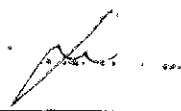


SENATE
S. No. **2951**

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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

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 ESTABLISHING ELDER SERVE COORDINATING COUNCILS THAT PROVIDE
3 FOR EMERGENCY CRISIS RESPONSE TEAMS TO COMBAT ELDERLY ABUSE
4

5 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
6 *Congress assembled:*
7

8 SECTION 1. *Short Title.* – This Act shall be known as the “Elder Serve Act of
9 2008”.

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

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

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

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

- 23 1. Coordination with Local Community Based Agencies and Services – The
24 entity shall demonstrate to the satisfaction of the Director that such entity has

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

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

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

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

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

1 4. The entity that established the program shall enter into arrangements with the
2 relevant local law enforcement agencies so that the program receives weekly
3 reports from such agencies on elder abuse.

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

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

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

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

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

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

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

23 SECTION 7. *Appropriation.* – The amount of Five million pesos (P5,000,000.00)
24 is hereby authorized to be appropriated for establishment of Elder Serve Coordinating
25 Councils. Thereafter, the funds necessary for the operation of the program shall be
26 included in the General Appropriations Act.

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

4 SECTION 9. *Repealing Clause.* – All laws, presidential decree or issuance,
5 executive orders, letter of instruction, administrative order, rule and regulation contrary
6 to, or inconsistent with the provisions of this Act are hereby repealed, modified, or
7 amended accordingly.

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

10 Approved,

11