



**Republic of the Philippines
CITY COUNCIL
City of Manila**

REGULAR SESSION NO. 197

9TH CITY COUNCIL

**Begun and held in the City Council on Tuesday,
the twelfth day of May, Two Thousand Fifteen**

ORDINANCE NO. 8488

AN ORDINANCE ESTABLISHING THE CITY OF MANILA'S POLICY AGAINST ELDERLY ABUSE, EXPLOITATION AND NEGLECT, REDEFINING SENIOR CITIZEN'S RIGHTS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

PRINCIPAL AUTHORS: HON. ERNESTO M. DIONISIO, JR., HON. EDWARD V.P. MACEDA, HON. CRISTINA A. ISIP, HON. JOHN MARVIN "Yul Servo" NIETO, Acting Majority Floor Leader, HON. MARLON M. LACSON, Majority Floor Leader, HON. ROLANDO M. VALERIANO, Acting Presiding Officer and HON. FRANCISCO "Isko Moreno" DOMAGOSO, Vice Mayor and Presiding Officer

Be it enacted by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. Title. – This Ordinance shall be known as the “**City of Manila Ordinance Against Elderly Abuse, Exploitation and Neglect**”.

SEC. 2. Policy. - The City of Manila hereby recognizes the inherent value and wisdom of elderly people, and promotes respect and appreciation for the continued participation and contribution of the elderly in the community. Considering the vulnerable status of the elderly, the city shall have the duty to represent and augment the lawful rights and interests of the elderly and shall initiate actions to promote the rights, health and well-being of the senior citizens, by penalizing acts constituting elderly abuse, exploitation and neglect.

SEC. 3. Definition of Terms. -

- A. **Elderly/Senior Citizen.** - Elderly shall constitute those persons aged sixty (60) years old and above, as defined under existing laws, which properly indicates the challenges and needs of those of an advanced age.
- B. **Abuse.** - For purposes of this Ordinance, abuse shall mean the physical, mental or material maltreatment of an elderly person, including but not limited to beating and isolation, and deprivation of food and medication.
- C. **Exploitation.** - For purposes of this Ordinance, exploitation shall mean the unlawful obtaining of financial or other material benefits from the elderly for one's own benefit.
- D. **Neglect.** - For purposes of this Ordinance, neglect shall mean the omission of proper attention, supervision, or provision of necessities to an elderly person, to such an extent that harm results or is likely to result.

SEC. 4. Rights of an Elderly Person. - The rights of the elderly people include, but are not limited to the following:

- A. **Right to Dignity.** - The elderly have the inherent right to life, dignity, and the integrity of their persons, which shall be protected by law and this Ordinance.
- B. **Right to Freedom from Abuse, Neglect and Exploitation.** - The elderly have the right to be free from abuse, neglect and exploitation as herein defined.
- C. **Right to Freedom from Discrimination.** - The elderly have the right to be free from discrimination. They shall be treated equally favorably, regardless of health status or disability, as other age groups.
- D. **Right to Adequate Healthcare.** - The elderly have the right to a standard of living adequate for the health and well-being of themselves, including access to affordable healthcare. Adequate and affordable healthcare includes medication, immunization and medical care such as physical therapy, surgery, nursing, check-ups.

E. **Right to Maintenance.** - The elderly shall have the right to access basic necessities, including but not limited to, adequate nutrition and potable water necessary for their health and well-being. They also have the right to access basic amenities of life, including but not limited to, appropriate shelter, clothing, and sanitation as per prevailing societal standards.

F. **Right to Participation in Society.** - The elderly have the right to participate in education and training programs, as well as social, economic, cultural and political life.

SEC. 5. Protection and Response Program of the City. - The city, through the Office of the Senior Citizens Affairs (OSCA), shall design and manage a program of protection, response and services for the elderly who have been, or are alleged to be victims of abuse, neglect, exploitation, or discrimination. The Protection of the Elderly Program shall include elderly abuse prevention, detection, treatment, intervention, and response.

SEC. 6. Penalty Clause. - Any person who:

- A. Willfully subjects an elderly person to ill-treatment, whether physical or verbal, in such a manner as to degrade the inherent value of his person, or willfully subjects an elderly person to prolong mental or emotional harassment, or forces and to perform excessive work beyond his or her natural capacity and strength;
- B. Intentionally, causes pecuniary loss or material prejudice to an elderly person;
- C. Being a family member thereof, neglects or refuses to give attention and supervision, and to provide the basic necessities of a senior citizen, including, but not limited to, food, potable water, medicines, and others;
- D. Neglects or refuses to give aid, while being physically, financially and mentally capable, to a person of advanced age during emergency situations or catastrophic events;
- E. Treats or proposes to treat the elderly person less favorable than, under circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different age; and
- F. Imposes, or proposes to impose upon a senior citizen, a condition, requirement or practice which is not reasonable in the circumstances, and which has, or is likely to have, the effect of disadvantaging the senior citizen.

Shall be penalized with a fine of Five Thousand Pesos (PhP, 5,000.00) and/or imprisonment of not more than one (1) year, at the discretion of the court.

SEC. 7. Who May File a Complaint. - Complaints on cases of prohibited acts against elderly persons as enumerated herein may be filed by the following:

- A. Offended party;
- B. Guardians/caretaker;
- C. Collateral relative within the third degree;
- D. Officer or social worker of the Manila Department of Social Welfare;
- E. Officer or social worker of the Office of the Senior Citizens Affairs-Manila;
- F. Barangay Chairman; or
- G. At least three (3) concerned and responsible residents of the barangay where the violation occurred.

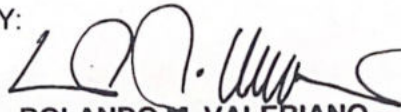
SEC. 8. Separability Clause. - If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

SEC. 9. Repealing Clause. - All Ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.


SEC. 10. Effectivity Clause. - This Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on March 17, 2016.


PRESIDED BY:


ROLANDO M. VALERIANO
Acting Presiding Officer
City Council, Manila


ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON 18 APRIL 2016.


JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

ATTESTED:


EDWARD S. SERAPIO
City Government Department Head III
(Secretary to the Mayor)