

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



Senate  
Office of the Secretary

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SENATE

S.B. No. 1012

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Introduced by Senator **SONNY ANGARA**

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**AN ACT**  
**DEFINING AND PROHIBITING SENIOR CITIZEN ABUSE, PROVIDING PENALTIES**  
**THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Respect for our elders has been one of the hallmarks of Philippine culture and society. The Constitution has several provisions relating to the protection of the elders and quite emphatically, it makes it the duty of the family and the State to take care of the elderly members of society.

This notwithstanding and despite our strong tradition of filial piety, senior citizen abuse is not unheard of in modern Filipino culture. A rise in the incidents of senior citizen abuse has been seen as of late. In 2014, it was reported that the Philippines has a population of people aged 60 and over of 7 million and it is projected to grow to 19.6 million by 2040. As the population of the senior citizens increase, it is also expected that the incidence of abuse will also increase.

This bill seeks to provide proper and adequate protection for the welfare of our senior citizens. It aims to strengthen and reinforce the fact that senior citizen abuse is not a private matter but a public and serious one which should be the concern of the entire society. By clearly defining what constitutes senior citizen abuse and providing well-defined penalties therefor, this bill hopes to deter the abusers from committing any form of abuse against our senior citizens. This bill also aims to provide institutional support to victims of senior citizen abuse with the hope that a more participative involvement of the society will afford our senior citizens more protection.


In view of the foregoing, the approval of this bill is earnestly sought.

  
**SONNY ANGARA**

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AN ACT  
DEFINING AND PROHIBITING SENIOR CITIZEN ABUSE,  
PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** This Act shall be known as the ***“Anti-Senior Citizen Abuse Act of***  
2 ***2016.”***

3

4 **SEC. 2. Declaration of Policy.** It is the policy of the State to protect and promote the rights,  
5 dignity, security and welfare of the senior citizens of our society. Towards this end, the State shall  
6 work actively for the elimination of all forms of senior citizen abuse. The State shall provide  
7 sanctions for the commission of any form of senior citizen abuse and adopt a program for the  
8 prevention and deterrence of and crisis intervention in situations of senior citizen abuse.

9

10 **SEC. 3. Definition of Terms.** As used in this Act:

11

12 a) **“Senior Citizen”** refers to a person 60 years old or above;

13

14 b) **“Senior Citizen Abuse”** refers to a single, or repeated act, or lack of appropriate action,  
15 occurring within any relationship where there is an expectation of trust which causes harm  
16 or distress to a Senior Citizen. It includes, but is not limited to, the following acts:

17

18 A. **“Physical Abuse”** refers to acts that include bodily or physical harm. It includes  
19 striking, hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching,  
20 and burning, inappropriate use of drugs and physical restraints, force-feeding, and  
21 physical punishment of any kind.

22

23 B. **“Sexual Abuse”** refers to non-consensual acts which are sexual in nature. It  
24 includes rape, acts of lasciviousness, sodomy, coerced nudity, and sexually  
25 explicit photographing and unwanted touching.

26

1 C. **“Psychological Abuse”** refers to acts or omissions causing or likely to cause  
2 mental or emotional suffering. It includes verbal assaults, insults, threats,  
3 intimidation, public ridicule, humiliation, mockery and vilification, harassment, and  
4 enforced social isolation.

5  
6 D. **“Economic Abuse”** refers to acts that make or attempt to make a Senior Citizen  
7 financially dependent. It includes withdrawal of financial support, controlling or  
8 misusing a Senior Citizen’s own money or properties, cashing a Senior Citizen’s  
9 checks without authorization or permission, forging a Senior Citizen’s signature,  
10 coercing or deceiving a Senior Citizen into signing any document, and the improper  
11 use of conservatorship, guardianship, or power of attorney.

12  
13 E. **“Neglect”** refers to the failure of those responsible to feed, provide shelter or  
14 health care, or protection to the Senior Citizen.

