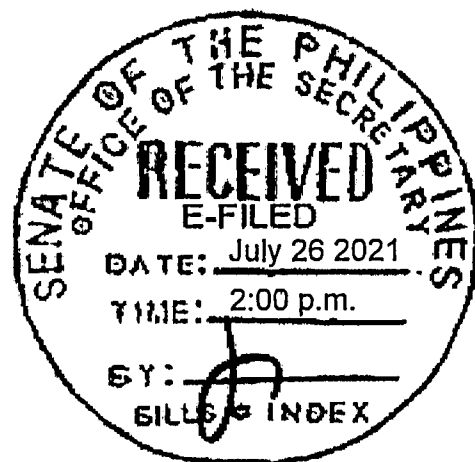


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

S. No. 2330

Introduced by SENATOR RAMON BONG REVILLA, JR.

**AN ACT
PROTECTING SENIOR CITIZENS FROM VIOLENCE, DEFINING ELDER
ABUSE, AND PRESCRIBING PENALTIES THEREFOR**

EXPLANATORY NOTE

Filipino families are known for its great respect, appreciation and care for their elderly members. Our *lolo* and *lola* are beloved figures in the household, part of extended families and are dutifully taken care of by their children and grandchildren.

While elderly care is characteristic of Filipino culture, from time to time we hear heartbreaking stories of maltreatment and abuse of senior citizens, perpetrated no less by their own family members. Unfortunately, the cases of physical and emotional cruelty inflicted against senior citizens were aggravated by the ongoing Covid-19 pandemic which forced the elderly population to be confined with their potential abusers at home for an extended period of time¹.

The World Health Organization (WHO) 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. This type of violence constitutes a violation of human rights and includes physical, sexual, psychological, and emotional abuse, financial and material abuse, abandonment, neglect and serious loss of dignity and respect²." WHO, which describes it is an

¹ "Elder abuse increased during COVID-19 pandemic – CHR official." June 15, 2020.

<https://newsinfo.inquirer.net/1291743/elder-abuse-increased-during-covid-19-pandemic-chr-official>

² <https://www.who.int/news-room/fact-sheets/detail/elder-abuse>

important public health concern, also enumerates interventions to respond to and prevent further abuse, to wit³:

- Mandatory reporting of abuse to authorities
- Safe houses and emergency shelters
- Psychological programs for abusers
- Helplines to provide information and referrals
- Caregiver support interventions

This measure defines elder abuse, prescribes mandatory programs and services for senior citizens who are victims of violence, institutes procedure and mechanisms in responding to cases of violence, and provides legal framework to prevent further acts of abuse against the elderly, similar to those recommended by the WHO.

This bill, which was approved on Third and Final Reading by the House of Representatives during the Seventeenth Congress, is also part of the legislative agenda of the updated Philippine Development Plan 2017-2022 intended to address individual life cycle risks and reduce vulnerabilities of Filipinos.

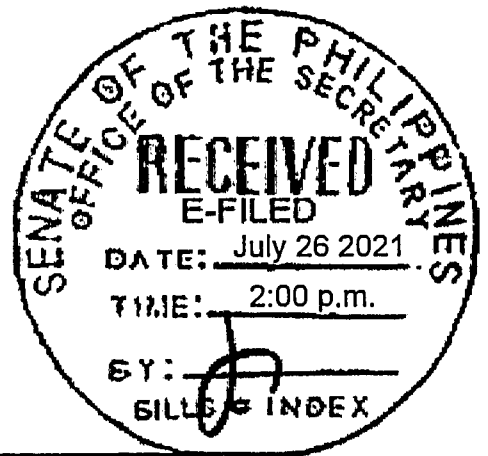
Consistent with the Constitutional provision valuing the dignity of every human person and full respect for human rights, and our commitments to several international human rights conventions, the passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

³ Ibid.

