


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

Senate
Office of the Secretary

'12 FEB 16 P 2:52

SENATE
S. No. **3128**

REF: ?

BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 15, Section 4, provides:

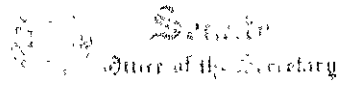
The family has the duty to care for its elderly members but the State may also do so through just programs of social security.

The State recognizes that it is the family that has the primary duty to care for their elderly members, and encourages families and communities to reaffirm the valued Filipino tradition of caring for the elderly. However, there are instances when families cannot care for their elderly members.

Further, a significant percentage of the country's senior citizens live at or below the poverty level. The number of elderly persons who are neglected, abandoned, or abused are also steadily rising. As such, the State has the duty to provide social and welfare programs for the care, protection, and support of its elderly.

This Bill creates an Office of the Elderly, and provides for programs for the health and welfare of our elderly.


MIRIAM DEFENSOR SANTIAGO



12 FEB 16 P2:52

SENATE
S. No. **3128**

RECEIVED BY: *(Signature)*

Introduced by Senator Miriam Defensor Santiago

AN ACT
CREATING THE OFFICE FOR THE AGING, AND PROVIDING FOR A WELFARE
PROGRAM FOR THE PROTECTION AND CARE OF THE ELDERLY

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 “Elder Law.”

SECTION 2. *Declaration of Policy.* – While the State recognizes that it is the duty of the family to care for its elderly members, it is also the policy of the State to provide for the protection and care of the elderly, especially those who are abandoned, neglected, abused, and homeless. Toward this end, the State shall establish programs for the health and welfare of the elderly.

As a matter of State policy, caring services and programs for the elderly should be shaped by the principles of strengthening independence, affirming dignity, and maximizing choice, and a recognition that seniors and their families and intimates provide a vast potential source of social, cultural, historic, and spiritual enrichment and leadership.

SECTION 3. *Office for the Aging.* – (a) There is hereby created within an Office for the Aging.

(b) The head of such office shall be a director, who shall be appointed by the President of the Philippines.

(c) In carrying out its powers and duties under this Act, the Office is organized and operated to have as a primary purpose informing and instructing the public, especially the elderly themselves, on subjects beneficial to the public which relate to the needs, abilities, resources, opportunities, rights, entitlements, and other issues affecting older people.

1 SECTION 4. *General Powers and Duties of the Office.* -- The Office shall have the
2 following powers and duties:

3 (a) To advise and assist the President in developing policies designed to help meet
4 the needs of the aging and to encourage the full participation of the aging in society;

5 (b) To coordinate national programs and activities relating to the aging;

6 (c) To stimulate public interest in the problems of the aging;

7 (d) To promote public awareness of resources available for the aging, and to refer
8 the public to the appropriate departments and agencies of the government for advice, assistance,
9 and available services in connection with particular problems;

10 (e) To cooperate with and assist local governments in the development of local
11 programs for the aging;

12 (f) To consult and cooperate with universities, colleges, and educational
13 institutions for the development of courses of study for persons engaged in public and private
14 programs for the aging;

15 (g) To make such studies of needs of the aging as the director may deem appropriate
16 or as may be requested by the President or Congress;

17 (h) To foster and support studies, research and education relating to problems of and
18 services for the aging;

19 (i) To serve as a clearinghouse for information relating to the needs of the aging;

20 (j) To enter into contracts, within the amount available by appropriation
21 therefor, with individuals, organizations, and institutions, in the exercise of any of its
22 powers or the performance of any of its duties;

23 (k) To make recommendations to the President for the presentation of an annual
24 award to a senior citizen for outstanding and unusual contribution to his or her
25 community;

26 (l) To conduct a program of education and information on age discrimination
27 and the preparation and filing of complaints relating to persons sixty (60) years of age or older;

1 (m) To, in cooperation with the Department of Interior and Local Government and the
2 Department of Public Works and Highways, prepare or cause to be prepared and made available
3 to provinces, cities, and municipalities model zoning and planning guidelines that foster age-
4 integrated communities including provisions to allow for accessory senior citizen units in areas
5 zoned for single family residences and for mixed-use development accommodating senior citizen
6 residential housing;

7 (n) To periodically, in consultation with the Philippine Veterans Affairs Office,
8 review the programs operated by the office to ensure that the needs of the country's aging
9 veteran population are being met and to develop improvements to programs to meet such needs.

