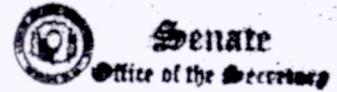


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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'19 JUL 24 A11 28

SENATE

S. No. 720

RECEIVED BY: 

Introduced by SEN. SHERWIN T. GATCHALIAN

**AN ACT PROVIDING PROTECTION TO THE ELDERLY AGAINST ABUSE,
NEGLECT, AND EXPLOITATION, AND PRESCRIBING PENALTIES FOR
VIOLATIONS THEREOF**

EXPLANATORY NOTE

Each year, more and more senior citizens are abused, exploited, and neglected. The usual victims are seniors who are older, frail, vulnerable, and unable to help themselves and who depend on others to meet their most basic needs. Abusers of senior citizens may be men and women, family members, friends, or caregivers. In general, elder abuse is a term referring to any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult.

From a young age, our culture has taught us to honor and respect our elders. Filipino values dictate that we have a moral duty to maintain and care for our elders. Although generally speaking, Filipino society cherishes, respects, and cares for our elders more compared to western societies, we cannot deny

the fact that a number of our senior citizens have become victims of physical, emotional, and economic abuse at the hands of people who are entrusted with their care. Their advanced age and fragile condition are taken advantage of by persons in charge of them and even by members of their immediate family.

Studies have shown that elderly people who suffer abuse choose to keep it to themselves and prefer to suffer in silence. The occurrence of elderly abuse often goes unpublicized in our society, especially when the perpetrators belong to their own family. In a case study presented by the University of the Philippines-National College of Public Administration and Governance, it was noted that children of the elders rank highest in number in terms of perpetrating the abuse, followed by spouses and then grandchildren.

Section 11, Article II of the 1987 Constitution provides that "[t]he State values the dignity of every human person and guarantees full respect for human rights." Section 4, Article XV also provides that "[t]he family has the duty to care for its elderly members but the State may also do so through just programs of social security." To this end, the State engages to protect our senior citizens who are more prone to abuse and because of their weaker state, have less physical and mental agility to defend and provide for themselves. As the number of older Filipinos grows proportionally in this country, this bill seeks to provide special protection for senior citizens through the prevention and deterrence of acts inimical to the security and safety of our senior citizens. This Act will likewise provide them with legal remedies for immediate protection, such as protection orders that victims may avail of. The State must help our senior citizens claim their rights so they can lead dignified and secure lives.

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



SHERWIN T. GATCHALIAN

EIGHTEENTH CONGRESS OF THE
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Senate
Office of the Secretary

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Introduced by SEN. SHERWIN T. GATCHALIAN

**AN ACT PROVIDING PROTECTION TO THE ELDERLY AGAINST ABUSE,
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VIOLATIONS THEREOF**

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

1 SEC. 1. *Short Title.* – This Act shall be known as the “Anti-Elder Abuse Act”.

2

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

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

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SEC. 3. *Definition of Terms.* – As used in this Act.

a) *Domestic violence* refers to acts or threats of violence on a senior citizen, to exclude an act of self-defense, committed by any of the following:

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

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

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

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

e) *Senior citizen* refers to any resident citizen of the Philippines at least sixty (60) years old as defined under republic Act. No. 9994, otherwise known as the "Expanded Senior Citizen Act of 2010."

1 SEC. 4. *Acts of Violence Against a Senior Citizen.* – Acts of violence against a
2 senior citizen are acts that cause harm or distress committed once or repeatedly
3 through any of the following:

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

6 b) Psychological, mental or emotional abuse causing mental or emotional suffering
7 or distress;

8 c) Material exploitation through illegal or improper use of funds or resources of the
9 senior citizen; and economic or financial abuse through acts that make the senior
10 citizen financially dependent; and

11 d) Abandonment or desertion by leaving a senior citizen unattended at a place for
12 such a considerable length of time, as may be likely to endanger the health and welfare
13 of a senior citizen, by an individual who has assumed responsibility for providing care
14 for the senior citizen, or by a person with custody of the senior citizen.

