

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



24 AUG 21 P2:04

SENATE
S. No. 2795

RECEIVED BY

Introduced by Senator Raffy T. Tulfo

AN ACT
DEFINING AND PROHIBITING ELDER ABUSE, PROVIDING PENALTIES
THEREFORE, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Filipinos have always been known for their filial piety and high respect for their elderly. However, studies have shown that this filial culture is slowly declining, and an increasing number of Filipino older adults have become victims of abuse, exploitation, and neglect from their families.


The World Health Organization defines 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 respect.

Elder abuse is an important public health and human rights issue. However, despite its severity, this form of abuse is often concealed and confined within the domestic setting. Cases are often misdiagnosed and unreported, ignored by health care providers and most of the time, the perpetrators, who are usually one's family members, remain unpunished.

The number of reported cases of elder abuse in the world have increased over the past years, thus elevating it as a global concern. While the incidence of elder abuse in the Philippines is not yet as prevalent as in other countries, this problem has gradually gained the attention of human rights groups, law enforcement, health professionals and the public in general. In 2014, the Philippines' Commission on Human Rights documented a total of 760 human rights violation cases involving victim aged 60 and above. Meanwhile, the Philippine Statistics Authority reported that there are 12.2 million Filipinos who have turned 60 years old as of May 2020. With this growing number of Filipino elders, it is also expected that the incidence of elder abuse will comparably increase.

This bill aims to provide adequate protection for our elderly Filipinos by clearly defining what constitutes elder abuse and providing for appropriate penalties therefor, institutionalizing support mechanisms for victims, providing for deterrent measures against abusers and encouraging public involvement and participation in the continued protection of our senior citizens.

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



Raffy T. Tulfo
Senator

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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 "Anti-Elder Abuse Act of
2 2024".

3 Sec. 2. *Declaration of Policy* – It is the policy of the State to preserve, promote
4 and protect the rights, dignity, security and welfare of the elderly members of our society.
5 Towards this end, the State shall endeavor to provide sanctions and penalties for the
6 commission of all forms of abuse against the elderly, adopt a program for the prevention
7 and deterrence of situations that may endanger their lives, ensure the adoption of
8 protective mechanisms and support services available to all victims and encourage social
9 awareness and active public participation in the implementation of this Act.

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

- 11 a. *Elderly* refers to a senior citizen as defined in Section 2 of Republic Act 7432 (An
12 Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant

Benefits and Special Privileges and for Other Purposes) who is a resident of the Philippines at least sixty (60) years of age,

- b. *Discrimination* refers to any distinction, exclusion, restriction, or preference which is based on any ground such as sexual orientation, gender identity, whether actual or perceived, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise by all persons of an equal of an equal footing of all rights and freedoms.
- c. *Marginalization* refers to any condition where people are systematically excluded from meaningful participation in economic, social, political, cultural and other forms of human activity in their communities and thus are denied the opportunity to fulfill themselves as human beings.
- d. *Elder Abuse* refers to any act of commission or of omission against the elderly as defined in this Act, which can be intentional or unintentional and resulting in unnecessary suffering, injury or pain, the loss or violation of human rights, and a diminished quality of life for the older person. It may take the form of actual physical violence, psychological, emotional or economic abuse, neglect, medical maltreatment, sexual exploitation and abandonment, and/or a combination of any of the aforesaid acts.
- e. *Physical abuse* refers to acts that include bodily or physical harm. It includes striking, hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching and burning, inappropriate use of drugs and drug-induced restraint, force-feeding and physical punishment of any kind.
- f. *Battery* - act of inflicting physical harm resulting to physical and psychological or emotional distress
- g. *Sexual abuse* refers to non-consensual acts which are sexual in nature such as sexual harassment, acts of lasciviousness, rape, sexual assault, sodomy, coerced nudity and taking of sexually explicit videos or photos without consent and unwanted touching.
- h. *Psychological or Emotional abuse* refers to the infliction of mental suffering and anguish, which includes, but not limited to, intimidation, public ridicule and

humiliation, mockery and vilification, repeated verbal abuse, harassment, and threats.

i. *Economic Abuse* refers to acts that make or attempt to make an elderly or senior citizen financially dependent, which includes but not limited to withdrawal of financial support, controlling or misusing the elderly's own money or property, unauthorized encashment of checks, forging of signature or deceiving or coercing an elderly into signing a document and the improper use of conservatorship, guardianship or power of attorney.

j. *Neglect* refers to the unjustified refusal or failure of those responsible to feed, provide shelter, health care, financial support and protection to the elderly.