EIGHTEENTH CONGRESS OF THE)
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**AN ACT
PROTECTING SENIOR CITIZENS FROM VIOLENCE, DEFINING ELDER
ABUSE, AND PRESCRIBING PENALTIES THEREFOR**

*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-Elder Abuse Act.*"

2 Sec. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
3 value the dignity of senior citizens and thereby guarantee full respect for human rights.
4 The State also recognizes the need to protect the family and its members, particularly
5 the senior citizens from all forms of violence, abuse, neglect, exploitation, and
6 coercion, especially acts deleterious to their personal safety and security.

7 Towards this end, the State shall exert efforts to address all forms of violence,
8 abuse, neglect, exploitation and coercion, especially acts deleterious to their personal
9 safety, security, dignity or any discriminatory act committed against senior citizens in
10 keeping with the fundamental freedoms guaranteed under the Constitution and the
11 provisions of the Universal Declaration of Human Rights.

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

- 13 a) *Domestic violence* - refers to acts or threats of violence on a senior citizen
14 to exclude an act of self-defense, committed by any of the following:
15 1) Current or former spouse of the victim;
16 2) A person related by blood or marriage to the victim;
17 3) A person who is cohabiting with or has cohabited with the victim;

- 1 4) A person with whom the victim shares a child in common;
2 5) A person who is or has been in a social relationship of a romantic or
3 intimate nature with the victim; or
4 6) A person similarly situated to a spouse of the victim, or by any other
5 person, if the domestic or family violence laws of the jurisdiction of the
6 victim provide for legal protection of the victim.

7 b) *Elder abuse* – refers to a single or repeated act, or lack of appropriate
8 action, occurring within any relationship where there is an expectation of
9 trust, which causes harm or distress to a senior citizen. It includes any act
10 or series of acts committed by any person against a senior citizen, within
11 or outside the family abode, which result or is likely to result in physical or
12 psychological harm, suffering or distress, or neglect including threats of
13 such acts, battery, physical assault, coercion or arbitrary deprivation of
14 liberty. This includes physical violence, psychological or emotional,
15 economic or domestic violence, and neglect or abandonment;

16 c) *Emotional abuse* – refers to acts that include shouting, swearing, scaring
17 or humiliating a senior citizen through name-calling, ridicule, constant
18 criticism, accusing, blaming, showing disrespect, ignoring, or giving them
19 the silent treatment;

20 d) *Safe place or shelter* – refers to any home or institution maintained or
21 managed by the Department of Social Welfare and Development (DSWD)
22 or any other suitable place that is willing to accommodate the aggrieved
23 senior citizen;

24 e) *Senior citizen* – refers to any resident citizen of the Philippines at least sixty
25 (60) years old as defined under Republic Act No. 9994, otherwise known as
26 the “Expanded Senior Citizens Act of 2010.”

27 Sec. 4. *Acts of Violence Against a Senior Citizen.* – Acts of violence against a
28 senior citizen are acts that cause harm or distress committed once or repeatedly
29 through any of the following:

30 a) Physical abuse or infliction of pain or injury with the use of physical force
31 resulting in bodily injury, physical harm, pain or impairment, suffering or
32 distress;

- 1 b) Psychological, mental or emotional abuse causing mental or emotional
- 2 suffering or distress;
- 3 c) Material exploitation through illegal or improper use of funds or resources
- 4 of the senior citizen; and economic or financial abuse through acts that
- 5 make the senior citizen financially dependent; and
- 6 d) Abandonment or desertion by leaving a senior citizen unattended at a place
- 7 for such a considerable length of time, as may be likely to endanger the
- 8 health and welfare of a senior citizen, by an individual who has assumed
- 9 responsibility for providing care for the senior citizen, or by a person with
- 10 custody of the senior citizen.

11 *Sec. 5. Rights of a Senior Citizen Who is a Victim of Violence.* – During the
12 pendency of the case involving violence against a senior citizen, in addition to those
13 provided under existing laws, a senior citizen shall have the following rights:

- 14 a) To avail of protection and legal assistance from the Public Attorney's Office
- 15 (PAO) of the Department of Justice (DOJ) or any public legal assistance
- 16 office;
- 17 b) To be entitled to support services from the DSWD and the Local Government
- 18 Unit (LGU) concerned;
- 19 c) To be entitled to all legal remedies as provided for under the Family Code;
- 20 d) To be informed through the Senior Citizen Help Desk established hereunder
- 21 of the senior citizen's rights and services available, including the right to
- 22 apply for a protection order; and
- 23 e) To be entitled to actual, compensatory, moral and exemplary damages.

