

Department of Social Welfare and Development

A. Guide Questions: Equality and Non-Discrimination

1) Does your country's constitution and/or legislation a) guarantee equality explicitly for older persons or people of all ages and b) forbid discrimination explicitly on the basis of age? If so, how is the right to equality and non-discrimination defined?

- There is no specific provision that guarantees equality specifically for older persons or people of all ages. Nevertheless, it is provided under Article II, Section 11 of the Philippine Constitution that "The state values the dignity of every human person and guarantees full respect for human rights". In addition, Article III, Section 1 mandates that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws".

Specific provisions in the Constitution for the elderly are found in Article XIII, Section II. Health - "There shall be priority for the needs of the underprivileged sick, elderly, disabled, women and children"; and Article XV, Section IV. Family - "It is the duty of the family to take care of its older person members while the State may design program of social security for them." ¹

The Philippine government, however, have taken special measures and enacted the following laws to promote substantive equality for older persons and prohibit discrimination against them.

- Republic Act (RA) 10911 or the Anti-Age Discrimination Act of 2016 was passed to guarantee equality and prohibit age discrimination in employment for all older persons. Among others, it prohibits employers from forcibly laying off and imposing early retirement on employees because of old age.
- RA 10868 or Centenarians Act of 2016 honors Filipinos who have reached 100 years old with a Letter of Felicitation from the Philippine President and a Centenarian Gift in the amount of PhP100,000.00.
- RA 10645 (enacted in 2014), or An Act Providing for the Mandatory PhilHealth Coverage for All Senior Citizens, Amending for the Purpose Republic Act No. 7473, As Amended by Republic Act No. 9994, Otherwise Known as the "Expanded Senior Citizens Act of 2010", mandates PhilHealth, the national health insurance program, to cover all senior citizens, removing the provision that a senior citizen must be indigent to qualify for coverage.

- RA 9994 or the “Expanded Senior Citizens Act of 2010” broadens the coverage of government assistance to senior citizens in the areas of employment, education, health, social services, access to public transport, and incentives to individuals and non-governmental organizations that own and manage institutions caring for senior citizens; and have set up residential communities and retirement villages solely for senior citizens. Among the additional entitlements of senior citizens are the following: a) social pension for indigent senior citizens amounting to P500.00 monthly; b) mandatory coverage by PhilHealth, and c) social safety nets in the form of food, medicine, and financial assistance, to help cushion the adverse effects of economic crisis, disasters and calamities.
- RA 9710 or the Magna Carta of Women of 2009 contains a specific section on the protection of women senior citizens. Section 27 provides for social protection for women senior citizens while Section 33 guarantees that: “The State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination.”
- RA 9336 or “ The General Appropriations Act for Fiscal Year 2006 mandates all government agencies, and state universities and colleges to set aside at least one percent of their Fiscal Year 2005 budget appropriations to finance the implementation of the Philippine Plan of Action for Older Persons, 2005-2009.
- RA 8425 (enacted in 1997), or An Act Institutionalizing the Social Reform and Poverty Alleviation Program, Crafting for the Purpose the National Anti-Poverty Commission (NAPC), Defining Its Powers and Functions, and for Other Purposes, institutionalizes the Social Reform Agenda by creating the NAPC, and including the elderly among the basic and disadvantaged groups that should be prioritized by the Comprehensive Integrated Delivery of Social Services (CIDSS), one of the government’s flagship social protection programs. It also identifies senior citizens as one of the basic sectors that should be represented in the NAPC organizational structure.
- RA 7876 (enacted in 1995), or the Senior Citizens Center Act of the Philippines, mandates the establishment of a senior citizen’s center in all cities and municipalities to serve as a venue for educational, recreational, social and health programs and activities for senior citizens.
- RA 7432 (enacted in 1992), or An Act to Maximize the Contribution of Senior Citizens to Nation Building. Grant Benefits and Special Privileges and for Other Purposes, provides for the encouragement of a) senior citizens to participate in nation-building, and b) families and communities to care for senior citizens. It also specifies the establishment of an Office of Senior Citizens Affairs (OSCA) in the Office of the Mayor which may award or grant privileges to senior citizens. OSCA is authorized to issue an identification card to senior citizens which is valid anywhere in the archipelago. It lists the privileges to be enjoyed by senior citizens such as a 20 per cent discount for the purchase of medicine,

and the use of services and facilities from all establishments providing food, accommodation, transport services, and recreational facilities.