Sec. 4. *Prohibited Acts Constituting Elder Abuse* – The following acts shall constitute the crime of elder abuse:

- a) Causing physical abuse to an elderly person;
- b) Threatening to cause physical abuse to an elderly person;
- c) Attempting to cause an elderly person physical abuse;
- d) Placing an elderly person in fear of imminent physical abuse;
- e) Causing or attempting to cause sexual abuse to an elderly person;
- f) Causing or attempting to cause psychological abuse to an elderly person;
- g) Causing or attempting to cause economic abuse to an elderly person; and
- h) Neglect of an elderly person.

Sec. 5. *Penalties*- The crime of Elder Abuse shall be punished according to the following Rules:

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

If these acts resulted in mutilation, it shall be punishable in accordance with the Revised Penal Code; those constituting serious physical injuries shall have the penalty of prison mayor, those constituting less serious physical injuries shall be

1 punished by prision correccional; and those constituting slight physical injuries
2 shall be punished by arresto mayor.

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

6 c) Acts falling under Sec. 4(c) and 4(d) shall be punished by arresto mayor,

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

8 Rape shall be shall be punished in accordance with the provisions of the Revised
9 Penal Code.

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

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

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

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

14 1. The offender-perpetrator has been previously convicted under this Act;

15 2. The offender is a descendant, collateral relative or family member of up to the 2nd
16 degree of consanguinity or affinity;

17 3. The offender is a owner-operator, manager, or employee of a privately- operated,
18 for profit or non-profit, elderly facility; and

19 4. The offender is a public official, staff or employee of a government-operated
20 elderly residential/group home; Provided that said public servant or employee can
21 be subjected to suspension and/or termination according to administrative
22 discipline procedures.

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

1 Sec. 6. *Enforcement and Protocols* –

- 2
- 3 a. Public Crime – Elder abuse shall be considered a Public Offense which may
- 4 be prosecuted upon filing a complaint by any citizen having personal
- 5 knowledge of the circumstances involving the commission of the crime;
- 6 b. The following persons may file a complaint for Elder Abuse -
- 7 1) The Offended Older Person
- 8 2) A caregiver, family member or collateral relative within the 4th degree
- 9 of consanguinity or affinity;
- 10 3) A healthcare provider, therapist, or counselor;
- 11 4) A fellow senior citizen from an elderly organization, or a churchmate
- 12 from the parish
- 13 5) Barangay officials, including Brgy. Chairperson, Kagawads, or
- 14 Tanods;
- 15 6) Social Welfare Officers from the DSWD or Local Government Unit;
- 16 7) Police Officers or Law Enforcers.
- 17
- 18 c. Barangay Officials or Law enforcers shall respond immediately to a call for
- 19 help or request for assistance by entering the dwelling, checking on the
- 20 well-being of the victim, and ensuring the safety of the victim-survivor; As
- 21 immediate responders, they must also transport or escort the victim to a
- 22 safe place of their choice or to a clinic or hospital, if and when necessary;
- 23 d. Immunity – Any person or private individual acting in accordance with law,
- 24 responds or intervenes without using violence or restraint greater than
- 25 necessary to ensure the safety of the victim, shall NOT be liable for any
- 26 criminal, civil, or administrative case resulting therefrom.
- 27 e. Prohibited Defense – Being under the influence of alcohol, any illicit drugs,
- 28 or any other mind-altering substance shall not be a defense under this Act.

- 1 f. Prohibited Acts by Government Officials – Any barangay official or court
2 hearing an application for a Protection Order for an abused elderly woman
3 according to RA 9262 or VAMC Act, shall not order, direct, force, or in any
4 way influence the applicant to compromise or abandon any of the reliefs
5 sought under RA 9262. Failure to comply shall render the official or judge
6 administratively liable.
- 7 g. The DSWD and Department of Health (DOH) shall require physicians,
8 caregivers, or social workers who suspect ill treatment of senior citizens to
9 discuss the concern with the family or the head of the nursing home or
10 elderly facility. In case the ill-treatment is confirmed, or in the event of
11 suspicious death, the same shall be reported to the appropriate authorities.
- 12 h. Confidentiality – All cases pertaining to elder abuse including those at the
13 barangay level shall be confidential, and all public officers and employees
14 of public or private hospitals/clinics shall respect the right to privacy of the
15 victim-survivor. Any person who shall make public any relevant or
16 identifying information about the case or the victim shall be made liable for
17 contempt of court and shall suffer the penalty of one year imprisonment
18 and a fine of P500,000.00.

