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

RECEIVED BY: 

SENATE

S.B. No. 2291

Introduced by **SENATOR JOEL VILLANUEVA**

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

EXPLANATORY NOTE

The World Health Organization (WHO) defines “elder abuse” as a “single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.” It is a violation of human rights, and includes physical, sexual, psychological and emotional abuse, financial and material abuse, abandonment, neglect, and serious loss of dignity and respect.¹

According to the WHO, at least 1 in 6 people (15.7%) aged 60 years and older are subjected to some form of abuse prior to the pandemic.² This number was exacerbated by the COVID-19 pandemic, as found by a study conducted in the United States.³

In the Philippines, data from the Philippine National Police (PNP) show that there was a total of 182,653 incidents involving senior citizens as victims from January 1, 2016, to April 16, 2023. While there had been a decrease in number of incidents involving senior citizens from 32,897 in 2016 to 20,464 in 2022, some incidents that have not reached the authorities may not have been taken into

¹ June 13, 2022. Abuse of older people. Available at <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people> (Last accessed on May 15, 2023).

² Elder abuse prevalence in community settings: a systematic review and meta-analysis. Available at <https://pubmed.ncbi.nlm.nih.gov/28104184/> (Last accessed on June 19, 2023). Based on a 2017 review of 52 studies in 28 countries.

³ Ibid.

account. In fact, the United Nations (UN) noted that underreporting of cases of elder abuse is not new, and this can be attributed to various factors, such as “loyalty, shame, and embarrassment of the victims, who may be afraid of retaliation, including withdrawal of affection and care.”⁴

The rights to life, liberty, and security are universal and inalienable. Article XV, Section 4 of the Philippine Constitution expressly states that “[t]he family has the duty to care for its elderly members but the State may also do so through just programs of social security.”⁵ In pursuit of this policy, the Philippines also ratified various international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and through the passage of various measures specifically catering to senior citizens.

Thus, in compliance with the constitutional mandates, and to ensure that our senior citizens are given adequate protection from any form of abuse, this bill penalizes “Senior Citizen Abuse,” which shall include physical, sexual, psychological, or economic abuse, or neglect, and imposes penalties for the commission of such acts. This bill also expressly declares the nature of such crimes as “public offenses,” thereby allowing the prosecution of such violations through a complaint by any citizen having personal knowledge of the commission of the act. This measure also outlines the duties and responsibilities in responding to such cases, mandates the provision of various forms of support for victims, and other interventions to be able to respond to such cases appropriately and adequately, including the establishment of a Senior Citizen Desk in police stations and the conduct of massive information campaign on the provisions of this Act.

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


JOEL VILLANUEVA

⁴ June 14, 2018. World Elder Abuse Day, 15 June 2018. Available at <https://www.ohchr.org/en/press-releases/2018/06/world-elder-abuse-awareness-day-15-june-2018#:~:text=Underreporting%20of%20cases%20of%20elder,withdrawal%20of%20affection%20and%20care> (Last accessed on June 19, 2023).

⁵ Article XV, Section 4, The 1987 Philippine Constitution



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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-Senior
2 Citizens Abuse Act."
3

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

10
11 **SEC. 3. Definition of Terms.** — As used in this Act:

- 12
13 a) **Senior Citizen** refers to a person sixty (60) years old or above;
14
15 b) **Senior Citizen Abuse** refers to a single, or repeated act, or lack of appropriate
16 action, occurring within any relationship where there is an expectation of trust
17 which causes harm or distress to a Senior Citizen. It includes, but is not limited
18 to, the following acts:
19
20 1) *Physical Abuse* refers to acts that include bodily or physical harm. It
21 includes striking, hitting, beating, pushing, shoving, shaking, slapping,
22 kicking, pinching, burning, inappropriate use of drugs and physical
23 restraints, force-feeding, and physical punishment of any kind;
24
25 2) *Sexual Abuse* refers to non-consensual acts which are sexual in nature. It
26 includes, but is not limited to, (i) rape, acts of lasciviousness, treating one

1 as a sex object, making demeaning and sexually suggestive remarks,
2 physically attacking the sexual parts of the body, forcing one to watch
3 obscene publications and indecent shows or forcing one to do indecent acts
4 and/or make films or photographs thereof, sodomy, coerced nudity, and
5 unwanted sexual touching; (ii) causing or attempting to cause one to
6 engage in any sexual activity by force, threat of force, whether physical or
7 other harm, or threat of physical or other harm or coercion; or (iii)
8 prostituting the senior citizen;
9

