SANGGUNIANG PANLUNGSOD

VALENZUELA CITY ORDINANCE NO. 158 SERIES OF 2014, October 13, 2014

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Authored by Councilor CORAZON A. CORTEZ

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 the 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;

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, Section 458 Paragraph 5 (xvii) of the Local Government Code, states that the Sangguniang Panlungsod shall approve ordinances which shall ensure the efficient and effective delivery of basic services and facilities and in addition shall, formulate 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, reports on elderly person abuse is severely underreported because some older persons 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 and needs of elderly persons;

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

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

WHEREAS, there is a need for improved outreach effort and other services available to the elderly;

WHEREAS, elder members of the society belongs to a special sector that needs special attention to encourage them to air issues confronting them;

SECTION 1. TITLE - This Ordinance shall be known as "PROTECTION OF THE ELDERLY AGAINST ABUSE ORDINANCE".

SECTION 2. DECLARATION OF POLICIES AND OBJECTIVES - It is hereby declared the policy of the Local Government of Valenzuela City to adopt integrated comprehensive policy that will extend protection to the elderly. It is likewise the objective of this ordinance to create a mechanism that will redefine and reinforce the rights and obligation of the elderly or the Senior Citizens of Valenzuela under the Constitution and other applicable laws.

SECTION 3. 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 above and who is a resident of Valenzuela City. It may also refer to other senior citizens who at that time of the commission of the prohibited act is within the territorial jurisdiction of the City of Valenzuela.

b.

ELDERLY ABUSE - is an umbrella term referring to any known, intentional, or negligent act by a caregiver, relative and any other person that causes harm or serious risk of harm to a vulnerable adult. It may also refer to an intentional negligent act by a caregiver that is causes to a vulnerable adult.

c.

SOME FORM OF ABUSES ARE THE FOLLOWING:

c.1

Physical Violence - refers to an act that include bodily or physical harm;

c.2

Psychological Violence - refers to acts or omissions causing or likely to cause mental or emotional suffering of the elderly but not limited to intimidation, harassment, repeated verbal abuse. This includes threats of harm or abandonment, being prevented from receiving services and support;

c.3

Financial or Material Exploitation - is the illegal taking, misuse, or concealment of funds, property or assets of a vulnerable elderly. It may also refer to improper manner of delivery and/or granting of the privilege granted by laws, rules and regulations.

c.4

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

c.5

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

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c.6

Abandonment - the desertion of a vulnerable elder by anyone who has assumed responsibility for the care and custody of that person.

d.

DOMESTIC VIOLENCE - means act or threat of violence, not including an act of self-defense, committed

d.1

By current or former spouses of the victim;

d.2

By person related by blood or marriage to the victim;

d.3

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

d.4

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

d.5

By a person similarly situated to a spouses 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. ;

SECTION 4. COVERAGE - This Ordinance shall be applicable to all the elderly of Valenzuela City, concerned Executive Department of the City Government and to all public and private juridical persons in the City.

SECTION 5. PROHIBITED ACTS - The following are acts of "Elderly Abuse" prohibited under this Ordinance:

- Causing physical harm to an elderly;

- Threatening to cause the elderly physical harm;

- Attempting to cause the elderly physical harm;

- Placing an elderly in fear of imminent harm;

- Attempting to compel or compelling an elderly to engage in conduct which the elderly has the right to desist from conduct or attempting to restrict or restricting an elderly freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against an elderly. This shall include, but not limited to the following acts committed with the purpose or effect of controlling or

restricting an elderly movement or conduct of an elderly;

- Attempting to restrict or restricting an elderly freedom of movement which an elderly has a right to engage in, or attempting to restrict or restricting an elderly freedom of movement or conduct by force or threat of force, physical or other harm or threat of physical or other harm, or intimidation directed against an elderly. This shall include, but not limited to the following acts committed with the purpose or effect of controlling or restricting an elderly movement or conduct of an elderly except for medical purposes.

- Preventing an elderly in engaging in any legitimate profession, occupation, business or activity or controlling the elder's own money or properties, exempting circumstance with consent of the elderly or his/her Immediate relatives;

- Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling the action or decision of an elderly;

- Causing or attempting to cause the elderly to engage in any sexual activity which does not constitute rape, by force or threat of force, physical harm, or through intimidation.

SECTION 6. PENALTIES - Any person natural or juridical found violating and/or abetting or aiding in the violation of any of the provisions in the preceding section, shall after due notice and hearing be penalized as follows:

FIRST OFFENSE: Community Service;

SECOND OFFENSE: A fine equivalent to TWO THOUSAND PESOS (P2,000.00) and 5 hours Community Service at the discretion of the court;

THIRD OFFENSE: A fine equivalent to THREE THOUSAND PESOS (P3,000.00) or Imprisonment not exceeding 6 months at the discretion of the court;

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 the appropriate complaint and due notice of 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 comply with any of the provisions of this Ordinance.

However, this section shall not be applicable if the above-mentioned acts are also punished by other existing laws providing penalties higher than those provided herein, in such cases, the offender shall be prosecuted under said existing laws.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS - Within the period of sixty (60) days from the effectivity of this Ordinance, an Executive Order shall be formulated to adopt rules and regulations implementing this Ordinance to carry out its purpose and objectives with consultations to the City Legal Office, Senior Citizens Office, the Committee on Social Services of the Sangguniang Panlungsod, the President of the Senior Citizens Federation, City Social Welfare Development Office, Philippine National Police and Committee on Social Service. It shall identify the CSWDO Older Persons Welfare Program as the implementing office and described therein as its function to entertain and accommodate complaints from an abuse elder.

SECTION 8. FUNDING - The City Government shall allocate necessary funds for the information campaign

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from the funds of the City Social Welfare Development Office (CSWDO) and Office of the Senior Citizens Affairs (OSCA);

SECTION 9. INFORMATION CAMPAIGN - The City Government through Its concerned agency the Public Information Office shall undertake comprehensive city-wide campaign to raise public awareness as to the purpose and objective of this Ordinance. It shall conduct necessary Information campaign through broadcast announcements, advertisements, internets, posters, brochures and other materials.

SECTION 10. REPEALING CLAUSE - All existing ordinances and resolutions, local executive orders, rules and regulations inconsistent herewith are hereby repealed and superseded or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE - Should any provision of this Ordinance is 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 12. EFFECTIVITY - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

ENACTED.
OCTOBER 13, 2014.
VALENZUELA CITY, METROPOLITAN MANILA.

(Sgd.) HON. ANTONIO R. ESPIRITU
Councilor
Majority Floor Leader (Sgd.) HON. ROSALIE ESTEBAN-CAYCO
Councilor
Minority Floor Leader

(Sgd.) HON. MARCELINO G. MORELOS
Councilor (Sgd.) HON. LORENA NATIVIDAD-BORJA
Councilor
Asst. Majority Floor Leader

(Sgd.) HON. ROVIN ANDREW M. FELICIANO
Councilor (Sgd.) HON. LAILANIE P. NOLASCO
Councilor

(Sgd.) HON. CORAZON A. CORTEZ
Councilor (Sgd.) HON. KIMBERLY ANN D.V. GALANG
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(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. ERIC M. MARTINEZ
Presiding Officer
City Vice Mayor

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor

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