15 SEC. 5. *Rights of a Senior Citizen Who is a Victim of Violence.* – During the
16 pendency of the case involving violence against a senior citizen, in addition to those
17 provided under existing law, a senior citizen shall have the following rights:

18 a) to avail of protection and legal assistance from the Public Attorney’s Office
19 (PAO) of the Department of Justice (DOJ) or any public legal assistance office;

20 b) to be entitled to support services from the DSWD and the Local Government
21 Unit (LGU) concerned;

22 c) to be entitled to all legal remedies as provided for under the Family Code;

23 d) to be informed through the Senior Citizen Help Desk established hereunder of
24 the senior citizen’s rights and services available including the right to apply for a
25 protection order; and

26 e) to be entitled to actual, compensatory, moral and exemplary damages.

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

1 a) a safe place or temporary shelter, such as senior housing or nursing home or
2 other suitable facility or service, when appropriate, as emergency short-term shelters.
3 This safe place or temporary shelter shall provide counseling, psycho-social services,
4 recovery or rehabilitation programs and livelihood assistance;

5 b) counseling, healing, recovery and rehabilitation services; and

6 c) the appropriate programs to ensure the personal safety and security of a senior
7 citizen and prevent the recurrence of the violent acts committed against them.

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

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

12 a) respond immediately to a call for help or request for protection of the victim by
13 entering the senior citizen victim’s dwelling, if necessary, whether or not a protection
14 order has been issued to ensure the safety of the victim;

15 b) confiscate any harmful object in the possession of the perpetrator, or one which
16 is within plain view;

17 c) transport the victim to a barangay hall, or to a clinic or hospital;

18 d) assist the victim in removing personal belongings from the dwelling;

19 e) ensure the enforcement of the Protection Order (PO) issued by the *Lupong*
20 *Tagapamayapa*, the *Punong Barangay* or Barangay Chairman and the Court;

21 f) arrest the suspected perpetrator even without a warrant when any of the acts
22 of violence defined in this Act is occurring, or on a personal knowledge, an act of
23 violence has been committed, and there is imminent danger to the life or limb of the
24 senior citizen as defined in this Act; and

25 g) immediately report the call for assistance to the DSWD, the LGU or
26 accredited Non-Government Organization (NGO).

27 *SEC. 8. Philippine National Police (PNP) Protocol in Responding to Violence*
28 *Committed Against a Senior Citizen.* - The Philippine National Police (PNP) is hereby
29 directed to adopt a written protocol establishing written guidelines and procedures to

1 be followed by police officers in responding to request for assistance and calls related to
2 violence against senior citizens.

3 *SEC. 9. Education and Training Programs for Law Enforcement Officers and*
4 *Persons Involved in Responding to Cases of Violence Against a Senior Citizen.* – All
5 persons involved in responding to cases on all forms of abuse, violence, threats to
6 personal safety and security or any discriminatory act committed against a senior
7 citizen, shall be required to undergo education and training. The PNP, in coordination
8 with the LGU concerned and the DSWD shall establish education and training programs
9 to assist law enforcement officers and barangay officials to enable them to properly
10 handle cases of violence against senior citizens and acquaint them with:

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

19 *SEC. 10. Mandatory Reporting of Domestic Violence.*- A public officer who receives
20 a complaint of violence committed against a senior citizen or the head of a public or
21 private hospital, medical clinic or similar institutions, as well as the attending physician
22 or nurse, clinician, barangay health worker, therapist or counselor who examined or
23 rendered treatment to a senior citizen victim shall make a report of the complaint,
24 examination or treatment within forty-eight (48) hours from the time of complaint,
25 examination or treatment to the nearest police station.

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

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

5 *SEC. 11. Establishment of a Senior Citizen Help Desk.* – Every barangay shall
6 establish a Senior Citizen Help Desk which shall provide immediate assistance to victim-
7 survivors of abuse. Besides barangay officials, it may be manned by representatives of
8 the senior citizen sector or by members of a local senior citizen organization designated
9 and authorized by the Barangay Council or Chairperson.

10 *SEC. 12. Special Prosecution Units.* – The DOJ is hereby directed to establish
11 special units that shall handle complaints of violence against senior citizens as defined
12 in this Act, and the prosecution thereof.

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

18 *SEC. 14. Protection Order (PO).* – A Protection Order (PO) is an injunction under
19 this Act that maybe requested or issued for the purpose of preventing further acts of
20 abuse or violence against senior citizens as specified in Section 4 of this Act and
21 granting other necessary relief. The provisions of the PO shall be enforced by law
22 enforcement agencies.