10 3) *Psychological Abuse* refers to acts or omissions causing or is likely to cause
11 mental or emotional suffering. It includes verbal assaults, insults, threats,
12 intimidation, public ridicule, humiliation, mockery, vilification, harassment,
13 and enforced social isolation;
14

15 4) *Economic Abuse* refers to acts that make or attempt to make a Senior
16 Citizen financially dependent. It includes withdrawal of financial support,
17 deprivation or threat of deprivation of financial resources and the right to
18 the use and enjoyment of one's property, control or misuse of the money or
19 property of a Senior Citizen, encashment of a Senior Citizen's check without
20 authorization or permission, forgery of a Senior Citizen's signature,
21 coercion or deception of a Senior Citizen into signing any document, and
22 the improper use of conservatorship, guardianship, or power of attorney;
23

24 5) *Neglect* refers to the failure of those responsible to feed, or provide shelter,
25 health care, or protection to a Senior Citizen.
26

27 **SEC. 4. Prohibited Acts Constituting Senior Citizen Abuse.** — The crime
28 of Senior Citizen Abuse is committed through any of the following acts:
29

- 30 a) Causing, threatening, attempting to cause or placing a senior citizen in fear of
31 imminent, physical abuse to a Senior Citizen;
32
33 b) Causing or attempting to cause sexual abuse to a Senior Citizen;
34
35 c) Causing or attempting to cause psychological abuse to a Senior Citizen;
36
37 d) Causing or attempting to cause economic abuse to a Senior Citizen;
38
39 e) Neglect of a Senior Citizen; and
40
41 f) Other analogous or similar acts.
42

43 **SEC. 5. Penalties.** — The crime of Senior Citizen Abuse under Section 4
44 hereof shall be punished according to the following rules:
45

- 46 a) Acts falling under Subsections (a) and (b) shall be punished in accordance with
47 the penalties provided under the Revised Penal Code;
48
49 b) Acts falling under Subsection (c) shall be punishable by *prision mayor*;
50

- 1 c) Acts falling under Sec. 4(d) shall be punishable by *prision correccional*; and
2
3 d) Acts falling under Sec. 4(e) shall be punishable by *arresto mayor*, unless it results
4 in a physical, psychological and other abuse.
5

6 The penalty provided herein shall be imposed in its maximum period if:
7

- 8 a) The offender-perpetrator has been previously convicted under this Act;
9
10 b) The offender is a relative of up to the 2nd degree of consanguinity or affinity to
11 the victim;
12
13 c) The offender is an owner-operator, manager, or employee of a privately-
14 operated, for profit or non-profit, elderly facility; and
15
16 d) The offender is a public official, staff or employee of a government-operated
17 elderly residential/group home; *Provided*, That said public servant or employee
18 can be subjected to suspension and/or termination according to administrative
19 discipline procedures.
20

21 The above-mentioned penalties shall not preclude the filing of the appropriate
22 civil case for damages or administrative cases. Administrative penalties shall include
23 the suspension or revocation of accreditation or license to operate issued by the
24 Department of Social Welfare and Development (DSWD).
25

26 **SEC. 6. Public Crime.** — Senior Citizen Abuse shall be considered a public
27 offense which may be prosecuted upon the filing of a complaint by any citizen having
28 personal knowledge of the circumstances involving the commission of the crime.
29

30 **SEC. 7. Prohibited Defense.** — Being under the influence of alcohol, any illicit
31 drugs, or any other mind-altering substance shall not be a defense under this Act.
32

33 **SEC. 8. Persons Intervening Exempt from Liability.** — Any person who
34 responds or intervenes with force or violence that is greater than necessary to ensure
35 the safety of the victim, shall not be liable for any criminal, civil, or administrative case
36 resulting therefrom.
37

38 **SEC. 9. Confidentiality.** — All Senior Citizen Abuse cases shall be confidential.
39 For this purpose, all persons shall respect the right to privacy of the victim in
40 accordance with Republic Act No. 10173, or the Data Privacy Act of 2012, and other
41 related laws, rules and regulations. Any person who shall make public any relevant or
42 identifying information about the case or the victim shall be punished with
43 imprisonment of one (1) year and a fine of Five Hundred Thousand Pesos
44 (P500,000.00).
45

46 **SEC. 10. Establishment of a Senior Citizens Help Desk.** — Every barangay
47 shall establish a Senior Citizen Help Desk and corresponding hotline number which
48 shall provide immediate assistance to the victims of Senior Citizen Abuse. The Senior
49 Citizen Help Desk may be manned by representatives of the Senior Citizens who are
50 residents of the barangay or members of a local Senior Citizen organization

1 designated and authorized by the Barangay Council or Chairperson. In addition, police
2 stations across the country shall have a Senior Citizen Desk which shall attend to, and
3 act on, complaints/cases covered by this Act.