24 *Sec. 6. Mandatory Programs and Services for a Senior Citizen Who is a Victim*
25 *of Violence.* – The DSWD, in coordination with the LGUs, shall provide a senior citizen
26 who is a victim of violence and similar acts the following services:

- 27 a) A safe place or temporary shelter, such as senior housing or nursing home
- 28 or other suitable facility or service, when appropriate, as emergency short
- 29 term shelters. This safe place or temporary shelter shall provide
- 30 counselling, psycho-social services, recovery or rehabilitation programs and
- 31 livelihood assistance;
- 32 b) Counselling, healing, recovery and rehabilitation services; and

- 1 c) The appropriate programs to ensure the personal safety and security of a
2 senior citizen and prevent the recurrence of violent acts committed against
3 them.

4 The Department of Health (DOH) shall provide medical assistance to senior
5 citizens who are victims or survivors of violence and similar acts.

6 *Sec. 7. Response to a Request for Assistance.* – In responding to a request for
7 assistance, a barangay official or law enforcer shall have the following duties:

- 8 a) Respond immediately to a call for help or request for protection of the
9 victim by entering the senior citizen victim's dwelling, if necessary, whether
10 or not a protection order has been issued to ensure the safety of the victim;
11 b) Confiscate any harmful object in the possession of the perpetrator, or one
12 which is within plain view;
13 c) Transport the victim to a barangay hall, or to a clinic or hospital;
14 d) Assist the victim in removing personal belongings from the dwelling;
15 e) Ensure the enforcement of the Protection Order (PO) issued by the *Lupong*
16 *Tagapamayapa*, the *Punong Barangay* or Barangay Chairperson, and the
17 court;
18 f) Arrest the suspected perpetrator even without a warrant when any of the
19 acts of violence defined in this Act is occurring, or on a personal knowledge,
20 an act of violence has been committed, and there is imminent danger to
21 the life or limb of the senior citizen as defined in this Act; and
22 g) Immediately report the call for assistance to the DSWD, the LGU or
23 accredited non-government organization (NGO).

24 *Sec. 8. Philippine National Police (PNP) Protocol in Responding to Violence*
25 *Committed Against a Senior Citizen.* – The Philippine National Police (PNP) is hereby
26 directed to adopt a written protocol establishing written guidelines and procedures to
27 be followed by police officers in responding to request for assistance and calls related
28 to violence against senior citizens.

29 *Sec. 9. Education and Training Programs for Law Enforcement Officers and*
30 *Persons Involved in Responding to Cases of Violence Against a Senior Citizen.* – All
31 persons involved in responding to cases on all forms of abuse, violence, threats to
32 personal safety and security or any discriminatory act committed against a senior

1 citizen, shall be required to undergo education and training. The PNP, in coordination
2 with the LGU concerned and the DSWD, shall establish education and training
3 programs to assist law enforcement officers and barangay officials to enable them to
4 properly handle cases of violence against senior citizens and acquaint them with:

- 5 a) The nature extent, and causes of violence;
- 6 b) The legal rights of, and remedies available to victims of violence;
- 7 c) The services and facilities available to victims or survivors;
- 8 d) The duties imposed on police officers in making lawful arrest and to offer
9 protection and assistance; and
- 10 e) The necessary techniques to be employed in handling incidents of violence
11 to minimize the likelihood of injury to the officer and promote the safety of
12 the victim or survivor.

13 *Sec. 10. Mandatory Reporting of Domestic Violence.* – A public officer who
14 receives a complaint of violence committed against a senior citizen or the head of a
15 public or private hospital, medical clinic or similar institution, as well as the attending
16 physician or nurse, clinician, barangay health worker, therapist or counsellor who
17 examined or rendered treatment to a senior citizen victim shall make a report of the
18 complaint, examination or treatment within forty-eight (48) hours from the time of the
19 complaint, examination or treatment to the nearest police station.