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

- 24 a. Barangay Protection Order (BPO);
- 25 b. Temporary Protection Order (TPO); and
- 26 c. Permanent Protection Order (PPO).

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

- 29 a) Prohibition of the respondent or offender from threatening to commit,
30 personally or through another, any of the acts of violence as defined in Sec. 4;

1 b) Whenever applicable, issuance of an order to the respondent or offender to
2 immediately leave the domicile or residence of the petitioner. If personal effects must
3 be removed from the residence, the Court shall direct a law enforcement officer to
4 accompany the respondent to the residence until such time that respondent has
5 gathered all belongings, and to escort the respondent from the residence: *Provided,*
6 that the victim or the aggrieved party shall likewise be accorded the same protection
7 contemplated herein;

8 c) Issuance of an Order to the respondent to stay away from the petitioner
9 within a distance to be determined by the Court: *Provided,* That the order shall ensure
10 the physical safety of the petitioner in the residence, place of work, school and such
11 other places frequented by the offended party;

12 d) Prohibition of the respondent from directly or indirectly communicating or
13 contacting the petitioner;

14 e) Issuance of an Order to proper law enforcement offices to enforce the
15 provisions of this Section;

16 f) Issuance of an Order to the DSWD and the Social Welfare Development
17 Office (SWDO) of the LGU concerned to provide therapy, counseling and other support
18 services to the aggrieved party or parties;

19 g) Issuance of an Order for the restitution for actual damages caused by the
20 violence inflicted, including but not limited to property damaged, medical expenses, and
21 loss of income; and

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

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

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

- 1) the circumstances of the disclosure of the violence or abuse suffered by the victim; and
- 2) the circumstances of consent, or lack thereof, given by the victim for the filing of the application.

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

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

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

The following persons may file the petition for a PO:

- 1) the offended party;
- 2) any member of the family or household of the victim as defined in this Act;
- 3) social worker from the DSWD or the SWDO of the LGU or any accredited social welfare organization;
- 4) law enforcement officer or agent;
- 5) lawyer, counselor, therapist or healthcare provider of the petitioner; and

1 6) any concerned responsible citizen of the community who has
2 personal knowledge of the offense committed.

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

4 An application for a PO filed with the Court shall be considered an application for
5 both a TPO and a PPO.

6 *SEC. 15. Transfer of Residence; New Application Needed.* – A petitioner previously
7 granted a BPO under this Act and who desires to relocate to a new residence outside
8 the original city or municipality of residence has to apply for a new BPO.

9 When a PO has been issued by a Court of competent jurisdiction and the person in
10 whose favor it is issued transfers to a place outside the court’s jurisdiction, the person
11 may still have the order enforced by filing a petition before a court in the place where
12 the person has transferred. The petition to enforce the order shall include a copy of the
13 previously obtained PO. The respondent shall be noticed of the issuance of a new PO.

14 *SEC. 16. Legal Representation of Applicant for a PO.* – If a petitioner for a PO is
15 requesting for the appointment of a counsel because of lack of economic means to hire
16 a counsel *de parte*, the Court shall immediately direct the Office of the Public
17 Prosecutor who has jurisdiction over the case to represent the petitioner in the hearing
18 on the application sought. The applicant who cannot afford to hire the services of a
19 private counsel or lacks access to family or conjugal resources such as when the same
20 are controlled by the abuse, shall qualify for legal representation by the DOJ, the Public
21 Prosecutors’ Office or the PAO.

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

24 *SEC. 17. Barangay Protection Order (BPO).* – A Barangay Protection Order (BPO) is
25 issued by the *Lupong Tagapamayapa* and the *Punong Barangay* or Barangay Chairman.
26 The issuance of a BPO or the pendency of an application for a BPO shall not preclude
27 petitioner from applying for, the Court from granting a TPO or PPO.

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

1 A *Punong Barangay* or *Barangay Chairperson* who receives application for a BPO
2 shall issue the PO to the applicant on the date of filing after *ex parte* determination of
3 the basis of the application. If the *Punong Barangay* or the *Barangay Chairman* is
4 unavailable to act on the application for a BPO, the application shall be acted upon by
5 any available *Lupong Tagapamayapa* or *Barangay Kagawad*. If the BPO is issued by a
6 *Barangay Kagawad* that the *Punong Barangay* and the *Lupong Tagapamayapa* were not
7 available at the time of the issuance of the BPO.