4
5 **SEC. 11. *Response to a Request for Assistance.*** — In responding to a
6 request for assistance, a barangay official or law enforcer shall have the following
7 duties:

- 8
9 a) Respond immediately to a call for help or request for protection of the victim by
10 entering the Senior Citizen victim's dwelling, if necessary, to assist the victim;
11
12 b) Confiscate any harmful object in the possession of the perpetrator, or one which
13 is within plain view;
14
15 c) Transport the victim to a barangay hall, or to a clinic or hospital;
16
17 d) Assist the victim in removing personal belongings from the dwelling;
18
19 e) Ensure the enforcement of the Protection Order issued in accordance with
20 Section 14 hereof;
21
22 f) Arrest the suspected perpetrator even without a warrant when any of the acts
23 constituting Senior Citizen abuse defined hereof is occurring, or if based on
24 personal knowledge, an act of violence has been committed, and there is
25 imminent danger to the life or limb of the Senior Citizen; and
26
27 g) Immediately report the call for assistance to the DSWD, the Local Government
28 Unit (LGU) or accredited Non-Government Organization (NGO).
29

30 **SEC. 12. *Healthcare Provider Response to Abuse.*** — Any healthcare
31 provider, including, but not limited to, an attending physician, nurse, clinician,
32 barangay health worker, therapist, social worker, or counselor who suspects abuse or
33 has been informed by the victim of Senior Citizen Abuse shall:

- 34
35 a) Properly document any of the victim's physical, emotional or psychological
36 injuries;
37
38 b) Properly record any of the victim's suspicions, observations and circumstances
39 of the examination or visit;
40
41 c) Automatically provide the victim, free of charge, a medical certificate concerning
42 the examination or visit;
43
44 d) Safeguard the records and make them available to the victim upon request at
45 actual cost; and
46
47 e) Provide the victim immediate and adequate notice of the rights and remedies
48 provided under this Act, including the services available to them.
49

50 **SEC. 13. *Rights of Victims.*** — In addition to their rights under existing laws,

1 victims of Senior Citizen Abuse shall have the following rights:

- 2
- 3 a) To be treated with respect and dignity;
- 4
- 5 b) To avail of legal assistance from the Public Attorneys Office (PAO);
- 6
- 7 c) To be entitled to support services from the National Commission for Senior
- 8 Citizens and other concerned agencies and LGUs;
- 9
- 10 d) To be entitled to all legal remedies and support as provided under the Family
- 11 Code and other relevant laws; and
- 12
- 13 e) To be informed of their rights and the services available to them, including their
- 14 right to apply for a protection order.
- 15

16 **SEC. 14. *Barangay Protection Order.*** — Barangay Protection Orders (BPOs)

17 refer to the protection order issued by the Punong Barangay ordering the perpetrator

18 to desist from committing the prohibited acts under Section 4 of this Act. A Punong

19 Barangay who receives an application for a BPO shall issue the protection order to the

20 applicant on the date of filing after *ex parte* determination of the basis of the application.

21

22 If the Punong Barangay is unavailable to act on the application for a BPO, the

23 application shall be acted upon by any available Barangay Kagawad. If the BPO is

24 issued by a Barangay Kagawad, the order must be accompanied by an attestation by

25 the Barangay Kagawad that the Punong Barangay was unavailable at the time for the

26 issuance of the BPO.

27

28 Immediately after the issuance of an *ex parte* BPO, the Punong Barangay or

29 Barangay Kagawad shall personally serve a copy of the same on the respondent or

30 direct any barangay official to effect its personal service. The parties may be

31 accompanied by a non-lawyer advocate in any proceeding before the Punong

32 Barangay.

33

34 Hearings on applications for a BPO shall have priority over all other

35 proceedings.