20 All public workers and medical professionals who have knowledge of the
21 incident involving domestic violence and to whom said abuse or violence was reported
22 or revealed in the course of the performance of official duty, shall immediately report
23 the incident to the proper authorities.

24 In all cases, a report shall be made to any law enforcement agency within forty-
25 eight (48) hours from knowledge of the same. Whereupon, investigation shall
26 immediately follow. The DSWD shall assign a social worker to verify incidents of
27 violence and file a petition for PO, if warranted.

28 *Sec. 11. Establishment of a Senior Citizen Help Desk.* – Every barangay shall
29 establish a Senior Citizen Help Desk which shall provide immediate assistance to
30 victim-survivors of abuse. Besides barangay officials, it may be manned by
31 representatives of the senior citizen sector or by members of a local senior citizen
32 organization designated and authorized by the Barangay Council or Chairperson.

1 Sec. 12. *Special Protection Units.* – The DOJ is hereby directed to establish
2 special units that shall handle complaints of violence against senior citizens as defined
3 in this Act, and the prosecution thereof.

4 Sec. 13. *Venue.* – The VIP Regional Trial Court (RTC) designated as a Family
5 Court shall have original and exclusive jurisdiction over cases of violence against senior
6 citizen as provided in this Act. In the absence of such court in the place where the
7 offense was committed, the case shall be filed in the nearest RTC where the crime or
8 any of its elements was committed at the option of the complainant.

9 Sec. 14. *Protection Order.* – A Protection Order (PO) is an injunction under this
10 Act that may be requested or issued for the purpose of preventing further acts of
11 abuse or violence against senior citizens as specified in Section 4 of this Act and
12 granting other necessary relief. The provisions of the PO shall be enforced by law
13 enforcement agencies.

14 The types of PO that may be issued under this Act are as follows:

- 15 a) Barangay Protection Order (BPO);
- 16 b) Temporary Protection Order (TPO); and
- 17 c) Permanent Protection Order (PPO).

18 The PO that may be issued under this Act shall include any or all of the following
19 reliefs:

- 20 a) Prohibition of the respondent or offender from threatening to commit,
21 personally or through another, any of the acts of violence as defined in
22 Section 4;
- 23 b) Whenever applicable, issuance of an order to the respondent or offender to
24 immediately leave the domicile or residence of the petitioner. If personal
25 effects must be removed from the residence, the Court shall direct a law
26 enforcement officer to accompany the respondent to the residence until
27 such time that respondent has gathered all belongings, and to escort the
28 respondent from the residence: Provided, That the victim or the aggrieved
29 party shall likewise be accorded the same protection contemplated herein;
- 30 c) Issuance of an Order to the respondent to stay away from the petitioner
31 within a distance to be determined by the Court: Provided, That the order

1 shall ensure the physical safety of the petitioner in the residence, place of
2 work, school and such other places frequented by the offended party;

3 d) Prohibition of the respondent from directly or indirectly communicating or
4 contacting the petitioner;

5 e) Issuance of an order to proper law enforcement offices to enforce the
6 provisions of this Section;

7 f) Issuance of an order to the DSWD and the Social Welfare Development
8 Office (SWDO) of the LGU concerned to provide therapy, counselling, and
9 other support services to the aggrieved party or parties;

10 g) Issuance of an order for the restitution for actual damages caused by the
11 violence inflicted, including but not limited to property damaged, medical
12 expense, and loss of income; and

13 h) Such other relief as deemed necessary by the Court for the protection of
14 the petitioner and such other persons who may be in need of the same.

15 Any of the reliefs provided under this Section shall be granted even in the
16 absence of a decree of legal separation or annulment, or declaration of absolute nullity
17 of marriage in the case of married individuals.

