

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



Senate
Office of the Secretary

13 AUG -1 P 4 :39

SENATE
S. No. 1194

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Statistics uncover a frightening picture of elder abuse in this country. One of every 20 elderly people will be a victim of neglect or physical, psychological or financial abuse this year.

There are four general categories of elder abuse namely physical abuse, psychological abuse, financial abuse and neglect or abandonment by caregivers. As elders become more physically frail, they are less able to stand up to bullying or to fight back if attacked. They may not see or hear as well or think as clearly as they used to, leaving openings for unscrupulous people to take advantage of them. Mental or physical ailments may make them more trying companions for the people who live with them.

Physical elder abuse is non-accidental use of force against an elderly person that results in physical pain, injury, or impairment. Such abuse includes not only physical assaults such as hitting or shoving but the inappropriate use of drugs, restraints, or confinement. In emotional or psychological senior abuse, people speak to or treat elderly persons in ways that cause emotional pain or distress. Verbal forms of emotional elder abuse include intimidation through yelling or threats, humiliation and ridicule, and habitual blaming. Nonverbal psychological elder abuse can take the form of ignoring the elderly person, isolating an elder from friends or activities, and terrorizing or menacing the elderly person. Financial exploitation involves unauthorized use of an elderly person's funds or property, either by a caregiver or an outside scam artist. Elder neglect, failure to fulfill a caretaking obligation, constitutes more than half of all reported cases of elder abuse. It can be active (intentional) or passive (unintentional, based on factors such as ignorance or denial that an elderly charge needs as much care as he or she does).

As the elderly population multiplies, so will the incidence of elder abuse It is about time that we recognize the seriousness of the problem and take steps to prevent it.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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* This bill was originally filed in the Fourteenth Congress, Second Regular Session.



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1 AN ACT
2 ESTABLISHING ELDER SERVE COORDINATING COUNCILS THAT PROVIDE FOR
3 EMERGENCY CRISIS RESPONSE TEAMS TO COMBAT ELDERLY ABUSE

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Elder Serve Act”.

5 SECTION 2. *Definition of Terms.* – As used in this Act unless the context indicates
6 otherwise, the following definition of terms shall be adopted:

- 7 1. “Elder Abuse” refers to any type of violence or abuse, whether mental or physical,
8 inflicted upon an elderly individual.
9 2. “Elderly Individual” refers to any individual who is aged 60 or older.

10 SECTION 3. *Establishment of Elder Serve Coordinating Councils Pilot Programs.* –
11 The Secretary of Justice, in coordination with the Secretary of Social Welfare and Development,
12 shall carry out a three-year grant program to be known as the Elder Serve Coordinating Councils
13 grant program to provide grants to eligible entities to establish pilot programs to facilitate and
14 coordinate programs described in Section 5 for victims of elder abuse.

15 SECTION 4. *Eligibility Requirements for Grantees.* –To be eligible to receive a grant
16 under the Program, an entity must meet the following criteria:

- 17 1. *Coordination with Local Community Based Agencies and Services* – The entity shall
18 demonstrate to the satisfaction of the Director that such entity has a record of

1 community coordination or established contacts with other county and local services
2 that serve elderly individuals.

- 3 2. Ability to Create Emergency Crisis Response Team (ECRT) on a Timely Basis – The
4 entity shall demonstrate to the satisfaction of the Secretary the ability of the entity to
5 create, not later than 6 months after receiving such grant, an Emergency Crisis
6 Response Team program described in Sections 5 and 6.

7 For purposes of meeting the criteria described in Section 4(2), for each year an
8 entity receives a grant under this section the entity shall provide a record of
9 community coordination or established contacts described in such paragraph through
10 memorandums of understanding, contracts, subcontracts, and other such
11 documentation.

12 SECTION 5. *Use of Grants.* – Each entity that receives a grant under this section shall
13 use such grant to establish an Emergency Crisis Response Team program by not later than the
14 date that is six months after the entity receives the grant. Under such program the following shall
15 apply:

- 16 1. Such program shall include immediate, short-term emergency services, including
17 shelter, care services, food, clothing, transportation to medical or legal appointment
18 as appropriate, and any other life-services deemed necessary by the entity for victims
19 of elder abuse.
- 20 2. Such program shall provide services only to victims of elder abuse who have been
21 referred to the program through the adult protective services agency of the local law
22 enforcement or any other relevant law enforcement or referral agency.
- 23 3. A victim of elder abuse may not receive short-term housing under the program for
24 more than five consecutive days.
- 25 4. The entity that established the program shall enter into arrangements with the relevant
26 local law enforcement agencies so that the program receives weekly reports from
27 such agencies on elder abuse.

1 SECTION 6. *Additional Services Required to be Provided.* – Not later than one year after
2 the date an entity receives a grant under this section, such entity shall have established the
3 following programs including community collaborations to support such programs:

4 1. Counseling – A program that provides counseling and assistance for victims of elder
5 abuse accessing health care, educational, pension, or other benefits for which seniors
6 may be eligible under applicable law.

7 2. Mental Health Screening – A program that provides mental health screenings for
8 victims of elder abuse to identify and seek assistance for potential mental health
9 disorders such as depression or substance abuse.

10 3. Emergency Legal Advocacy – A program that provides legal advocacy for victims of
11 elder abuse.

12 4. Job Placement Assistance – A program that provides job placement assistance and
13 information on employment, training, or volunteer opportunities for victims of elder
14 abuse.

15 5. Bereavement Counseling – A program that provides bereavement counseling for
16 families of victims of elder abuse.

17 6. Other Services – A program that provides such other care, services, and assistance as
18 the entity considers appropriate for purposes of the pilot program.

19 SECTION 7. *Appropriations.* – The amount of Five Million Pesos (₱5,000,000.00) is
20 hereby authorized to be appropriated for establishment of Elder Serve Coordinating Councils.
21 Thereafter, the funds necessary for the operation of the program shall be included in the General
22 Appropriations Act.

23 SECTION 8. *Separability Clause.* – If any provision or part thereof is held invalid or
24 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
25 valid and subsisting.

26 SECTION 9. *Repealing Clause.* – All laws, presidential decrees or issuances, executive
27 orders, letters of instruction, administrative orders, rules, and regulations contrary to or

1 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
2 accordingly.

3 SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following
4 its publication in at least two (2) newspapers of general circulation.

Approved,