10 SECTION 5. *Programs for the Aging.* – (a) The Office shall submit to the President a
11 comprehensive national plan for the care, protection, and support of the elderly population. The
12 Office shall be the single agency for supervising the administration of such plan and shall be
13 primarily responsible for coordination of programs for the aging.

14 (b) . In addition to the powers and duties contained in Section 4 of this Act, the Office
15 is hereby authorized, to the extent appropriations are available therefor, to establish, operate, and
16 maintain, or to contract with provinces, cities, municipalities, public or private nonprofit
17 corporations, associations, institutions, or agencies concerned with the aging, for the operation
18 and maintenance of programs for the aging. Pursuant to the rules and regulations of the Office,
19 such programs may include, but need not be limited to, the following:

20 (i) coordination and community planning;

21 (ii) information services;

22 (iii) counseling services;

23 (iv) home care and protection services;

24 (v) operation of multi-service centers; and

25 (vi) retired senior volunteer programs.

26 (c) The director is hereby authorized, within amounts appropriated therefor, to make
27 grants-in-aid to retired and senior volunteer programs for the engagement of individuals fifty-
28 five (55) years of age or over to serve as volunteers for the betterment of their

1 community and themselves. Such volunteer activities may include but shall not be limited to
2 assisting with the preparation of meals at nutrition sites; leading activities at child care centers;
3 delivering meals to homebound elderly; providing telephone reassurance and/or friendly visits
4 to the frail elderly; tutoring adults or children; assisting with services for the homeless and
5 assisting school districts which request volunteers for the purpose of notifying a person in
6 parental relation to any elementary school pupil when such pupil is deemed absent from
7 required attendance at his or her designated school. The services of these volunteers will be
8 performed in the community where such individuals reside or in nearby communities. Up to ten
9 (10) percent of such grants-in-aid may be expended for the administrative purposes of such
10 programs, with the approval of the Office. Such grants shall be for a period of twelve (12)
11 months or less, shall not be used to match other government funds, shall not be used as a
12 substitute for government allocations, and shall be made in a manner which does not conflict
13 with any law, rule, or regulation. Each grantee shall file reports at such time and containing such
14 information as the Office shall require. For the purpose of administering such grants-in-aid
15 the office may make such agreements with other public agencies as are deemed necessary.

16 (d) The director of the Office for the aging is hereby authorized, to the extent
17 appropriations are available therefor, to establish, operate, and maintain, under the control of the
18 Office for the Aging or in conjunction with an association, institution, agency, or other public
19 or private entity, or community program engaged in the care of animals, one or more senior pet
20 companionship programs. The purpose and intent of a senior pet companionship program shall
21 be to match seniors who have limited social contact with pets, including cats and dogs and
22 other small animals, to improve the lives of such seniors by enhancing their emotional and
23 mental well-being through such companionship.

24 (e) The director is hereby authorized, to the extent appropriations are available
25 therefor, to establish grants to a not-for-profit organization, through a request for proposal
26 process, to provide training, outreach, and education to agencies, individuals, and other
27 appropriate entities who provide services to the lesbian, gay, bisexual, and transgender senior
28 populations.

1 SECTION 6. *Exclusion from Mandatory Retirement.* – Notwithstanding any other
2 provision of law, an employee of the Office or an employee of a government agency or
3 instrumentality whose position is in whole or in part funded through the Office shall not be
4 subject to any mandatory retirement provision based on the age of such employee.