2) Does your country produce information about discrimination against older persons in the following or other areas? If so, what are the main findings?

- Employment
- Access to goods and services
- Social protection
- Health care
- Social care
- Justice, inheritance
- Decision-making and autonomy, living environment
- Other areas

➤ In the ASEAN Active Ageing Research Project Report (2016),ⁱⁱ one of the gaps identified is the lack of data that would reflect senior citizens' lived realities as a result of their age, gender, educational level, disability, sexual orientation, and gender identity, among others. Having this type of profiling would have surfaced the different types of discrimination experienced by older persons. At present, the government does not have a national data on discrimination against the elderly.

3.) Is there information available about inequality of opportunities or outcomes experienced by older persons in the following areas?

- Availability of, access to and quality of health care services
- While all senior citizens are guaranteed access to health care services under the government's PhilHealth program, in the private sector, some Health Management Organizations (HMOs) discriminate against older persons by imposing an age limit for enrolment in the health services they provide. Only very few HMOs cover geriatric care because they still function as business organizations that assume risks based on their risk-based capitalization, and geriatric care is considered a high-risk venture.
- In a study entitled "Launch Quality Standards and a Workforce Masterplan for Dementia Care" conducted by Dr. Shelly F. Dela Verga and Ms. Cynthia P. Cordero,ⁱⁱⁱ 26 facilities in Luzon, Visayas and Mindanao participated. They studied 4 settings of care: 1) government tertiary hospital 2) private tertiary hospital 3) government-operated "homes for the elderly" 4) privately-operated "nursing homes" for the elderly. The results of said study are quoted below:

“Of the 26 facilities, only one (1) private hospital and one (1) private nursing home provided specialized dementia services. Nine facilities had partial dementia care services (34.6%). Most facilities (15, 57.7%) had integrated care, without dementia specific services.

Only 3 out of 5 government homes for the aged had physicians and none of them were geriatric specialists.

Further, only three (3) out of the fifteen (15) government facilities offered a Comprehensive Geriatric Assessment (CGA). This may be a reflection of the lack of available Geriatricians in the country. The provision of long-term care was present in public and private nursing homes. Daycare programs, where families can bring patients for a few hours of memory enhancing therapy, physical activities, and socialization, were almost never available”. (Dementia Policy Notes 28 June 2014)

- Financial services – We have no data on this.

4.) Are there any areas where differential treatment based on old age is explicitly justified?

- Access to goods
- Mandatory age of retirement
- Age limits of financial services and products
- Age-based benefits

➤ We have no data on this.

B. Guide Questions: Neglect, violence and abuse

1.) In your country, are there specific studies or surveys (from governmental, non-governmental or academic sources) on violence, abuse and neglect experienced by older persons?

➤ DSWD’s pilot project named Reporting System and Prevention Program for Elderly Abuse Cases (ReSPPEC)^{iv} aims to develop a holistic system that will put in place mechanisms and necessary procedures and protocols to formally report, investigate, intervene, document, monitor and provide follow-up services to victims of elderly abuse in the community. Covering four regions, the pilot testing started in 2016 and shall be completed in 2018.

Moreover, the ReSPPEC database systematizes data collection, produce reports on the situation, trends, needs and services provided to victims -survivors of elder abuse, as well as profile of the perpetrators. As recorded in the database (during the first quarter, there are 34 elder abuse victims [23 males and 11 females: NCR– M (5) F (5); Region I – M (8),F (4); Region VI – M (3) F (1); Region XI – M (7), F (1)]. Majority of the cases are neglect.