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

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

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

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

1 A Court that receives an application for a PO shall issue a TPO on the date of filing
2 of the application for *ex parte* determination that such order shall be issued. The TPO
3 shall be effective for thirty (30) days. The Court shall schedule a hearing on the
4 issuance of a PPO prior to or on the date of expiration of the TPO. The Court shall order
5 the immediate service of the TPO on respondent by the Court Sheriff who may obtain
6 the assistance of law enforcement agents for the purpose. The TPO shall include a
7 notice of the hearing on the merits of the issuance of PPO.

8 *SEC. 19. Permanent Protection Order (PPO).* – A Permanent Protection Order
9 (PPO) may be issued only by the Court after notice and hearing.

10 Any application for TPO or PPO must be made with a RTC, Metropolitan Trial
11 Court, Municipal Trial Court or Municipal Circuit Trial Court with territorial jurisdiction
12 over their place of residence of the offended family or the abused senior citizen who
13 suffered violence described under Section 4 of this Act: *Provided*, however, That if a
14 Family Court exists in the place of residence of the person for whom the application is
15 made, the application shall be filed with that Court.

16 Respondent's non-appearance despite proper notice, or lack of a lawyer, or the
17 non-availability of respondent's lawyer shall not be a ground for rescheduling or
18 postponing the hearing on the merits of the issuance of a PPO. If the respondent
19 appears without counsel on the date of the hearing on the PPO, the Court shall appoint
20 a lawyer for the respondent and immediately proceed with the hearing. In case the
21 respondent fails to appear despite proper notice, the Court shall allow *ex parte*
22 presentation of the evidence by the applicant and render judgment on the basis of the
23 evidence presented. The Court shall allow the introduction of any history of abusive
24 conduct of a respondent even if the same was not directed against the applicant or the
25 person for whom the application is made.

26 The court shall, to the extent possible, conduct the hearing on the merits of the
27 issuance of a PPO in one(1) day. Where the court is unable to conduct the hearing
28 within one (1) day and the TPO issued is due to expire, the court shall continuously
29 extend or renew the TPO for the duration of the case until final resolution on the case is

1 issued. *Provided*, however, that the PPO may be modified by the Court accordingly to
2 address the needs of the applicant.

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

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

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

14 Failure to act on an application for a PO within the period specified in the previous
15 sections without justifiable cause shall render the *Lupong Tagapamayapa*, the *Punong*
16 *Barangay* or the Barangay Chairman, the *Barangay Kagawad*, the Official of the Judge
17 administratively liable.

18 *SEC. 20. Priority Action on Application for a Protection Order.* – Hearings on
19 applications for a PO under this Act shall have priority over all other proceedings.
20 Barangay officials, *Lupong Tagapamayapa* and the Courts shall schedule and conduct
21 hearings on applications for a PO under this Act above all other businesses and, if
22 necessary, suspend other proceedings in order to hear applications for a PO.

23 Respondents shall be notified of the issuances of a PO.

24 *SEC. 21. Prohibition Against Undue Influence Over a Protection Order Applicant.* –
25 A *Lupong Tagapamayapa*, a *Punong Barangay* or Barangay Chairman, or the Court
26 hearing an application for a PO shall not order, direct, force or in any way unduly
27 influence the application for a PO to compromise or abandon any of the reliefs sought
28 in the application for a PO provided under this Act. Section 7 of the Family Courts Act of
29 1997 and Sections 410, 411, 412 and 413 of the Local Government Code of 1991 shall
30 not apply in the proceedings where relief is sought under this Act.

1 Failure to comply with this section shall render the concerned individual, official or
2 Judge administratively liable.

3 *SEC. 22. Mutual Protection Order Prohibited.* – No order for protection of the
4 offender or respondent may be granted by a *Lupong Tagapamayapa* or a Punong
5 Barangay or Barangay Chairman and the Courts.