15  
16 **SEC. 4. Prohibited Acts Constituting Senior Citizen Abuse.** The crime of Senior Citizen Abuse  
17 is committed through any of the following acts:

- 18  
19 a) Causing Physical Abuse to a Senior Citizen;  
20  
21 b) Threatening to cause Physical Abuse to a Senior Citizen;  
22  
23 c) Attempting to cause a Senior Citizen Physical Abuse;  
24  
25 d) Placing a Senior Citizen in fear of imminent Physical Abuse;  
26  
27 e) Causing or attempting to cause Sexual Abuse to a Senior Citizen;  
28  
29 f) Causing or attempting to cause Psychological Abuse to a Senior Citizen;  
30  
31 g) Causing or attempting to cause Economic Abuse to a Senior Citizen; and  
32  
33 h) Neglect of a Senior Citizen

34  
35 **SEC. 5. Penalties.** The crime of Senior Citizen Abuse under Section 4 hereof shall be punished  
36 according to the following rules:

- 37  
38 a) Acts falling under Sec 4(a) constituting attempted, frustrated or consummated parricide or  
39 murder or homicide shall be punished in accordance with the provisions of the Revised  
40 Penal Code;

1 If these acts resulted in mutilation, it shall be punishable in accordance with the Revised  
2 Penal Code; those constituting serious physical injuries shall have the penalty of *prision mayor*;  
3 those constituting less serious physical injuries shall be punished by *prision correccional*; and  
4 those constituting slight physical injuries shall be punished by *arresto mayor*.

5  
6 b) Acts falling under Sec. 4(b) shall be punished by imprisonment of one degree lower than  
7 the prescribed penalty for the consummated crime as specified in Sec. 5(a) but shall in no  
8 case be lower than *arresto mayor*;

9  
10 c) Acts falling under Sec. 4(c) and 4(d) shall be punished by *arresto mayor*;

11  
12 d) Acts falling under Sec. 4(e), except rape, shall be punished by *prision mayor*;

13  
14 Rape shall be shall be punished in accordance with the provisions of the Revised Penal  
15 Code.

16  
17 e) Acts falling under Sec. 4(f) shall be punished by *prision mayor*;

18  
19 f) Acts falling under Sec. 4(g) shall be punished by *prision correccional*; and

20  
21 g) Acts falling under Sec. 4(h) shall be punished by *arresto mayor*.

22  
23 The penalty provided shall be imposed in its maximum period if:

24  
25 1) The offender-perpetrator has been previously convicted under this Act;

26  
27 2) The offender is a descendant, collateral relative or family member of up to the 2<sup>nd</sup>  
28 degree of consanguinity or affinity;

29  
30 3) The offender is a owner-operator, manager, or employee of a privately-operated, for  
31 profit or non-profit, elderly facility; and

32  
33 4) The offender is a public official, staff or employee of a government-operated elderly  
34 residential/group home; Provided that said public servant or employee can be  
35 subjected to suspension and/or termination according to administrative discipline  
36 procedures.

37  
38 The above-mentioned penalties shall not preclude the consequent civil case for damages  
39 or administrative charges that may also result in the suspension or revocation of accreditation or  
40 license to operate of any institution from the Department of Social Welfare and Development  
41 (DSWD).

1 **SEC. 6. *Public Crime.*** Senior Citizen Abuse shall be considered a public offense which may be  
2 prosecuted upon the filing of a complaint by any citizen having personal knowledge of the  
3 circumstances involving the commission of the crime.

4  
5 **SEC. 7. *Prohibited Defense.*** Being under the influence of alcohol, any illicit drugs, or any other  
6 mind-altering substance shall not be a defense under this Act.

7  
8 **SEC. 8. *Persons Intervening Exempt from Liability.*** Any person or private individual acting in  
9 accordance with law, responds or intervenes without using violence or restraint greater than  
10 necessary to ensure the safety of the victim, shall not be liable for any criminal, civil, or  
11 administrative case resulting therefrom.

