

HONORABLE FRANCIS N. TOLENTINO
Chairperson
Committee on Justice and Human Rights
Senate of the Philippines

ATTN: Atty. André B. Mortel, MPM
Committee Secretary

Dear **SENATOR TOLENTINO**,

This refers to your request for comments and recommendations on the following measures protecting the elderly from abuse and violence, namely:

Senate Bill (SB) No.	Title	Author
816	AN ACT PROVIDING PROTECTION TO THE ELDERLY AGAINST ABUSE, NEGLECT AND EXPLOITATION, AND PRESCRIBING PENALTIES FOR VIOLATING THEREOF	SEN. WIN GATCHALIAN
639	AN ACT DEFINING AND PROHIBITING SENIOR CITIZEN ABUSE, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES	SEN. SONNY ANGARA
582	AN ACT DEFINING AND PROHIBITING ELDER ABUS, PROVIDING PENALTIES THEREFOR, AND FOR OTHER PURPOSES	SEN. RISA HONTIVEROS
1408	AN ACT PROTECTING SENIOR CITIZENS FROM VIOLENCE, DEFINING ELDER ABUSE, AND PRESCRIBING PENALTIES THEREFOR	SEN. RAMON BONG REVILLA JR.

The Department of Social Welfare and Development (DSWD) supports the enactment of the proposed measures pertaining to the protection of elderly from abuse and violence. The proposed legislations will complement the protection granted to elderly women as it will cover prevention of abuse to all elderly persons.

At present, the DSWD provides support/services to older persons who are victims of abuse through our Centers and Residential Care Facilities (CRCF) namely Haven for Elderly (FO IV-A), Home for elderly (FO IX), Home for the Aged (FO XI) and GRACES (FO NCR). These facilities cater to elder persons who are abused, abandoned, neglected and other disadvantaged situations. Also, the Reporting System and Prevention Program for elder Abuse Cases (ReSPPEC) Project is on its pilot implementation that seeks to reduce, if not totally eliminate, incidences of

elderly violence through an installed referral system, community prevention activities, and provision of necessary interventions both for the victim and for the perpetrator to stop the violence. This program will also lessen the number of abandoned and neglected senior citizens who will be referred to long-term care facility.

We submit, for the Committee's consideration, the following inputs and recommendations:

1. On the Coverage of the Bills under SBN 819, 639, and 1408

- It is suggested that the following provisions from SBN-582 be included for a more comprehensive coverage of the Anti-Senior Citizen Abuse Bill:

Moreover, the following Constitutional provisions also mandate 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"¹.

"The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children".²

"The family has the duty to take care of its elderly members but the State may also do so. Towards this end, the State shall exert effort to address all forms of violence, abuse, neglect, exploitation and coercion, especially acts deleterious to their personal safety, security, dignity or any discriminatory act committed against senior citizens in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights, through just programs of social security."³

In addition, Republic Act No. 9262 or the Anti-Violence Against Women and Children Act of 2004 declares that the State shall exert efforts to address violence committed against women, whereas Republic Act No. 9710 or the Magna Carta of Women provides that "*The State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination. Towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation, and discrimination of older women.*"⁴

¹ Article II, Sec. 9, 1987 CONST

² Article XIII, Sec. 11, 1987 CONST

³ Article XV, Sec. 4, 1987 CONST

⁴ Sec. 33, RA 9710

2. On the Definition of Terms under common Section 3 of SBN 816, 639, 582 and 1408

- It is suggested that the terms Senior Citizen and Elderly be changed to Senior Citizen or Elderly and to adopt the definition of Senior Citizen as defined in the Implementing Rules and Regulations of Republic Act No. 9994 or the Expanded Senior Citizen Act of 2010, to read as:

“SENIOR CITIZEN OR ELDERLY – refers to any Filipino citizen who is a resident of the Philippines, and who is sixty (60) years old or above. It may apply to senior citizens with dual citizenship status, provided, they prove their Filipino citizenship and have at least six (6) months residency in the Philippines.”