6 *SEC. 23. Complaint Against a Violation of Protection Order.* – A complaint on the
7 violation of a BPO issued under this Act shall be filed directly with any Municipal Trial
8 Court, Metropolitan Trial Court, or Municipal Circuit Trial Court that has territorial
9 jurisdiction over the barangay that issued the BPO. Violation of a BPO shall be
10 punishable by imprisonment of thirty (30) days without prejudice to any other criminal
11 or civil action that the offended party may file for any of the acts committed under Sec.
12 4 hereof.

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

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

20 Any violation of a PO issued under this Act shall constitute an offense punishable
21 by imprisonment of thirty (30) days, without prejudice to any criminal or civil action that
22 the offended party may file against a person who has committed any acts described in
23 Section 4 hereof.

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

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

4 *SEC. 24. Hold Departure Order.* – A hold departure order shall be issued
5 immediately by the Court against the respondent of a complaint of abuse against a
6 senior citizen as described under this Act.

7 *SEC. 25. Penalties.* – Commission of the acts described under Sec. 3 hereof shall
8 suffer the following penalties:

9 a) Acts falling under Section 4 (a) constituting attempted, frustrated or
10 consummated parricide or murder or homicide shall be punished in accordance with the
11 provisions of the Revised Penal Code.

12 b) Acts falling under Section 4 (a) resulting in mutilation shall be punishable in
13 accordance with the Revised Penal Code: *Provided*, that those resulting in serious
14 physical injuries shall be punishable with the penalty of *prision mayor*; those resulting in
15 less serious physical injuries shall be punishable by *prision correctional* and those
16 resulting in slight physical injuries shall be punishable by *arresto mayor*.

17 c) All other acts enumerated in Section 4 hereof shall be punishable by *prision*
18 *correctional* and a fine in an amount not less than One hundred thousand pesos
19 (P100,000.00)but not more than Three hundred thousand pesos (P300,000.00).

20 In addition to these penalties, a person found guilty of any of the acts enumerated
21 in Section 4 hereof shall be required to undergo mandatory psychological counseling or
22 psychiatric treatment and shall report compliance therewith to the court.

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

27 Any person who fails to report any act of violence described in Section 3 hereof as
28 required herein shall be liable for a fine of not less than Ten thousand pesos
29 (P10,000.00). Whenever applicable, criminal or administrative charges may also be
30 filed.

1 *SEC. 26. Counseling and Treatment of Offenders.* – The DSWD shall provide
2 rehabilitative counseling and treatment to perpetrators towards learning constructive
3 ways of coping with anger and emotional outbursts and reforming their ways. When
4 necessary, the offender shall be ordered by the Court to submit to psychiatric treatment
5 or confinement.

6 *SEC. 27. Appropriations.* – The amount necessary for the initial implementation of
7 this Act shall be charged against the current year’s appropriations of the concerned
8 departments. Thereafter, the amount needed for the continued implementation of this
9 Act shall be included in the budget of the concerned departments in the annual General
10 Appropriations Act.

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

13 In addition, the departments concerned and the LGUs may accept donations,
14 contributions and grants from various sources for purpose of implementing this Act.

15 *SEC. 28. Implementing Rules and Regulations (IRR).* – Within six (6) months from
16 the approval of this Act, the Secretary of the DSWD in coordination with the Secretaries
17 of the DOJ, the Department of Interior and Local Government (DILG) and the DOH shall
18 formulate rules and guidelines as may be necessary for the proper implementation and
19 enforcement of this Act. This shall include developing protocols and training programs
20 for all agencies and public officers concerned and a public information and education
21 program on violence against senior citizens. The implementing rules and regulations
22 (IRR) provided for under this Act shall be reviewed periodically, and revised, if
23 necessary.

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

26 *SEC. 30. Separability Clause.* – If any provision of this Act shall be declared
27 unconstitutional or invalid, such declaration shall not invalidate other parts thereof
28 which shall remain in full force and effect.

1 *SEC. 32. Repealing Clause.* – All laws, presidential decrees, executive orders, rules
2 and regulations or parts thereof which are inconsistent with or contrary to the
3 provisions of this Act are hereby amended, repealed or modified accordingly.

4 *SEC. 32. Effectivity.* – This Act shall take effect fifteen (15) days after its publication
5 in the Official Gazette or in any newspaper of general circulation.

Approved,