

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

'04 JUN 30 P2:30

SENATE

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S.B. No. 204

Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The Constitution, Article 2, Section 5 provides:

"The maintenance of peace and order, the protection of life, liberty and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."

Older victims of violent crimes are almost twice as likely as younger victims to be raped, robbed or assaulted at or in their own homes.

As the number of older Filipinos increases, this bill seeks to develop strategies for the prevention and punishment of crimes that target or otherwise affect seniors by collecting appropriate data to measure the extent of crimes committed against them and to determine the extent of elder abuse.

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

*Luisa P. Ejercito Estrada*  
**LUISA "LOI" P. EJERCITO ESTRADA**  
Senator

THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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'04 JUN 30 P2:31

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S.B. No. 204

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Introduced by **SENATOR LUISA "LOI" P. EJERCITO ESTRADA**

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AN ACT  
TO COMBAT ABUSE AND ENHANCE PENALTIES FOR CRIMES AGAINST  
SENIORS

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

Section 1. **Short Title.** - This Act shall be known as the "Seniors Safety Act."

Section 2. **Purpose.** - The purpose of this Act is to develop strategies for preventing and punishing crimes that target or otherwise disproportionately affect seniors by collecting appropriate data to measure the extent of crimes committed against seniors and determine the extent of domestic and elder abuse of seniors.

Section 3. **Definition.** As used in this Act. -

- (1) "*crime*" means any criminal offense under the Penal Code and special laws;
- (2) "*senior*" means an individual who is more than 55 years of age; and
- (3) "*Secretary*" means the Secretary of Justice.

Section 4. **Study of crimes against seniors.** -

- (a) *In General.* - The Secretary shall conduct a study relating to crimes against seniors in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.
- (b) *Issues Addressed.* - The study conducted under this section shall include an analysis of -
  - (1) the nature and type of crimes perpetrated against seniors with special focus on:
    - (A) the most common type of crimes that affect seniors;
    - (B) the nature and extent of elder abuse inflicted upon seniors;
    - (C) the nature and extent of health care fraud and abuse targeting seniors;

- (2) the risk factors associated with seniors who have been victimized;
  - (3) the manner in which the criminal justice systems respond to crimes against seniors;
  - (4) the feasibility of establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;
  - (5) crimes targeting or disproportionately affecting seniors;
  - (6) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur;
  - (7) specific characteristics of the victims of crimes who are seniors including age, gender, race or ethnicity and socioeconomic status;
  - (8) the nature and extent of crimes targeting seniors such as health care fraud; and
  - (9) other effective ways to prevent or reduce the occurrence of crimes against seniors.
- (c) *Report.* - Not later than eighteen (18) months after the date of enactment of this Act the Secretary shall submit to the House of Representatives and the Senate a report describing the results of the study under this section.

Section 5. **Enhanced sentencing penalties based on age of victim.** - The Department of Justice shall -

- (1) review existing sentencing guidelines and recommend the possibility of increased penalties for persons convicted of offenses in which the victims was a senior in appropriate circumstances given the serious economic and physical harms associated with criminal activity targeted at seniors due to their particular vulnerability;
- (2) consult with individuals or groups representing seniors, law enforcement agencies, victims organizations and the judiciary as part of the review described in this section;
- (3) account for any aggravating or mitigating circumstances that may justify exceptions in order to provide sentencing enhancements;
- (4) report - not later than one (1) year after the promulgation of this Act, the Department shall submit to Congress a report on issues relating to the age of crime victims which shall include any recommendations of the Department relating to any revision or modification of penalty levels including statutory penalty levels for offenses involving seniors.

Section 6. **Separability Clause.** - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 7. **Repealing Clause.** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

Section 8. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*