In a study conducted for the Coalition of Services of the Elderly (COSE) in 2005^v among urban poor communities, a surprising 26.7% in the 56-60 age bracket and a further 26.7% in the 61-65 age bracket knew personally of abuse committed against older people. A further

40.6% personally experienced abuse and listed their own children and family as the perpetrators of the abuse.

A 1999 study conducted by Clarita R. Carlos, PhD^{vi}, tackles the issue of domestic abuse and abuse in institutions of the elderly.

2.) (a) What forms of violence, abuse and neglect (e.g. physical, psychological, sexual, financial or other) are registered? What is the setting in which they occur (i.e. residential and non-residential)? Is there information about the type of perpetrators?

In the COSE study, the types of abuse known personally to the respondents were verbal abuse, negligence, physical and sexual (in descending order).

Dr. Carlos' study meanwhile cites that most of the perpetrators in the domestic setting are the children themselves who live with their parents. Financial and physical abuses are the most commonly committed abuse. Abuse is prevalent even in institutions such as residential facilities that are supposed to provide care and support for the abandoned elderly. Cited was a study made by Aged Care Extended Services in St. Luke's Medical Hospital in one of the country's residential facility. It was found out that age, civil status, educational background, health and economic status are among the risk factors that contribute to elderly abuse. In their study, active negligence has the highest incidence followed by psychological abuse, exploitation, violation of rights, and physical abuse.

(b) Does violence, abuse and neglect particularly affect specific groups of older persons? If so, which groups and how?

- According to Philippine Commission on Women (PCW) , the most disadvantaged and marginalized senior citizens are senior women from urban slums, rural areas, IP communities, and Muslim communities; senior women in detention; senior women who live alone; and senior gay men, lesbians, and transgender persons who live alone. (Philippine Commission on Women, *Women's Empowerment, Development and Gender Equality Plan 2013 - 2016*, page 135)^{vii}

3.) Does your country's legislation explicitly address issues of violence, abuse and neglect against older persons? If not, what legislation applies to such issues in the context of older persons? Does this legislation sufficiently address the full range of violence against older persons?

- There is a pending House Bill entitled "An Act Defining and prohibiting Elder Abuse, Providing Penalties Therefore, and For Other Purposes. The purpose of the bill is more than just clearly defining elder abuse as a specific offense with a corresponding penalty. It seeks to bring to light the special context of Elder Abuse, of the particular "vulnerability" advance age has and which is taken advantage of by offender-perpetrators. More

importantly, the most significant intervention is the requirement for clear and concrete Affirmative Acts that will raise public awareness and prevent the incidence of elder abuse.

4.) What legislation exists to protect older persons specifically against financial abuse, including inheritance abuse? –

- Proposed legislation on the issue is pending in Congress. The Department of Social Welfare and Development (DSWD) supported House Bill No. 2295 or The Maintenance and Welfare of Parents, Senior Citizens and Elderly. The bill calls for the special protection and security to parents and senior citizens from economic abuse and financial hardships caused by children and grandchildren who have neglected and abandoned them.

ⁱ 1987 Philippine Constitution

ⁱⁱ 2016 ASEAN Active Ageing Research Project Report

ⁱⁱⁱ 28 June 2014 Dementia Policy Notes (Dr. Shelly F. Dela Vega, UP Institute of Aging)

^{iv} Reporting System and Prevention program for Elder Abuse Cases (DSWD, Social Technology Bureau)

^v 2005 Study of Coalition of Services of the Elderly

^{vi} Concerns of the Elderly in the Philippines (Dr. Clarita R. Carlos)

^{vii} Women's Empowerment, development and Gender Equality Plan 2013-2016, Philippine Commission on Women