

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

'04 JUL 14 P3:13

SENATE
S. B. No. 1423

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 9, provides that: "The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all."

Section 11 of the same article further provides that: "The State values the dignity of every human person and guarantees full respect for human rights."

Accordingly, persons confined in institutions providing skilled nursing, intermediate or long-term care, or custodial or residential care, must be accorded adequate social services and respect for their dignity.

This Act will ensure that institutionalized persons will not be subjected to shabby and abusive treatment from the people charged with their care and custody.


MIRIAM DEFENSOR SANTIAGO

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**AN ACT
DEFINING WHO ARE INSTITUTIONALIZED PERSONS
AND PENALIZING THEIR MALTREATMENT**

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

SECTION 1. *Short Title.* – This Act may be cited as the “Institutionalized Persons Protection Act.”

SECTION 2. *Declaration of Policy.* – It is the policy of the State to provide adequate social services to institutionalized persons and to respect their dignity by ensuring that the persons in charge of their care and maintenance treat them properly.

SECTION 3. *Definition of Terms.* – As used in this Act, the term:

- (A) “Institution” means any facility or institution which is owned, operated, or managed by, or provides services on behalf of the government or its political subdivision and which function is to provide skilled nursing, intermediate or long-term care, or custodial or residential care.
- (B) “Institutionalized persons” refers to persons kept in an institution as defined in this Act who are:
- (i) mentally ill, disabled, or retarded, or chronically ill or handicapped;
 - (ii) in jail, either by final sentence or under detention;
 - (iii) juveniles ---
 - (a) held awaiting trial;

(b) residing in such facility or institution for purposes of receiving care or treatment; or

(c) residing for any government purpose in such facility or institution (other than a residential facility providing only elementary or secondary education that is not an institution in which reside juveniles who are adjudicated delinquent, in need of supervision, neglected, placed in government custody, mentally ill or disabled, mentally retarded, or chronically ill or handicapped).

SECTION 4. *Prohibited Acts.* – It shall be unlawful for any official, employee, or agent of the government, or other person acting in behalf of the government charged with the care of an institutionalized person to:

- a) Subject persons residing in or confined to an institution to egregious or flagrant conditions causing such person to suffer physical injuries;
- b) Withhold from such institutionalized persons services, resources, and facilities necessary for their maintenance and well-being; and
- c) Inflict, intentionally or through negligence, upon said persons psychological or physical harm.

SECTION 5. *Penal Liability.* – Any of the persons referred to in Section 4 of this Act, who are guilty of the commission of the prohibited acts enumerated therein shall be penalized with not less than six (6) months imprisonment and not more than one (1) year imprisonment. This is without prejudice to any administrative case which may be filed against the official.

SECTION 6. *Civil Liability.* – A responsible official found guilty of violating this Act shall also be civilly liable for any damage that may be suffered by the institutionalized person as a result of the violation of this Act.

SECTION 7. *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 8. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.