

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

SENATE

S. No. 650



Senate
Office of the Secretary

'19 JUL 22 P 1:57

Introduced by **SENATOR RAMON BONG REVILLA, JR.**

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AN ACT

DEFINING WHO ARE INSTITUTIONALIZED PERSONS AND PENALIZING THEIR MALTREATMENT

EXPLANATORY NOTE

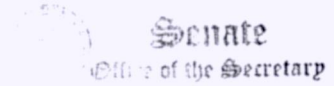
Article 2, Section 9 of the 1987 Constitution provides that: "The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising 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 foil respect for human rights " .

Individuals confined in institutions that require 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 individuals will not be subjected to unjust and abusive treatment from the people designated to care for them.

In view of the above, the immediate passage of this bill is fervently sought.


RAMON BONG REVILLA, JR.

SENATE



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

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 "Institutionalized Persons
2 Protection Act of 2019".

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

6 Sec. 3. *Definition of Terms.* - As used in this Act:

7 A. The term "Institution" means any facility or institution which is owned,
8 operated, or managed by, or provides services on behalf of the government or
9 its political subdivision and which function is to provide skilled nursing,
10 intermediate or long-term care, or custodial or residential care.

11 B. The term "Institutionalized Persons" refers to persons kept in an institution
12 defined in this Act who are:

13

14 1. Mentally ill, disabled, retarded, or chronically ill or handicapped;

15 2. In jail, either by final sentence or under detention;

16 3. Juveniles –

17 a. Held awaiting trial;

- 1 b. Residing in such facility or institution for purposes of receiving
2 care or treatment; or
3 c. Residing for any government purpose in such facility or
4 institution (other than a residential facility providing only
5 elementary or secondary education that is not an institution in
6 which juveniles who are adjudicated delinquent, in need of
7 supervision, neglected, placed in government custody, mentally ill
8 or disabled, mentally retarded, or chronically ill or handicapped).

9
10 Sec. 4. *Prohibited Acts.* -It shall be unlawful for any official, employee, or agent
11 of the government, or other person acting on behalf of the government charged with
12 the care of *an institutionalized person to:*

- 13
14 a. Subject persons residing in, or confined to an institution to egregious or
15 flagrant conditions causing such person to suffer physical injuries:
16 b. Withhold from such institutionalized persons services, resources and facilities
17 necessary for their maintenance and well-being; and
18 c. Inflict, intentionally or through negligence, upon said person's psychological
19 or physical harm.

20
21 Sec. 5. *Penal Liability.* - Any of the persons referred to in Section 4 of this Act,
22 who are guilty of the commission of the prohibited acts enumerated therein shall be
23 penalized with imprisonment ranging from six (6) months to one (1) year. This is
24 without prejudice to any administrative case which may be filed against the erring
25 official.

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

29 Sec. 7. *Separability Clause.* - If any provision or part hereof, is held invalid or
30 unconstitutional, the remainder of the law or the provision not otherwise affected shall
31 remain valid and subsisting.

1 Sec. 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to, or
3 inconsistent with, the provisions of this Act is hereby repealed, modified or amended
4 accordingly.

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

7

8 *Approved,*