Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
17th City Council

24th Regular Session

ORDINANCE NO. SP-1839 S-2008
(PO2008-28)

AN ORDINANCE PROVIDING FOR A SUSTAINABLE PROTECTION PROGRAM FOR THE ELDERLY RESIDENTS OF QUEZON CITY AGAINST ABUSE, REDEFINING THEIR RIGHTS AND OBLIGATION THEREFORE.

Introduced by Councilors JESUS MANUEL C. SUNTAY, JORGE B. BANAL, JR., JAIME F. BORRES, FRANCISCO A. CALALAY, JR., BERNADETTE HERRERA-DY, DOROTHY A. DELARMENTE, VICTOR V. FERRER, JR., JOSEPH P. JUICO, RICARDO T. BELMONTE, JR., WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, ALLAN BUTCH T. FRANCISCO VOLTAIRE GODOFREDO L. LIBAN III, EDEN "Candy" A. MEDINA, AIKO S. MELENDEZ, FRANZ S. PUMAREN, WENCEROM BENEDICT C. LAGUMBAY, DANTE M. DE GUZMAN, DIORELLA MARIA G. SOTTO, JAIME F. BORRES, ANTONIO E. INTON, JR., JANET M. MALAYA, EDCEL B. LAGMAN, JR., VINCENT DG. BELMONTE, BAYANI V. HIPOL, CONCEPCION S. MALAÑGEN and ALEXIS GRACE R. MATIAS.

WHEREAS, Section 11, Article II of the Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, Section 1 Article XIII of the Constitution provides that Congress shall give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce social, economic, and political inequalities xxx;

WHEREAS, Article XV, Section 4 of the Constitution, provides that it is the duty of the family to take care of its elderly members while the State may design programs of social security for them;

WHEREAS, the Constitution provides that the State shall endeavor to make social services available to all the people at affordable cost and Section 10 in the Declaration of Principles and State Policies provides,

"The State shall provide social justice in all phases of national development;"

WHEREAS, Section 458 Paragraph 5 (xvii) of the Local Government Code, states that the Sangguniang Panlungsod shall approve ordinance which shall ensure the efficient and effective delivery of the basic services and facilities xxx and in addition shall, formulate policies and adopt measure mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds to support programs and projects for the benefit of the elderly;

WHEREAS, public and professional awareness and identification of elderly abuse is difficult because older persons are not linked into many social networks such as schools, jobs and may become isolated in their homes, which can increase the risk of abuse;

WHEREAS, elderly abuse is severely underreported because some older persons, particularly women, fail to report abuse because of shame, privacy concerns, or as a result of prior unsatisfactory experiences with individuals, agencies or others who lacked sensitivity to the concerns or need of elder or disabled people;

WHEREAS, dependence of the elderly on their abusers and fear of being abandoned and institutionalized are some obvious reasons why elderly or disabled persons abuse scarcely reported;

WHEREAS, there is a need to ensure that the elderly are protected from abuse, neglect, abandonment, sexual assault, institutional, community and domestic violence;

WHEREAS, there is a need to improve outreach efforts and other services available to the elderly residents of Quezon City;

WHEREAS, there are numerous reports with the concerned agencies of Quezon City, particularly, the OSCA and SSDD regarding complaints occasioned by such abuses to the elderly residents of Quezon City;

WHEREAS, elder members of the society belong to a special sector that needs special attention to allow them to air their concerns and other vital issues confronting them;

WHEREAS, it is essential that the seniors have available means to enforce their rights under the law.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Title – This Ordinance shall be known as "ANTI-ELDERLY ABUSE ORDINANCE".

SECTION 2. Declaration of Policies and Objective - It is hereby declared the policy of the Local Government of Quezon City to adopt an integrated and comprehensive policy that will extend protection to the elderly residents of Quezon City. It is likewise the objective of this Ordinance to create a mechanism that will redefine and reinforce the rights and obligations of the elderly and/or the senior citizens of Quezon City under the Constitution and other applicable laws.

The City government reinforces the right of all it constituents, particularly the elderly or the senior citizens, to effective and reasonable participation in the formulation and implementation of the declared policy as its ultimate beneficiaries.

SECTION 3. Guiding Principles – In accordance with these policies, this Ordinance seeks to:

1. Adopt measures whereby our senior citizens are assisted and appreciated by the community as a whole;

2. Establish a program beneficial to the senior citizens, their families and the rest of the community;

3. To give full support to the improvement of the total well-being of the elderly and their full participation in society considering that senior citizens are integral part of the Philippine society;

4. To recognize the rights of senior citizens to take their proper place in society;

5. To recognize the important role of the private sector in the improvement of the welfare of senior citizens and to actively seek their partnerships;

6. To create Working Forces that will serve as investigative and/or administrative body in facilitating complaints or any other kind of disputes whatsoever, relative to the implementation of this Ordinance;

7. To acknowledge and consider other significant issues addressed by some private sectors affecting the elderly persons.

SECTION 4. Definition of Terms – As used in this Ordinance, the following terms, words and phrases shall be considered to mean as follows:

a. Elderly or elderly member – means an individual who is more than sixty (60) years old and who is a resident of Quezon City.

b. Elder abuse – is an umbrella 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. It may also refer to an intentional negligent act by a caregiver that causes to a vulnerable adult.