18 The application for a PO must be in writing, signed and verified under oath by
19 the applicant. If the applicant is not the victim, the application must be accompanied
20 by an affidavit of the applicant attesting to:

21 1) The circumstances of the disclosure of the violence or abuse suffered by the
22 victim; and

23 2) The circumstances of consent, or lack thereof, given by the victim for the
24 filing of the application.

25 When disclosure of the address of the abused senior citizen will pose danger to
26 that person's life, it shall be stated in the application. In such a case, the applicant
27 shall attest that the victim is residing in the municipality or city over which the Court
28 has territorial jurisdiction, and shall provide a mailing address for purpose of the
29 service of court processes.

30 The standard application form for PO shall include the following information:

31 1) Names and addresses of petitioner and respondent;

- 1 2) Description of relationship between petitioner and respondent, in the case
- 2 of violence within the context of Section 4 of this Act;
- 3 3) Statement of the circumstances and the nature of violence or abuse;
- 4 4) Description of the reliefs requested by the petitioner as specified in this
- 5 section;
- 6 5) Request for counsel and reasons for such request;
- 7 6) Request for waiver of application fees until hearing; and
- 8 7) An attestation that there is no pending application for a PO in another court.

9 The following persons may file the petition for a PO:

- 10 1) The offended party;
- 11 2) Any member of the family or household of the victim as defined in this Act;
- 12 3) Social worker from the DSWD or the SWDO of the LGU or any accredited
- 13 social welfare organization;
- 14 4) Law enforcement officer or agent;
- 15 5) Lawyer, counsellor, therapist or healthcare provider of the petitioner; and
- 16 6) Any concerned responsible citizen of the community who has personal
- 17 knowledge of the offense committed.

18 No filing fee shall be required in the application for a PO.

19 An application for a PO filed with a court shall be considered an application for

20 both a TPO and a PPO.

21 *Sec. 15. Transfer of Residence; New Application Needed.* – A petitioner

22 previously granted a BPO under this Act and who desires to relocate to a new

23 residence outside the original city or municipality of residence has to apply for a new

24 BPO.

25 When the PO has been issued by a Court of competent jurisdiction and the

26 person in whose favor it is issued transfers to a place outside the court's jurisdiction,

27 the person may still have the order enforced by filing a petition before a court in the

28 place where the person has transferred. The petition to enforce the order shall include

29 a copy of the previously obtained PO. The respondent shall be notified of the issuance

30 of a new PO.

31 *Sec. 16. Legal Representation of Applicant for a PO.* – If a petitioner for a PO

32 is requesting for the appointment of a counsel because of lack of economic means to

1 hire a counsel *de parte*, the Court shall immediately direct the Office of the Public
2 Prosecutor who has jurisdiction over the case to represent the petitioner in the hearing
3 on the application sought. The applicant who cannot afford to hire the services of a
4 private counsel or lacks access to family or conjugal resources such as when the same
5 are controlled by the abuser, shall qualify for legal representation by the DOJ, the
6 Public Prosecutors' Office or the PAO.

7 However, a private counsel offering free legal service is not barred from
8 representing the petitioner with the latter's consent, and with the leave of Court.

9 Sec. 17. *Barangay Protection Order.* – A Barangay Protection Order (BPO) is
10 issued by the *Lupong Tagapamayapa* and the *Punong Barangay* or Barangay
11 Chairperson. The issuance of a BPO or the pendency of an application for a BPO shall
12 not preclude petitioner from applying for, or the Court from granting, a TPO or PPO.

13 Application for a BPO shall follow the Rules on venue under the Local
14 Government Code of 1991 and its implementing rules and regulations.

15 A *Punong Barangay* or Barangay Chairperson who receives application for a
16 BPO shall issue the PO to the applicant on the date of filing after *ex parte*
17 determination of the basis of the application. If the *Punong Barangay* or Barangay
18 Chairperson is unavailable to act on the application for a BPO, the application shall be
19 acted upon by any available *Lupong Tagapamayapa* or *Barangay Kagawad*. If the BPO
20 is issued by a *Barangay Kagawad*, the order must be accompanied by an attestation
21 by the *Barangay Kagawad* that the *Punong Barangay* and the *Lupong Tagapamayapa*
22 were not available at the time of the issuance of the BPO.