5 SECTION 7. *Informal Caregiver Training.* – (a) The director is hereby authorized and
6 directed, to the extent appropriations are available therefor, and in cooperation with the
7 Technical Education and Skills Development Authority (TESDA), to develop, establish, and
8 operate training and technical assistance programs, including caregiver resource centers,
9 caregiver networks, and other support activities, for informal caregivers for the purposes of
10 assisting such caregivers and improving the quality of care provided to frail and disabled
11 persons. The director shall also make available and encourage the utilization of such training
12 programs.

13 (b) Definitions. – For the purposes of this section:

14 (i) “Informal caregiver” shall mean the family member or other natural person who
15 normally provides the daily care or supervision of a frail or disabled person, or
16 any family member or other natural person who contributes to and is involved in
17 the caretaking responsibilities for such frail or disabled person. Such informal
18 caregiver may, but need not, reside in the same household as the frail or disabled
19 person.

20 (ii) “Frail or disabled person” shall mean any person who is unable to attend to his
21 or her daily needs without the assistance or regular supervision of an informal
22 caregiver due to mental or physical impairment. Such definition shall not
23 exclude persons under eighteen (18) years of age who suffer from mental or
24 physical impairment.

25 (iii) “Program” shall mean the program of informal caregiver training and technical
26 assistance established by this section.

- 1 (iv) "Caregiver resource center" shall mean a project funded pursuant to this section
2 which provides services and activities which are responsive to the needs and
3 contracts of informal caregivers in regard to their caregiving responsibilities.
- 4 (v) "Caregiver networks" shall mean coalitions which develop, coordinate, and
5 implement action plans to identify and mobilize resources to address the
6 unmet needs of frail and disabled persons and their caregivers.
- 7 (c) The duties of the director pursuant to this section shall include, but not be limited
8 to:
- 9 (i) developing and making available or approving a curriculum for informal
10 caregiver training which considers and is easily adapted to an array of personal
11 needs and disabilities, and which is sensitive to ethnic and community
12 characteristics;
- 13 (ii) providing technical assistance and training to appropriate organizations and
14 groups, including caregiver resource centers and caregiver networks, which,
15 in turn, shall provide training and assistance to informal caregivers; and
- 16 (iii) providing grants to appropriate organizations and groups, including caregiver
17 resource centers and caregiver networks, to develop and make available approved
18 curricula for informal caregiver training as well as disseminate information
19 regarding the curriculum.
- 20 (d) Training and technical assistance shall include, but not be limited to:
- 21 (i) knowledge of major health problems and diseases, mental, and physical
22 disabilities, and the aging process;
- 23 (ii) practical skills required in providing personal care and support;
- 24 (iii) stress awareness and methods of dealing with stress caused by providing care;
- 25 (iv) financial management; and
- 26 (v) identification and utilization of available resources, including benefits,
27 entitlements, and other programs and assistance.

1 SECTION 8. *Advisory Committee.* – (a) There shall be within the Office an advisory
2 committee for the aging, consisting of not more than fifteen (15) members, appointed by the
3 President. In making such appointments, the President shall give due consideration to
4 representation from the major regions of the country. One member of the advisory committee
5 shall be designated as chairperson by the President. The advisory committee shall meet from
6 time to time at the call of such chairperson or the director. The director shall seek the advice of
7 the advisory committee with respect to the needs of the aging and, if so requested by the director,
8 such committee shall make particular studies relating to the aging.

9 (b) The members of the advisory committee shall serve without salary, but each
10 member shall be entitled to reimbursement for his or her actual and necessary expenses
11 incurred in the performance of his or her official duties.

12 (c) All members of the advisory committee shall be appointed for terms of three (3)
13 years provided, however, that of the members first appointed, one-third shall be appointed for
14 one-year terms, and one-third shall be appointed for two-year terms. Any member chosen to
15 fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired
16 term of the member he or she is to succeed.

