPO)
12 and shall be based on an application under Section 14 herein. Any application for TPO or
13 PPO must be made with territorial RTC, Metropolitan Trial Court, Municipal Trial Court or
14 Municipal Circuit Trial Court with territorial jurisdiction over the place of residence of the
15 offended family or the senior citizen victim who suffered violence described under Section
16 4 of this Act: *Provided, however,* That if a Family Court exists in the place of residence of
17 the person for whom the application is made, the application shall be filed with that Court.

18 A Court that receives an application for a PO shall issue a TPO on the date of filing
19 of the application for *ex parte* determination that such order shall be issued. The TPO
20 shall be effective for thirty (30) days. The Court shall schedule a hearing on the issuance
21 of a PPO prior to or on the date of expiration of the TPO. The Court shall order the
22 immediate service of the TPO on respondent by the Court Sheriff who may obtain the
23 assistance of law enforcement agents for the purpose. The TPO shall include a notice of
24 the hearing on the merits of the issuance of PPO.
25

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

28 Any application for TPO or PPO must be made with a RTC, Metropolitan Trial Court,
29 Municipal Trial Court or Municipal Circuit Trial Court with territorial jurisdiction over their
30 place of residence of the offended family or the abused senior citizen who suffered

1 violence described under Section 4 of this Act: *Provided*, however, That if a Family Court
2 exists in the place of residence of the person for whom the application is made, the
3 application shall be filed with that Court.

4 Respondent's non-appearance despite proper notice, or lack of a lawyer, or the non-
5 availability of respondent's lawyer shall not be a ground for rescheduling or postponing
6 the hearing on the merits of the issuance of a PPO. If the respondent appears without
7 counsel on the date of the hearing on the PPO, the Court shall appoint a lawyer for the
8 respondent and immediately proceed with the hearing. In case the respondent fails to
9 appear despite proper notice, the Court shall allow *ex parte* presentation of the evidence
10 by the applicant and render judgment on the basis of the evidence presented. The Court
11 shall allow the introduction of any history of abusive conduct of a respondent even if the
12 same was not directed against the applicant or the person for whom the application is
13 made.

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

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

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

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

1 Failure to act on an application for a PO within the period specified in the previous
2 sections without justifiable cause shall render the *Lupong Tagapamayapa*, the *Punong*
3 *Barangay* or the Barangay Chairman, the *Barangay Kagawad*, the Official of the Judge
4 administratively liable.
5

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

11 Respondents shall be notified of the issuances of a PO.
12

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

20 Failure to comply with this section shall render the concerned individual, official or
21 Judge administratively liable.
22

23 SEC. 22. *Mutual Protection Order Prohibited.* – No order for protection of the
24 offender or respondent may be granted by a *Lupong Tagapamayapa* or a *Punong*
25 *Barangay* or Barangay Chairman and the Courts.
26

27 SEC. 23. *Complaint Against a Violation of Protection Order.* – A complaint on the
28 violation of a BPO issued under this Act shall be filed directly with any Municipal Trial
29 Court, Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial
30 jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be punishable

1 by imprisonment of thirty (30) days without prejudice to any other criminal or civil action
2 that the offended party may file for any of the acts committed under Sec. 4 hereof.

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

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

10 Any violation of a PO issued under this Act shall constitute an offense punishable by
11 imprisonment of thirty (30) days, without prejudice to any criminal or civil action that the
12 offended party may file against a person who has committed any acts described in Section
13 4 hereof.

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

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

23
24 **SEC. 24. *Hold Departure Order.*** – A hold departure order (HDO) shall be issued
25 immediately by the Court against the respondent of a complaint of abuse against a senior
26 citizen as described under this Act.

27
28 **SEC. 25. *Penalties.*** – Commission of the acts described under Sec. 3 hereof shall
29 suffer the following penalties:

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

4 b) Acts falling under Section 4 (a) resulting in mutilation shall be punishable in
5 accordance with the Revised Penal Code: *Provided*, that those resulting in serious
6 physical injuries shall be punishable with the penalty of *prision mayor*; those
7 resulting in less serious physical injuries shall be punishable by *prision*
8 *correctional* and those resulting in slight physical injuries shall be punishable by
9 *arresto mayor*.

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

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

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

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

23
24 SEC. 26. *Counseling and Treatment of Offenders.* – The DSWD shall provide
25 rehabilitative counseling and treatment to perpetrators towards learning constructive
26 ways of coping with anger and emotional outbursts and reforming their ways. When
27 necessary, the offender shall be ordered by the Court to submit to psychiatric treatment
28 or confinement.

1 SEC. 27. *Appropriations.* – The amount necessary for the initial implementation of
2 this Act shall be charged against the current year’s appropriations of the concerned
3 departments. Thereafter, the amount needed for the continued implementation of this
4 Act shall be included in the budget of the concerned departments in the annual General
5 Appropriations Act.

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

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

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

19
20 SEC. 29. *Suppletory Application.* – For purposes of this Act, the Revised Penal Code
21 and other applicable laws, shall have suppletory application.

22
23 SEC. 30. *Separability Clause.* – If any provision of this Act shall be declared
24 unconstitutional or invalid, such declaration shall not invalidate other parts thereof which
25 shall remain in full force and effect.

26
27 SEC. 31. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules
28 and regulations or parts thereof which are inconsistent with or contrary to the provisions
29 of this Act are hereby amended, repealed or modified accordingly.

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

Approved,