23 A BPO issued by a *Lupong Tagapamayapa*, a *Punong Barangay* or Barangay
24 Chairperson and *Barangay Kagawad* may cover only the relief provided in Section 14
25 hereof and shall be effective for fifteen (15) days. Immediately after the issuance of
26 an *ex parte* BPO, the *Punong Barangay* or *Kagawad* shall personally serve a copy of
27 the same to the respondent, or direct any barangay official to personally serve the
28 order.

29 Within forty-eight (48) hours of issuance of an *ex parte* BPO, the *Punong*
30 *Barangay* or *Barangay Kagawad* must refer the case to the *Lupong Tagapamayapa*.
31 The case shall be heard by the *Lupong Tagapamayapa* within seven (7) days from the
32 date of referral and within the fifteen (15) – day effectivity of the *ex parte* BPO.

1 Notice of the hearing shall be given to both parties. Subsequent to a hearing
2 on the merits of the application, the *Lupong Tagapamayapa* may extend a BPO that
3 grants relief under Section 14 for a period of six (6) months. The issuance of a BPO
4 shall not preclude any applicant from applying or receiving a subsequent BPO
5 concerning the same matter.

6 SEC. 18. *Temporary Protection Order (TPO)*. – A Temporary Protection Order
7 (TPO) may be issued by a Court prior to the issuance of a Permanent Protection Order
8 (PPO) and shall be based on an application under Section 14 herein. Any application
9 for TPO or PPO must be made with the RTC, Metropolitan Trial Court, Municipal Trial
10 Court or Municipal Circuit Trial Court with territorial jurisdiction over the place of
11 residence of the offended family or the senior citizen victim who suffered violence
12 described under Section 4 of this Act: Provided, however, That if a Family Court exists
13 in the place of residence of the person for whom the application is made, the
14 application shall be filed with that Court.

15 A Court that receives an application for a PO shall issue a TPO on the date of
16 filing of the application after *ex parte* determination that such order shall be issued.
17 The TPO shall be effective for thirty (30) days. The Court shall schedule a hearing on
18 the issuance of a PPO prior to or on the date of the expiration of the TPO. The Court
19 shall order the immediate service of the TPO on respondent by the Court Sheriff who
20 may obtain the assistance of law enforcement agents for the purpose. The TPO shall
21 include a notice of the date of the hearing on the merits of the issuance of a PPO.

22 Sec. 19. *Permanent Protection Order (PPO)*. – A Permanent Protection Order
23 (PPO) may be issued only by the Court after notice and hearing.

24 Any application for TPO or PPO must be made with an RTC, Metropolitan Trial
25 Court, Municipal Trial Court or Municipal Circuit Trial Court with territorial jurisdiction
26 over the place of residence of the offended family or the abused senior citizen who
27 suffered violence described under Section 4 of this Act: Provided, however, That if a
28 Family Court exists in the place of residence of the person for whom the application is
29 made, the application shall be filed with that Court.

30 Respondent's non-appearance despite proper notice, or lack of a lawyer, or the
31 non-availability of respondent's lawyer shall not be a ground for rescheduling or
32 postponing the hearing on the merits of the issuance of a PPO. If the respondent

1 appears without counsel on the date of the hearing on the PPO, the Court shall appoint
2 a lawyer for the respondent and immediately proceed with the hearing. In case the
3 respondent fails to appear despite proper notice, the Court shall allow *ex parte*
4 presentation of the evidence by the applicant and render judgment on the basis of the
5 evidence presented. The Court shall allow the introduction of any history of abusive
6 conduct of a respondent even if the same was not directed against the applicant or
7 the persons for whom the application is made.

