

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

RECEIVED BY: _____
JAN 27 2 4 52

SENATE
S. B. No. **1512**

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II, Section 11, provides:

The State values the dignity of every human person and guarantees full respect for human rights.

The elderly have always been victims of moderate to severe abuse. Elderly abuse takes on many forms, including physical abuse, sexual abuse, psychological (emotional) abuse, neglect (intended or unintended) and financial exploitation.

Unfortunately, there are relatively few statistics and research studies regarding violence against older or disabled persons. Public and professional awareness and identification of elderly abuse is difficult because older or disabled persons are not tied into many social networks (such as schools or jobs), and may become isolated in their homes, which can increase the risk of elderly abuse.

Further, elderly abuse is severely underreported, with only a fraction of cases reported, according to the most recent studies. Some elder or disabled persons, particularly women and minorities, fail to report abuse because of shame, privacy concerns, or as a result of prior unsatisfactory experiences with individuals, agencies, or others who lacked sensitivity to the concerns or needs of elder or disabled people. Others fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized.

There is a need to formulate policies that develop, strengthen, and implement programs for the prevention of abuse, including neglect and exploitation, and provide related assistance for victims.

Hence, this bill seeks to ensure that older or disabled persons are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older or disabled persons victimized by such violence.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

SECRETARY

27 24 52

SENATE
S. B. No. **1512**

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO ENSURE THAT OLDER OR DISABLED PERSONS ARE PROTECTED FROM
INSTITUTIONAL, COMMUNITY, AND DOMESTIC VIOLENCE AND SEXUAL
ASSAULT AND TO IMPROVE OUTREACH EFFORTS AND OTHER SERVICES
AVAILABLE TO OLDER OR DISABLED PERSONS VICTIMIZED BY SUCH VIOLENCE

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

SECTION 1. *Short title.* – This Act shall be known as the “Older Filipinos’ Protection From Violence Act.”

SECTION 2. *Law school clinical programs on elder abuse, neglect, and exploitation.* - The Secretary of Justice shall make grants to law school clinical programs for purposes of funding the inclusion of cases addressing cases of elder abuse, neglect, and exploitation, including domestic violence, and sexual sexual assault, against older or disabled individuals.

SECTION 3. *Training programs for law enforcement officers.* – The Secretary shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of courts in recognizing, addressing, investigating, and prosecuting instances of elderly abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

SECTION 4. *Support services* –

(1) The Secretary, in cooperation and coordination with non-governmental organizations and the Department of Social Work and Development shall establish domestic violence programs to encourage the development of programs, including

outreach, support groups, and counseling, targeted to victims of elderly domestic abuse and establishment of domestic violence shelters, which shall include the use of senior housing, nursing homes, or other suitable facilities or services when appropriated as emergency short-term shelters or measures for older or disabled individuals who are the victims of elderly abuse, including domestic violence and sexual assault, against older or disabled individuals.

(2) The Secretary shall make grants to nonprofit private organizations to support projects in local communities, involving diverse sectors of each community, to coordinate activities concerning intervention in and prevention of elder abuse, neglect, and exploitation, including domestic violence, sexual assault, against older or disabled individuals.

(3) The Secretary shall also make grants to develop and implement outreach programs directed toward assisting older or disabled individuals who are victims of elder abuse, neglect, and exploitation (including domestic violence, and sexual assault, against older or disabled individuals), including programs directed toward assisting the individuals in senior housing complexes, nursing homes, board and care facilities, and senior centers.

(4) For purposes of this section, the term "domestic violence" means an act or threat of violence, not including an act of self-defense, committed -

- (A) by a current or former spouse of the victim;
- (B) by a person related by blood or marriage to the victim;
- (C) by a person who is cohabiting with or has cohabited with the victim;
- (D) by a person with whom the victim shares a child in common;
- (E) by a person who is or has been in social relationship of a romantic or intimate nature with the victim; or
- (F) by a person similarly situated to a spouse of the victim, or by any other person, if the domestic or family violence laws of the jurisdiction of the victim provide for legal protection of the victim from the person.

SECTION 5. *Training for health professionals on screening for elder abuse, neglect, and exploitation.* —

(1) The Secretary shall, in consultation with the Assistant Secretary, develop curricula and implement continuing education training programs for adult protective service workers, health care providers, (including home health care providers), social workers, clergy, domestic violence service providers, including senior centers, adult day care facilities, nursing homes, board and care facilities, and senior housing, to approve their ability to recognize and address instances of elder abuse, neglect, and exploitation, including domestic violence, and sexual assault, against older or disabled individuals.

(2) In carrying out paragraph (1), the Secretary shall develop and implement separate curricula and training programs for medical students, physicians, physician assistants, nurse practitioners, and nurses.

SECTION 6. *Funding.* - There are authorized to be appropriated such sums as may be necessary to carry out the provisions 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 provision of this Act is hereby repealed, modified, or amended accordingly.

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

Approved.