17 (d) Sixty percent of the members of the advisory committee appointed on and after
18 the effective date of this Act shall be sixty (60) years of age or over.

19 SECTION 9. *Assistance of Other Agencies.* – To effectuate the purposes of this Act, the
20 director may request from any department, division, board, bureau, commission,
21 instrumentality, or other agency of the government or of any political subdivision thereof,
22 and the same are authorized to provide, such facilities, assistance, and data, as will enable the
23 Office properly to exercise its powers and perform its duties hereunder.

24 SECTION 10. *Grants or gifts.* – The director, with the approval of the President, may
25 accept as agent of the government any gift, grant, devise or bequest, whether conditional or
26 unconditional, and including government grants, for any of the purposes of this Act. Any moneys
27 so received may be expended by the Office to effectuate any purpose of this Act, subject to the

1 same limitations as to approval of expenditures and audit as are prescribed under appropriate
2 laws, and rules and regulations of the Commission on Audit.

3 SECTION 11. *Report.* – (a) The Office shall make an annual report to the President and
4 Congress.

5 (b) Such annual report shall:

6 (i) Describe the progress, problems and other matters related to the provision of
7 services to older persons by programs administered by the Office;

8 (ii) Assess the effectiveness of national and local services for aging program pursuant
9 to this Act in coordinating and improving the local delivery of services to the
10 elderly; and

11 (iii) Assess the progress, problems, and effectiveness of the provisions of services to
12 older persons by programs administered by the Office delivered to traditionally
13 underserved populations, including but not limited to, aged populations based
14 on actual or perceived creed, sexual orientation, gender identity or expression,
15 military status, sex, marital status, disability, familial status, language, or people
16 who are associated with an individual who is or is perceived to be a member of
17 any of these traditionally underserved populations.

18 (c) Such annual report shall also present in quantitative, as well as in qualitative,
19 terms, a report on the quality of life of the aged in the country, including:

20 (i) report on the impact of inflation on the aged;

21 (ii) report on mortality trends in the upper age brackets, including chronic disease
22 trends among older persons;

23 (iii) report on crime trends impacting on the aged;

24 (iv) report on the numbers of elderly living in substandard housing, numbers of new
25 housing facilities for the aged in public, non-profit or limited profit housing.

26 (v) report on coverage of the aged by various public social security programs,
27 pension plans, private retirement plans, and assistance programs.

- 1 (vi) report on unemployment and employment of older persons, including
2 prevalence of age discrimination in the labor market and efforts to provide
3 education, information, and recommendations for legislation, trends toward
4 early or later retirement, duration of unemployment by age groupings, self-
5 employment and partial employment of older persons;
- 6 (vii) report on the recreational services for the aged, including numbers of senior
7 centers and clubs, membership and programming provided;
- 8 (viii) report on the extent to which the aged are provided adult education courses in
9 public schools or are attending college courses.
- 10 (ix) report on institutionalization of aged, including trends in mental hospitals,
11 skilled nursing homes, health related facilities, adult homes, including length
12 of stay, costs, occupancy rates, extent to which local communities are providing
13 care for institutionally released aged;
- 14 (x) report on the specific needs of traditionally underserved aged populations,
15 including, but not limited to, populations based on actual or perceived creed,
16 sexual orientation, gender identity or expression, military status, sex, marital
17 status, disability, familial status, and language.

18 SECTION 12. *Authorization of Appropriations.* – Such sums as may be necessary for the
19 initial implementation of this Act shall be taken from the current appropriations of the
20 government. Thereafter, the fund necessary to carry out the provisions of this Act shall be
21 included in the annual General Appropriations Act.

22 SECTION 13. *Separability Clause.* – If any provision or part hereof is held invalid or
23 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
24 valid and subsisting.

25 SECTION 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive
26 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
27 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

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

Approved,