



Honorable FRANCISCO G. DATOL, JR.
Chairperson
Committee on Senior Citizens
House of Representatives
Quezon City

Atty. Virgilio San Diego
(8) 932-3608 / 1-22-2

Dear Representative Datol:

The Department of Social Welfare and Development (DSWD) fully supports the passage into law of House Bill No. 65 entitled: "An Act Protecting Senior Citizens from Violence, Defining Elder Abuse, and Prescribing Penalties Therefor" or the "Anti - Elder Abuse Act," authored by Representative Victor A. Yap.

The proposed measure is one of the DSWD's Priority Legislations for the 18th Congress, as it will 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 them.

It supports the Constitutional provisions under Article 2. Declaration of Principles and State Policies and Article 15. The Family, Section 4 which provides: "The State values the dignity of every human person and guaranteed full respect for human rights" and "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."

Further, it also supports the whole-of-nation approach, involving National Government Agencies (NGAs), Non-Government Organizations (NGOs), Local Government Units (LGUs), barangay officials, medical facilities, and other service providers, in the development, implementation, and monitoring of programs and services for victim-survivor and penalties for offenders-perpetrators.

Lastly, it supports the principles of Resolution No. 65/182 of the United Nations General Assembly on the Open-Ended Working Group on Ageing (OEWGA) and strengthens the Philippines' commitment in ensuring that the rights and welfare of older persons are protected.

To contribute to the bill's enhancement, we are recommending the following:

1. Section 3. Definition of Terms

- 1.1 On letter (a) Domestic Violence, number 2, line 17, page 2: Specify the degree of affinity or consanguinity between the offender and the abused to qualify the act as domestic violence. Also, include household helpers, caregivers and those persons providing care for older persons who are not related by blood or affinity. Cover the "strangers or other persons" in the home who prey or take advantage of their vulnerability.

1.1 On **letter (b) Elder Abuse, lines 1-7, page 2**: State clearly to cover both “intentional” and “unintentional” acts that resulted to the loss or violation of human rights.

1.2 On **letter (d) Safe Place or shelter, lines 11-13, page 2**: Pursuant to Republic Act No. 11350 or the “National Commission on Senior Citizens (NCSC)”, the DSWD’s functions, programs, projects and activities for the formulation, implementation and coordination of social welfare and development policies and programs for the poor, vulnerable and disadvantaged senior citizens shall be transferred to the said Commission.

1.3 On the same provision, change the phrase “suitable place” to “organization.”

1.5 Define neglect, sexual abuse as well as “medical maltreatment” and “healthcare fraud.”

2. **Section 4. Acts of Violence Against a Senior Citizen**

2.1 On **letters (a), (b), and (c), lines 21, 23 and 25, page 2**: Define the following: physical abuse, psychological, mental or emotional abuse and economic or financial abuse and include in the definition of terms under Section 3 of the Bill.

2.2 On **letter d. Abandonment or Desertion, line 28, page 2**: Provide a minimum period of time to constitute “abandonment,” e.g. Article 128 of the Family Code provides a spouse who left the conjugal dwelling for a period of three months or has failed within the same period to give any information as to his/her whereabouts shall be prima facie presumed to have no intention of returning to the conjugal dwelling.

2.3 Include the acts of “Threatening to cause physical harm to a senior citizen” in the enumeration of acts in order to be consistent with the definition of Domestic Violence and Elder Abuse.

3. **Section 5. Rights of a Senior Citizen Who is a Victim of Violence**

Senior Citizens who are victims of violence should be entitled to prioritized patient-centered care in all health care settings.

4. **Section 6. Mandatory Programs and Services for a Senior Citizen Who is a Victim of Violence**

4.1 Consider the establishment of a separate “National Haven for Victims of Elder Abuse.” Victims of elder abuse need different case management programs and services and staff complement. Corresponding budgetary requirement for the establishment, additional personnel complement and operation and maintenance costs shall be appropriated.

4.2 Include the Non-Government Organizations (NGOs) that implement programs and services for senior citizens.

5. **Section 10. Mandatory Reporting of Domestic Violence**

The proposed mandate of the DSWD shall now be lodged with the National Commission of Senior Citizens (NCSC) per RA 11350, entitled: "National Commission of Senior Citizens Act," which was approved by President Rodrigo Roa Duterte on July 25, 2019.

6. **Section 11. Establishment of a Senior Citizen Help Desk**

6.1 The function of the Senior Citizen Help Desk is already incorporated in the functions of the Office of the Senior Citizen Affairs (OSCA) per RA No. 9257 or the "Expanded Senior Citizens Act of 2003" that serves as a general information and liaison center to serve the needs of the senior citizens.

6.2 The DSWD's Reporting System and Prevention Program for Elder Abuse Cases (ReSPPEC) may be replicated in the LGU level.

6.3 Though the bill has identified mechanisms and protocols to document, report and refer incidence at the community level, the consolidation and establishment of a national database on elderly crime and abuse should also be prioritized for the continuous development and monitoring of programs and services. Proactive and preventive programs such as information campaigns and awareness building should also be considered and prioritized.

7. **Section 14. Protection Order (PO)**

7.1 On **letter (a), line 16, page 5**: insert the phrase "or committing" after the word "commit." It should not be limited to "threatening to commit" only of any of the acts of violence defined in Section 4.

7.2 On **letter (b), line 19, page 5**: insert the words "either temporarily for the purpose of protecting the petitioner or permanently where no property rights are violated" after the word "petitioner".

7.3 On **letter (f), lines 32 and 33, page 5**: this mandate shall fall within the jurisdiction of the NCSC.

7.4 On **number 3, line 28, page 6**: include the NCSC personnel in the enumeration as to who may file the petition for PO.

7.5 Include any member of the family or household of the victim who can file the petition for PO.

8. **Section 25. Penalties**

Penalties for all kinds of elder abuse defined under this bill should be provided.

9. **Section 26. Counselling and Treatment of Offenders and Section 28. Implementing Rules and Regulations (IRR)**

Pursuant to RA 11350, the NCSC shall take the place of the DSWD instead.

10. Other Recommendation

Include the celebration of the "World Elder Abuse Awareness Day" every 15th of June as declared by the United Nations. The Philippines is a signatory to this Declaration. The celebration aims to spread awareness and knowledge about the signs of elder abuse and the steps of reporting such incidence.

For the Committee's consideration.

Very truly yours,



ROLANDO JOSELITO D. BAUTISTA
Secretary

Date: JAN 21 2020