



SENATE
S. No. 946

'19 AUG 20 P 3:26

Introduced by Senator Grace Poe

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**AN ACT
TO ESTABLISH PROGRAMS AND ACTIVITIES TO AID VICTIMS OF ELDER
ABUSE, AND PROVIDE TRAINING TO HEALTH AND GOVERNMENT
PROFESSIONALS IN THE ASSISTANCE OF SUCH VICTIMS**

Explanatory Note

The Constitution, Article 2, Section 11, provides:

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

Article 15, Section 4 provides:

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

The traditional high regard for older persons remains characteristic of Filipino families. This notwithstanding, their special needs such as health care, safety, security and other social services need to be addressed not only by their families and communities but also by the whole government machinery. They are vulnerable to neglect as the pressures of economic survival impinge on Filipino families. In 1970, for every one elderly there were about 11 working people from whom support could be drawn. By 2020, studies indicate that there will only be six people of productive age to support the elderly.

Some family members, feeling that the elderly have become a burden on the household, have given in to violence. In fact, a particularly alarming development is the incidence of elder abuse. As elders become frailer, 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. The World Health Organization has defined elder abuse as "a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person." The core feature of this definition is that it focuses on harms where there is "expectation of trust" of the older person toward their abuser. Thus it includes harm by people the older person knows or with whom they have a relationship, such as a spouse, partner or family member, a neighbor, or people that the older person rely on for services. The term does not include general criminal activity against older persons.

Studies show that there are several types of elder abuse:

- Physical abuse - This abuse includes not only physical assaults such as hitting or shoving but also the inappropriate use of drugs, restraints, or confinement.
- Emotional/psychological abuse - The abuse may be verbal or nonverbal. Verbal forms of abuse may include intimidation, humiliation and ridicule, or habitual blaming or scapegoating. Nonverbal forms of abuse are ignoring the elderly person, isolating him or her from friends or other family members and activities, or terrorizing him or her.
- Sexual abuse - Such contact can involve physical sex acts, but activities such as showing an elderly person pornographic material, or forcing the elder to undress are also considered sexual elder abuse.
- Neglect or abandonment by caregivers - Elder neglect or failure to fulfill a caretaking obligation 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).

- Financial exploitation – Financial exploitation involves the unauthorized use of an elderly person’s funds or property, either by a caregiver or an outside scam artist.
- Healthcare fraud and abuse - Examples of healthcare fraud and abuse include charging for healthcare, which has not been provided, overcharging or double billing for services.

This bill proposes the establishment of an assistance program to victims of elder abuse and the training of health and government professionals in the assistance of such victims.¹



GRACE POE
act

¹ This bill was originally filed in the third regular session of the 14th Congress.



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

1 Section 1. *Short Title.* – This Act shall be known as the “Elder Victim
2 Assistance Act.”

3 Sec. 2. *Declaration of Policy* – It is the policy of the State to protect and
4 promote the right to health and safety of the elderly. Towards this end, it shall
5 ensure that there will be: (1) coordination among service systems and disciplines to
6 prevent elder abuse and combat crimes against the elderly; (2) increase knowledge
7 among professionals serving the elderly about elder abuse; (3) increase public
8 awareness of elder abuse and the seriousness of crimes against the elderly; and (4)
9 promote public education of the elderly to enable them to avoid being victimized,
10 abused, or exploited.

11 Sec. 3. *Definitions.* – For purposes of this Act, the term:

12 a) “Elder” – refers to an individual age 60 or older.

13 b) “Elder abuse” – refers to a single, or repeated act, or lack of appropriate
14 action, occurring within any relationship where there is an expectation of
15 trust, which causes harm or distress to an older person.

16 c) “DSWD” – shall refer to the Department of Social Work and Development.

17 d) “Secretary” – shall refer to the Secretary of the Department of Social Work
18 and Development (DSWD).

19 e) “DOF” – shall refer to the Department of Finance.

1 f) "DOH" – shall refer to the Department of Health.

2 g) "DILG" – shall refer to the Department of Interior and Local Government.

3 Sec. 4. *Establishment of Elder Victim Assistance and Programs.* – An inter-
4 agency task force shall be created, mandated to establish and implement an Elder
5 Victim Assistance Program. The task force shall be chaired by the DSWD. The other
6 members of this task force shall include the DOF, the DOH, the DILG, non-
7 government organizations such as the National Federation of Senior Citizens
8 Association of the Philippines (NFSCAP) and the Coalition of Social Services for the
9 Elderly (COSE). The program shall be implemented in coordination with relevant
10 national and local and community-based public entities such as the municipal Office
11 of Senior Citizens Affairs (OSCA), private agencies and other entities relating to elder
12 abuse, neglect, and exploitation and other crimes against elderly individuals. The
13 program shall provide services to all victims of elder abuse. The services shall
14 include:

15 1) Immediate, short-term emergency services, including shelter, care
16 services, food, clothing, transportation to medical or legal appointment as
17 appropriate, and any other life services deemed necessary by the entity
18 for victims of elder abuse.

19 2) Counseling and assistance for victims of elder abuse in accessing health
20 care, educational, pension, or other benefits for which seniors may be
21 eligible under law.

22 3) Mental health screenings for victims of elder abuse to identify and seek
23 assistance for potential mental health disorders such as depression or
24 substance abuse.

25 4) Emergency legal advocacy for victims of elder abuse and, as appropriate,
26 their families.

27 5) Job placement assistance and information on employment, training, or
28 volunteer opportunities for victims of elder abuse.

29 6) Bereavement counseling for families of victims of elder abuse.

30 7) Education of the elderly to enable them to avoid being victimized, abused,
31 or exploited.

32 8) Other services considered appropriate for purposes of the program.

1 Sec. 5. *Technical Assistance* – The Secretary of the DSWD, as task force
2 director, shall enter into contracts with private entities with experience in elder
3 abuse coordination or victim services to provide such technical assistance as the
4 entity determines appropriate.

5 Sec. 6. *Reports from law enforcement agencies.* - Law enforcement agencies
6 shall submit quarterly reports to the Task Force on incidents of elder abuse.

7 Sec. 7. *Public information on elderly abuse.* – The task force shall
8 immediately adopt a program that shall raise awareness of the public on the issue of
9 elder abuse.

10 Sec. 8. *Continuing Education and Training of Health Personnel and Service*
11 *Providers on Elder Abuse.* - All DSWD and DOH staff and professionals providing
12 various health services are mandated to undergo a mandatory continuing education
13 and training program to sensitize and empower them to become effective front-
14 liners in the delivery of health service to the victims of elderly abuse .

15 Sec. 9. *Appropriation.* — To carry out the provisions of this Act, such amount
16 as may be necessary is hereby authorized to be appropriated from the National
17 Treasury. Thereafter, the amount necessary for the continuous operation of this
18 Elder Victim Program shall be included in the annual appropriation of the DSWD.

19 Sec. 10. *Separability Clause.* – If any provision or part of this Act is held
20 invalid or unconstitutional, the remainder of the law or the provision not otherwise
21 affected shall remain valid and subsisting.

22 Sec. 11. *Repealing Clause.* – Any law, presidential decree or issuance,
23 executive order, letter of instruction, administrative order, rule or regulation contrary
24 to or is inconsistent with the provision of this Act is repealed, modified, or amended
25 accordingly.

26 Sec. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
27 its publication in at least two (2) newspapers of general circulation.

Approved.