36

37 BPOs shall be effective for a period of thirty (30) days.

38

39 **SEC. 15. *Mandatory Programs and Services for Victims.*** — The NCSC and

40 other relevant agencies shall provide appropriate assistance to victims, including, but

41 not limited to, temporary shelters, counseling, psycho-social services and/or recovery,

42 rehabilitation programs and livelihood assistance.

43

44 The NCSC shall include services addressing Senior Citizen Abuse. All

45 suspected cases of Senior Citizen Abuse must be reported in accordance with existing

46 laws. The NCSC, in coordination with the relevant agencies and LGUs, shall maintain

47 a Senior Citizen Abuse documentation and case monitoring system, and set up a

48 databank to keep an accurate and reliable record of instances of abuse and violence

49 committed against the Senior Citizens.

50

1 **SEC. 16. Formulation of the Program.** — Within one (1) year from the
2 effectivity of this Act, the NCSC and the Department of Justice (DOJ), in coordination
3 with relevant stakeholders, shall formulate a comprehensive program for the protection
4 of Senior Citizens against Senior Citizen Abuse.
5

6 **SEC. 17. 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 incidences and consequences of Senior Citizen Abuse. They shall ensure that all
10 personnel are aware of the provisions of this Act and the ways to prevent the
11 commission of Senior Citizen Abuse as provided under the Act.
12

13 **SEC. 18. Trainings and Capacity-Building for Intervenors.** — All
14 government agencies involved in responding to Senior Citizen Abuse cases shall be
15 required to undergo education and training, to be conducted by the NCSC, to acquaint
16 them with the following:
17

- 18 a) The nature, extent, causes, and risk factors of Senior Citizen Abuse;
- 19
- 20 b) The legal rights and remedies of victims of Senior Citizen Abuse;
- 21
- 22 c) Legal duties of barangay officials, LGU personnel, police officers, court
23 authorities, and other persons offering assistance and protection to victims of
24 Senior Citizen Abuse;
- 25
- 26 d) Available services and facilities for victims of Senior Citizen Abuse; and
- 27
- 28 e) Approaches in handling Senior Citizen Abuse cases to minimize injury, protect
29 the privacy, promote the safety, and ensure the well-being of the victim.
30

31 The Department of Health (DOH), in partnership with relevant public and private
32 institutions, shall provide capacity-building training on the prevention, detection, and
33 management of psycho-social problems and other geriatric concerns of Senior
34 Citizens, such as dementia and Alzheimer's Disease, among healthcare providers,
35 home caregivers, and staff and employees of nursing homes and/or elderly residential
36 facilities, specifically on handling Senior Citizen Abuse.
37

38 **SEC. 19. Counseling and Rehabilitation of Offenders-Perpetrators.** — The
39 DSWD shall provide rehabilitative counseling and treatment of perpetrators towards
40 learning constructive ways of coping with anger, emotional outbursts, or stress.
41 Psychiatric treatment or confinement may also be recommended by the responsible
42 authorities, if necessary.
43

44 **SEC. 20. Funding.** — The amount necessary to carry out the provisions of this
45 Act shall be included in the annual General Appropriations Act (GAA).
46

47 **SEC. 21. Implementing Rules and Regulations.** — Within six (6) months from
48 the approval of this Act, the NCSC, in coordination with the DOJ, DSWD, DOH,
49 Department of Interior and Local Government (DILG), and the Philippine National
50 Police (PNP), and in consultation with concerned stakeholders, shall promulgate the

1 implementing rules and regulations for the effective implementation of this Act.

2
3 **SEC. 22. *Suppletory Application.*** — The Revised Penal Code and other
4 applicable laws shall have suppletory application in the implementation of this Act.

5
6 **SEC. 23. *Separability Clause.*** — If any portion or provision of this Act is
7 subsequently declared invalid or unconstitutional, other provisions hereof which are
8 not affected thereby shall remain in full force and effect.

9
10 **SEC. 24. *Repealing Clause.*** — All other laws, acts, presidential decrees,
11 executive orders, presidential proclamations, issuances, rules and regulations, or
12 parts thereof which are contrary to or inconsistent with any of the provisions of this Act
13 are hereby repealed, amended, or modified accordingly.

14
15 **SEC. 25. *Effectivity.*** — This Act shall take effect fifteen (15) days after its
16 publication in the Official Gazette or in a newspaper of general circulation.

17
18 Approved,