c. Physical abuse – is inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder, or depriving the older person of a basic need.

d. Mental abuse – is the infliction of mental or emotional anguish or distress on an elder person through verbal or nonverbal acts.

e. *Financial or material exploitation – is the illegal taking, misuse, or concealment of funds, property or assets of a vulnerable elder. It may also refer to improper manner of delivery and/or granting of the privileges granted by law, rules and regulations.*

f. *Neglect – is the refusal or failure by those responsible to provide food, shelter, health care, or protection for a vulnerable elder.*

g. *Self-neglect – is characterized as the behavior of an elderly person that threatens his/her own health and safety.*

h. *Abandonment – the desertion of a vulnerable elder by anyone who has assumed the responsibility for care or custody of that person.*

i. *Domestic violence – means an act or threat of violence, not including an act of self-defense, committed –*

   a. *By current or former spouse of the victim;*

   b. *By person related by blood or marriage to the victim;*

   c *By person who is cohabiting with or has cohabited with the victim;*

   d. *By a person who is or has been in social relationship of a romantic or intimate nature with the victim;*

   e. *By a person with whom the victim shares a child in common; or*

f. By 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 from the person

j. SSDD – Social Services Development Department

k. OSCA – Office of the Senior Citizens Affairs

l. FSCAP – Federation of Senior Citizens Affairs of the Philippines

m. PALAO – Public Assistance and Legal Affairs Office

SECTION 5. Coverage. - This Ordinance shall be applicable to all the elderly members of Quezon City, concerned Executive Departments of the City government and to all public and private juridical persons in the City.

SECTION 6. Implementation. - The City government, through the concerned agencies shall establish a Board composed of representatives from SSDD, OSCA, FSCAP, City Legal Office, Public Assistance and Legal Affairs Office (PALAO), Chairman of the Committee on Social Services of the City Council and other departments which are indispensable to make this Ordinance operational and effective. Said Board will serve as Legal Aid to receive complaint/s, make investigation, mediation and resolution of dispute extra-judicially or judicially, through the proper courts. The filing of complaint and other necessary papers shall be free of charge.

This Ordinance shall provide means of determining the most common issues that the seniors or elderly sector of Quezon City are facing nowadays, to the end that such issues are resolved as speedy as possible.

SECTION 7. The Board. - This Ordinance mandates that, within the period of ninety days (90) upon their selection and assumption of office, the members of the Board shall formulate the Implementing Rules and Regulations to carry out the objectives of this measure.

SECTION 8. Support Services. - the Social Services and Development Department in cooperation and coordination with the non-governmental organizations, the Office of the Senior Citizens Affairs shall establish programs to encourage the development of mechanism, including outreach support groups, and counseling to aid victims of elderly abuse and establishment of centers, which shall include the use of nursing homes, or other suitable facilities or services for the victims of elderly abuse, including domestic violence and sexual assault against older or disabled individuals.

These concerned agencies shall coordinate activities concerning intervention in and prevention of elderly disabled person's abuse.

SECTION 9. Funding. - The City government, through the concerned departments shall allocate an amount necessary from its annual budget for the implementation of this Ordinance.

SECTION 10. Information Campaign. - The City government through the concerned agencies shall undertake a comprehensive city-wide media campaign to raise public awareness as to the purposes and objective of this Ordinance. It shall conduct necessary information campaign through broadcast announcements, advertisements, internet, posters, brochures and other materials.

SECTON 11. Fines and Sanctions. - (a) Any person, natural or juridical, found violating and/or abetting or aiding in the violation of any mandatory provision of this Ordinance, shall after due notice and hearing, be penalized as follows:

FIRST OFFENSE: A fine equivalent to One Thousand Pesos (P1,000.00) and/or imprisonment for a period of not exceeding one (1) month at the discretion of the Court.

SECOND OFFENSE: A fine equivalent to Three Thousand Pesos (P3,000.00) and/or imprisonment not exceeding three (3) months at the discretion of the Court.

THIRD AND SUBSEQUENT OFFENSE: A fine Equivalent to Five Thousand Pesos (P5,000.00) and/or imprisonment not exceeding six (6) months at the discretion of the Court.

Any person who abuses the privileges granted herein shall be punished with a fine of not less than One Thousand Pesos (P1,000.00) but not more than Five Thousand Pesos (P5,000.00), and imprisonment for a period not exceeding six (6) months.

If the offender is a corporation, organization and any similar entity, the official thereof directly involved shall be liable therefore.

If the offender is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise, and other similar privileges granted to any business entity that fails to abide the provision of this Ordinance.

SECTION 12. Repealing Clause. - All existing ordinances and resolutions, local executive orders, rules and regulations inconsistent herewith are hereby repealed and superseded or modified accordingly.

SECTION 13. Separability Clause. - Should any provision of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, the provisions that are not affected thereby shall continue to be in full force and effect.

SECTION 14. Effectivity. - This Ordinance shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation in Quezon City.

ENACTED: April 21, 2008

HERBERT M. BAUTISTA
Vice-Mayor
Presiding Officer

ATTESTED:

DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept. Head III

APPROVED: June 16, 2008

FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on April 21, 2008, was finally PASSED on Third/Final Reading by the City Council on April 28, 2008.

DOROTHY D. LAGRADA, DPA
City Gov't. Asst. Dept Head III