12  
13 **SEC. 9. *Confidentiality.*** All cases pertaining to Senior Citizen Abuse cases shall be confidential  
14 and all public officers and employees of public or private hospitals and clinics shall respect the  
15 right to privacy of the victim. Any person who shall make public any relevant or identifying  
16 information about the case or the victim shall be made liable for contempt of court and shall suffer  
17 the penalty of one (1) year imprisonment and a fine of Five Hundred Thousand Pesos  
18 (P500,000.00).

19  
20 **SEC. 10. *Establishment of a Senior Citizens Help Desk.*** Every barangay shall establish a  
21 Senior Citizen Help Desk which shall provide immediate assistance to the victims of Senior Citizen  
22 Abuse. The Senior Citizen Help Desk may be manned by representatives of the Senior Citizens  
23 who are residents of the barangay or members of a local Senior Citizen organization designated  
24 and authorized by the Barangay Council or Chairperson.

25  
26 Barangay officials or law enforcers shall respond immediately to a call for help or request  
27 for assistance by entering the dwelling, checking on the well-being of the victim, and ensuring the  
28 safety of the victim. As immediate responders, they must also transport or escort the victim to a  
29 safe place of their choice or to a clinic or hospital, if and when necessary.

30  
31 **SEC. 11. *Healthcare Provider Response to Abuse.*** Any healthcare provider, including, but not  
32 limited to, an attending physician, nurse, clinician, barangay health worker, therapist, social  
33 worker or counselor who suspects abuse or has been informed by the victim of Senior Citizen  
34 Abuse shall:

- 35 a) Properly document any of the victim's physical, emotional or psychological injuries;  
36  
37 b) Properly record any of the victim's suspicions, observations and circumstances of the  
38 examination or visit;  
39  
40 c) Automatically provide the victim, free of charge, a medical certificate concerning the  
41 examination or visit;

1 d) Safeguard the records and make them available to the victim upon request at actual cost;  
2 and

3  
4 e) Provide the victim immediate and adequate notice of right and remedies provided under  
5 this Act, and services available to them.  
6

7 **SEC. 12. *Rights of Victims.*** In addition to their rights under existing laws, victims of Senior  
8 Citizen Abuse shall have the following rights:  
9

10 a) To be treated with respect and dignity;

11  
12 b) To avail of legal assistance from the Public Attorneys Office (PAO);

13  
14 c) To be entitled to support services from the DSWD and Local Government Units (LGUs);  
15

16 d) To be entitled to all legal remedies and support as provided for under the Family Code;  
17 and

18  
19 e) To be informed of their rights and the services available to them including their right to  
20 apply for a protection order

21 **SEC. 13. *Barangay Protection Order.*** Barangay Protection Orders (BPOs) refer to the  
22 protection order issued by the Punong Barangay ordering the perpetrator to desist from  
23 committing acts under Section 4 of this Act. A Punong Barangay who receives applications for a  
24 BPO shall issue the protection order to the applicant on the date of filing after *ex parte*  
25 determination of the basis of the application. If the Punong Barangay is unavailable to act on the  
26 application for a BPO, the application shall be acted upon by any available Barangay Kagawad.  
27 If the BPO is issued by a Barangay Kagawad the order must be accompanied by an attestation  
28 by the Barangay Kagawad that the Punong Barangay was unavailable at the time for the issuance  
29 of the BPO. BPOs shall be effective for thirty (30) days. Immediately after the issuance of an *ex*  
30 *parte* BPO, the Punong Barangay or Barangay Kagawad shall personally serve a copy of the  
31 same on the respondent, or direct any barangay official to effect is personal service.  
32

33 The parties may be accompanied by a non-lawyer advocate in any proceeding before the  
34 Punong Barangay.  
35

36 **SEC. 14. *Mandatory Programs and Services for Victims.*** The DSWD and LGUs shall provide  
37 the victims temporary shelters, provide counseling, psycho-social services and/or recovery,  
38 rehabilitation programs and livelihood assistance.  
39

40 The Office for Senior Citizens Affairs (OSCA) shall include services addressing  
41 Senior Citizen Abuse. All suspected cases of Senior Citizen Abuse must be reported in

1 accordance with existing laws. The OSCA, in coordination with the Local Social Welfare  
2 and Development Office (LSWDO), shall maintain a Senior Citizen Abuse documentation  
3 and case monitoring system, and set up a databank to keep an accurate and reliable  
4 record of instances of abuse and violence committed against the Senior Citizens.