8 The Court shall, to the extent possible, conduct the hearing on the merits of
9 the issuance of a PPO in one (1) day. Where the court is unable to conduct the hearing
10 within one (1) day and the TPO issued is due to expire, the court shall continuously
11 extend or renew the TPO for the duration of the case until the final resolution on the
12 case is issued: Provided, however, That the PPO may be modified by the Court
13 accordingly to address the needs of the applicant.

14 The Court may grant any, some, or all of the reliefs provided in Section 14
15 hereof through a PPO. A PPO shall be effective until revoked by a Court upon
16 application of the persons in whose favor the order was issued. The Court shall ensure
17 immediate service of the PPO on respondent.

18 The Court shall not deny the issuance of a PO on the basis of the lapse of time
19 between the act of violence or abuse as defined in Section 4 herein, and the filing of
20 the application.

21 Regardless of the conviction or acquittal of the respondent, the Court must
22 determine whether or not the PPO shall become final. Even in a dismissal of the
23 application for a PPO, the same shall be granted as long as there is no clear showing
24 that the act from which the order might arise did not exist.

25 Failure to act on an application for a PO within the period specified in the
26 previous sections without justifiable cause shall render the *Lupong Tagapamayapa*,
27 the *Punong Barangay* or Barangay Chairperson, the *Barangay Kagawad*, the Official
28 or judge administratively liable.

29 *Sec. 20. Priority Action on Application for a Protection Order.* – Hearings on
30 applications for a PO under this Act shall have priority over all other proceedings.
31 Barangay officials, *Lupong Tagapamayapa*, and the Courts shall schedule and conduct

1 hearings on applications for a PO under this Act above all other businesses and, if
2 necessary, suspend other proceedings in order to hear applications for a PO.

3 Respondents shall be notified of the issuance of a PO.

4 *Sec. 21. Prohibition Against Undue Influence Over a Protection Order Applicant.*

5 – A *Lupong Tagapamayapa*, *Punong Barangay* or Barangay Chairperson, or the Court
6 hearing an application for a PO shall not order, direct, force or in any way unduly
7 influence the applicant for a PO to compromise or abandon any of the reliefs sought
8 in the application for PO provided under this Act. Section 7 of the Family Courts Act
9 of 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991
10 shall not apply in proceedings where relief is sought under this Act.

11 Failure to comply with this Section shall render the concerned individual, official
12 or judge administratively liable.

13 *Sec. 22. Mutual Protection Order Prohibited.* – No order for protection of the
14 offender or respondent may be granted by a *Lupong Tagapamayapa* or *Punong*
15 *Barangay* or Barangay Chairperson and the Courts.

16 *Sec. 23. Complaint Against a Violation of Protection Order.* – A complaint on a
17 violation of a BPO issued under this Act shall filed directly with any Municipal Trial
18 Court, Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial
19 jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be
20 punishable by imprisonment of thirty (30) days without prejudice to any other criminal
21 or civil action that the offended party may file for any of the acts committed under
22 Section 4 hereof.

23 A judgment on a violation of a BPO may be appealed according to the Rules of
24 Court. During trial and upon judgment, the trial court may *motu proprio* issue a PO as
25 it deems necessary without need of an application.

26 A violation of any provision of a TPO or a PPO issued under this Act shall
27 constitute contempt of Court punishable under the Rules of Court, without prejudice
28 to any other criminal or civil action that the offended party may file for any of the acts
29 committed in accordance with Section 4 hereof.

30 Any violation of a PO issued under this Act shall constitute an offense
31 punishable by imprisonment of thirty (30) days, without prejudice to any criminal or

1 civil action that the offended party may file against a person who has committed any
2 of the acts described in Section 4 hereof.

3 A complaint on the violation of a PO shall be filed by the complainant directly
4 with the Court that issued the order, or with the Court in the place of residence of the
5 complainant, if the former is not practicable. A criminal case for violation of a PO shall
6 be tried and resolved by the Court within sixty (60) days from the date the complaint
7 was filed. The Court, upon determination of probable cause, shall cause the arrest of
8 the accused who may post bail in the interim in an amount to be determined by the
9 Court.