19 *Sec. 7. Establishment of a Senior Citizens Help Desk* – Every barangay shall
20 establish a senior citizen Help Desk which shall provide immediate assistance to victim-
21 survivors of elder abuse. Besides barangay officials, it may be manned by duly accredited
22 representatives of the senior citizens sector or from the membership of a local elderly
23 organization designated and authorized by the Barangay Council or Chairperson.

24 *Sec. 8. Mandatory Programs and Services of Victims of Elder Abuse* – The DSWD
25 and LGUs shall provide the victims temporary shelter, counseling, psycho-social services
26 and/or recovery, rehabilitation programs and financial assistance.

27 The Office of Senior Citizens Affairs (OSCA) shall include services addressing
28 gender-based violence as well as elder abuse. All suspected cases of abuse and/or neglect
29 of senior citizens must be reported in accordance with existing laws. The OSCA, in
30 coordination with the Local Social Welfare and Development Officer (LSWDO), shall

maintain an Elder Abuse documentation and case monitoring system, and set up a databank to keep an accurate and reliable record of instances of abuse and violence committed against the elderly.

Sec. 9. *Counseling and Rehabilitation of Offenders-Perpetrators* – The DSWD shall provide rehabilitative counseling and treatment of perpetrators towards learning constructive ways of coping with their anger, emotional outbursts, or stress, and reforming their ways. Psychiatric treatment or confinement may also be recommended by the responsible authorities if necessary.

Sec. 10. *Trainings and Capacity-Building for Intervenors* – All government agencies involved in responding to elder abuse cases shall be required to undergo education and training to acquaint them with:

- a. The nature, extent, causes, and risk factors of elder abuse;
- b. The legal rights and remedies of victim-survivors of elder abuse;
- c. Legal duties of barangay officials, OSCA Heads, LWDOs, police officers and court authorities in offering assistance and protection;
- d. The available services and facilities for victim-survivors of elder abuse;
- e. Specific techniques in handling elder abuse cases to minimize injury and promote the safety and ensure the well-being of the victim-survivor.

The DOH and other concerned institutions shall provide capacity-building on the prevention, detection, and management of psycho-social problems and other geriatric concerns of senior citizens such as dementia and Alzheimer's Disease, among healthcare providers, home caregivers, and staff and employees of nursing homes and/or elderly residential facilities, specifically on handling older person abuse.

Sec. 11. *Affirmative Acts* – To ensure that the rights and welfare of older persons are protected, the following programs and interventions shall be developed and implemented:

- a. Establish clear advocacy/information programs and increase public awareness to minimize risks of neglect, abuse and violence to older persons;

- 1 b. Include training on the prevention, detection and management of social
2 problems of senior citizens among healthcare professionals and law
3 enforcement officers, specifically on the handling of elder abuse cases;
4 c. Encourage the development and utilization of supportive community resources
5 that provide in-home services, respite care, and stress reduction with high-risk
6 families; In addition, explore the possibilities of subsidies and outreach support
7 for family and caregivers to promote quality homecare for senior citizens; and
8 d. Ensure high priority to the enactment of measure that would provide social
9 protection to the elderly and reduce their socio-economic and political
10 disparities;
11 e. Continue to develop and initiate programs and services for senior citizens that
12 are gender-responsive, rights-based, and culture-sensitive so as to ensure
13 specific needs and concerns of senior citizens are identified and addressed;
14 f. Review school curricula and teaching modules through the DepEd and CHED
15 to highlight with renewed focus the importance of family values, filial piety, and
16 respect for the elderly.

17 Sec. 12. *Appropriation* – The amount necessary to carry put the provisions of this
18 Act shall be included and incorporated in the annual General Appropriations Act.

19 Sec. 13. *Separability Clause* – If any provision or part hereof is held invalid or
20 unconstitutional, the remaining provisions not affected thereby shall remain valis and
21 subsisting.

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

26 Sec. 15. *Effectivity* – This Act shall take effect fifteen (15) days after its publication
27 in the Official Gazette or in two (2) newspapers of general circulation in the Philippines.

Approved,