5  
6 **SEC. 15. *Formulation of the Program.*** There shall be a comprehensive program to be  
7 formulated, by the Department of Justice (DOJ) and the DSWD in coordination with other  
8 government agencies and private sector concerned, within one (1) year from the effectivity of this  
9 Act, to protect the Senior Citizen against Senior Citizen Abuse.

10  
11 **SEC. 16. *Duties of Other Government Agencies and LGUs.*** Other government agencies and  
12 LGUs shall establish programs such as, but not limited to, education and information campaign  
13 and seminars or symposia on the nature, causes, incidence and consequences of Senior Citizen  
14 Abuse particularly towards educating the public on its social impacts.

15  
16 It shall be the duty of the concerned government agencies and LGUs to ensure the  
17 sustained education and training of their officers and personnel on the prevention of Senior Citizen  
18 Abuse under the Act.

19  
20 **SEC. 17. *Trainings and Capacity-Building for Intervenors.*** All government agencies involved  
21 in responding to Senior Citizen Abuse cases shall be required to undergo education and training  
22 to be conducted by the DSWD to acquaint them with:

- 23  
24 a) the nature, extent, causes, and risk factors of Senior Citizen Abuse;  
25  
26 b) the legal rights and remedies of victims of Senior Citizen Abuse;  
27  
28 c) legal duties of barangay officials, OSCA Heads, LSWDOs, police officers and court  
29 authorities in offering assistance and protection;  
30  
31 d) the available services and facilities for victims of Senior Citizen Abuse;  
32  
33 e) specific techniques in handling Senior Citizen Abuse cases to minimize injury and promote  
34 the safety and ensure the well-being of the victim.

35  
36 The Department of Health (DOH) and other concerned institutions shall provide capacity-  
37 building on the prevention, detection, and management of psycho-social problems and other  
38 geriatric concerns of Senior Citizens such as dementia and Alzheimer's Disease, among  
39 healthcare providers, home caregivers, and staff and employees of nursing homes and/or elderly  
40 residential facilities, specifically on handling Senior Citizen Abuse.

1 **SEC. 18. *Counseling and Rehabilitation of Offenders-Perpetrators.*** The DSWD shall provide  
2 rehabilitative counseling and treatment of perpetrators towards learning constructive ways of  
3 coping with their anger, emotional outbursts, or stress, and reforming their ways. Psychiatric  
4 treatment or confinement may also be recommended by the responsible authorities if necessary.  
5

6 **SEC. 19. *Funding.*** The amount necessary to carry out the provisions of this Act is hereby  
7 authorized to be appropriated in the General Appropriations Act of the year following its enactment  
8 into law and thereafter.  
9

10 **SEC. 20. *Implementing Rules and Regulations.*** Within six (6) months from the approval of this  
11 Act, the DOJ, the DSWD, the DOH, the Department of Interior and Local Government, and the  
12 Philippine National Police, and three (3) representatives from non-government organizations to  
13 be identified by the DSWD shall promulgate the Implementing Rules and Regulations of this Act.  
14

15 **SEC. 21. *Suppletory Application.*** For purposes of this Act, the Revised Penal Code and other  
16 applicable laws, shall have suppletory application.  
17

18 **SEC. 22. *Separability Clause.*** If any section or provision of this Act is held unconstitutional or  
19 invalid, the other sections or provisions shall not be affected.  
20

21 **SEC. 23. *Repealing Clause.*** All laws, Presidential decrees, executive orders and rules and  
22 regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or  
23 modified accordingly.  
24

25 **SEC. 24. *Effectivity.*** This Act shall take effect fifteen (15) days from the date of its complete  
26 publication in at least two (2) newspapers of general circulation.  
27

28 Approved,