10 A judgment on a violation of a PO may be appealed according to the Rules of
11 Criminal Procedure. During trial and upon judgment, the Court may *motu proprio* issue
12 a PO as it deems necessary.

13 *Sec. 24. Hold Departure Order.* – A hold departure order shall be issued
14 immediately by the Court against the respondent of a complaint of abuse against a
15 senior citizen as described under this Act.

16 *Sec. 25. Penalties.* – Commission of the acts described under Section 4 hereof
17 shall suffer the following penalties:

- 18 a) Acts falling under Section 4 (a) constituting attempted, frustrated or
19 consummated parricide or murder or homicide shall be punished in
20 accordance with the provisions of the Revised Penal Code.
- 21 b) Acts falling under Section 4 (a) resulting in mutilation shall be punishable in
22 accordance with the Revised Penal Code: Provided, That those resulting in
23 serious physical injuries shall be punishable with the penalty of *prision*
24 *mayor*; those resulting in less serious physical injuries shall be punishable
25 by *prision correccional*; and those resulting in slight physical injuries shall
26 be punishable by *arresto mayor*.
- 27 c) All other acts enumerated in Section 4 hereof shall be punishable by *prision*
28 *correccional* and a fine in an amount not less than One hundred thousand
29 pesos (P100,000.00) but not more than Three hundred thousand pesos
30 (P300,000.00).

31 In addition to these penalties, a person found guilty of any of the acts
32 enumerated in Section 4 hereof shall be required to undergo mandatory psychological

1 counselling or psychiatric treatment and shall report compliance therewith to the
2 Court.

3 A Barangay Official or law enforcer who fails to respond to any request for
4 assistance or protection from or on behalf of a victim shall suffer imprisonment of six
5 (6) months to one (1) year, at the discretion of the Court and pay a fine of not less
6 than Five thousand pesos (P5,000.00), but not more than Ten thousand pesos
7 (P10,000.00).

8 Any person who fails to report any act of violence described in Section 4 hereof
9 as required herein shall be liable for a fine of not less than Ten thousand pesos
10 (P10,000.00). Whenever applicable, criminal or administrative charges may also be
11 filed.

12 *Sec. 26. Counselling and Treatment of Offenders.* – The DSWD shall provide
13 rehabilitative counselling and treatment to perpetrators towards learning constructive
14 ways of coping with anger and emotional outbursts and reforming their ways. When
15 necessary, the offender shall be ordered by the Court to submit to psychiatric
16 treatment or confinement.

17 *Sec. 27. Appropriations.* – The amount necessary for the initial implementation
18 of this Act shall be charged against the current year's appropriations of the concerned
19 departments. Thereafter, the amount needed for the continued implementation of this
20 Act shall be included in the budget of the concerned departments in the annual
21 General Appropriations Act.

22 For LGUs, the implementation of the programs shall be charged against the
23 internal revenue allotment and other internally generated funds of the LGU concerned.

24 In addition, the departments concerned and the LGUs may accept donations,
25 contributions and grants from various sources for purposes of implementing this Act.

26 *Sec. 28. Implementing Rules and Regulations.* – Within six (6) months from the
27 approval of this Act, the Secretary of the DSWD in coordination with the Secretaries
28 of the DOJ, the Department of the Interior and Local Government (DILG) and the DOH
29 shall formulate rules and guidelines as may be necessary for the proper
30 implementation and enforcement of this Act. This shall include developing protocols
31 and training programs for all agencies and public officers concerned and a public
32 information and education program on violence against senior citizens. The

1 implementing rules and regulations (IRR) provided for under this Act shall be reviewed
2 periodically, and revised, if necessary.

3 Sec. 29. *Suppletory Application.* – For purposes of this Act, the Revised Penal
4 Code and other applicable laws, shall have suppletory application.

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

8 Sec. 31. *Repealing Clause.* – Any law, presidential decree or issuance, executive
9 order, letter of instruction, administrative order, rule, or regulation contrary to or
10 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
11 accordingly.

12 Sec. 32. *Effectivity.* – This Act shall take effect fifteen (15) days after its
13 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,