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SENATE
S. No. **1809**

Introduced by Senator Miriam Defensor Santiago

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 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 6 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

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MIRIAM DEFENSOR SANTIAGO

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

10 JUL 21 1954

SENATE
S. No. 1809

Introduced by Senator Miriam Defensor Santiago

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

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

5 SECTION 1. *Short Title.* – This Act shall be known as the “Elder Victim Assistance
6 Act.”

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

14 SECTION 3. *Definitions.* – For purposes of this Act, the term:

15 A. ELDER- refers to an individual age 60 or older.

16 B. ELDER ABUSE – refers to a single, or repeated act, or lack of appropriate
17 action, occurring within any relationship where there is an expectation of trust
18 which causes harm or distress to an older person.

19 C. DSWD – shall refer to the Department of Social Work and Development.

20 D. SECRETARY – shall refer to the Secretary of the Department of Social Work
21 and Development (DSWD).

22 E. DOF – Department of Finance

1 F. DOH – Department of Health

2 G. DILG – Department of Interior and Local Government

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

13 The services shall include:

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

17 (B) Counseling and assistance for victims of elder abuse in accessing health care,
18 educational, pension, or other benefits for which seniors may be eligible under law.

19 (C) Mental health screenings for victims of elder abuse to identify and seek
20 assistance for potential mental health disorders such as depression or substance
21 abuse.

22 (D) Emergency legal advocacy for victims of elder abuse and, as appropriate, their
23 families.

24 (E) Job placement assistance and information on employment, training, or
25 volunteer opportunities for victims of elder abuse.

26 (F) Bereavement counseling for families of victims of elder abuse.

27 (G) Education of the elderly to enable them to avoid being victimized, abused, or
28 exploited.

29 (H) Other services considered appropriate for purposes of the program.

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

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

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

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

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

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

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

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

Approved,