- It is suggested that the term Elder Abuse be changed to Senior Citizen Abuse;
- It is suggested that the term battery be integrated into Physical Abuse as the former is a form of the latter;
- It is suggested that the terms financial or material abuse be integrated into Economic Abuse as they are forms of economic abuse;
- It is suggested that the terms domestic violence, emotional abuse, discrimination, marginalization, physical abuse, battery, sexual abuse, psychological abuse, financial or material abuse, economic abuse, neglect, abandonment, verbal and non-verbal abuse, bullying including cyberbullying, and Health Care Abuse, be integrated and included under the definition of Senior Citizen Abuse;
- It is suggested that the definition of Safe Place or Shelter to read as:

“SAFE PLACE OR SHELTER – refers to any home or institution for the elderly, maintained or managed by the Local Government Units (LGUs), Non-Government Organizations (NGOs), and/or private institutions considering that home/shelters are not only limited to DSWD-run centers. This also shall include institution/s maintained or managed by the National Commission of Senior Citizen (NCSC) in compliance to RA 11350.”

- It is suggested to use the definition of Neglect as provided under SBN 582 to read as:

“NEGLECT – consists of the refusal or failure to fulfill a care-giving obligation. It may be a result of conscious and intentional attempt to inflict physical or emotional distress on the senior citizen or elderly”

3. **On Acts of Violence Against the Elderly under common Section 4 of SBN 816, 639, 582 and 1408**

- It is suggested to include all forms of abuse included in the definition of Senior Citizen Abuse;

4. **On the Rights of Senior Citizen Who is a Victim of Violence⁵**

- It is suggested that the National Commission of Senior Citizens (NCSC) be included as one of the support-giving agencies, aside from the DSWD and LGUs, for said provision to read as:

“To be entitled to support services from the DSWD, the NCSC through their Senior Citizens’ Unit for Rights Enforcement (SECURE) Program, and the LGUs concerned;”

5. **On Penalties⁶**

- It is suggested that the specific provisions of the Revised Penal Code be stated for clarity

6. **On Mandatory Programs and Services for a Senior Citizen Who is a Victim of Violence⁷**

- It is suggested that the NCSC be included as one of the agencies involved in the implementation of programs and services for senior citizens who are victims of violence. It is worth noting that the NCSC is mandated by law (RA 11350) to “ensure the full implementation of laws, policies, and programs of the government pertaining to senior citizens; review and conduct studies on the same; and recommend appropriate actions thereon to Congress and the President; formulate policies for the promotion and protection of the rights and well-being of senior citizens, and *promote the advocacy of and collaboration between different stakeholders and senior citizens to ensure the effective implementation of various programs and services, particularly on the development of [senior citizens] and advancing their health, and well-being, and ensuring a supportive and enabling environment for the elderly.*⁸

7. **On the Response to Request for Assistance under Section 7 of SBN-816**

- It is recommended that a hotline number and designated person to handle calls be established as one of the grievance mechanisms to facilitate better and faster reporting of complaints and grievances on elder abuse.

⁵ Sec.5(b) SBN-816; Sec.12(c) SBN-639; Sec.7(b)(vi) SBN-582; and Sec.5(b) SBN-1408

⁶ Sec. 25(a) and (b) SBN-816; Sec.6(a)(a) and (a)(b) SBN-582; and Sec.25(a) and (b) SBN-1408

⁷ Sec.6 SBN-816; Sec.14 SBN-639; and Sec.6 SBN-1408

⁸ <https://www.officialgazette.gov.ph/downloads/2019/07jul/20190725-RA-11350-RRD.pdf>

- It is suggested to include establishing a hotline number to be established and managed by the NCSC to facilitate better and faster reporting of complaints and grievances on elder abuse.

8. On the Implementing Rules and Regulations

- It is suggested that the NCSC be the lead agency in the drafting of the implementing Rules and Regulations.

RECOMMENDATION

As the Department that caters to the needs and welfare of the vulnerable and the marginalized sectors of our society, the DSWD fully supports the passage of the subject Senate Bills in order to provide protection to our Senior Citizens from abuse and violence and accord them the proper care and respect due them.

For the Chairperson's consideration.

Thank you.

Very truly yours,


REX GATCHALIAN,
Secretary
MAY 17 2023