



COMMISSION ON HUMAN RIGHTS
REPUBLIC OF THE PHILIPPINES

**Inputs of the Commission on Human Rights of the Philippines for the 13th Session of the
UN General Assembly’s Open-Ended Working Group on Ageing for the purpose of
strengthening the protection of human rights of older persons (OEWGA)**

20 February 2023

INTRODUCTION

The Commission on Human Rights of the Philippines (hereinafter the “Commission”) is the country’s national human rights institution, constitutionally mandated to promote and protect the human rights of all persons in the Philippines and Filipinos abroad. It has been accredited “A” status by the Global Alliance of National Human Rights Institutions (GANHRI) since 1999, which attests to the Commission’s full compliance with the Principles relating to the status of national institutions, also known as the Paris Principles.

In accordance with the constitutional mandate to “establish a continuing program of research, education, and information to enhance respect for the primacy of human rights”¹ and in response to the call for inputs by Ambassador Maria del Carmen Squeff, Permanent Representative of the Argentine Republic to the United Nations, in her capacity as Chair of the OEWGA, the Commission submits the present written inputs to the OEWGA, in order to feed into the substantive discussion of its 13th session, which will be held from 3 to 6 April 2023 at the UN Headquarters, New York.

This submission covers the following thematic areas:

- I. Right to health and access to health services;
- II. Social inclusion;
- III. Normative content related to contribution of older persons to sustainable development;
and
- IV. Normative content related to economic security.

¹ Phil. Const. art. XIII, sec. 18(5).

In this submission, the Commission draws from the 1987 Constitution of the Republic of the Philippines (hereinafter the “Constitution”), relevant national laws and policies, and statistics and reports from the government, non-government organizations, and the academe, as well as from the Commission’s independent monitoring activities.

For purposes of ensuring a well-informed submission, the Commission sought information from concerned national government agencies and government owned and controlled corporations. The responses that we received from the National Commission of Senior Citizens (NCSC), Department of Labor and Employment (DOLE), Bureau of Corrections (BuCor), the Insurance Commission (IC), Bangko Sentral ng Pilipinas (BSP), and Philippine Statistics Authority (PSA) were analyzed and included in this submission as we deemed necessary and appropriate.

The Commission also consulted civil society representatives to gather their insights and inputs. A virtual meeting on 7 February 2023 was held for this purpose. Representatives of senior citizens organizations, academic institutions, medical and legal institutions, and non-government organizations working on the human rights of older persons, the youth, workers and migrant workers, and LGBTQI were present during the consultation.

RIGHT TO HEALTH AND ACCESS TO HEALTH SERVICES (1,491 words)²

1. What are the legal provisions and policy frameworks in your country that guarantee the right of older persons to the enjoyment of the highest attainable standard of physical and mental health, including access to promotive, preventive, curative, rehabilitative, and palliative health facilities, goods and services?

It is a State policy to “protect and promote the right to health of the people and instill health consciousness among them.”³ This guarantee is further specified in the social justice provisions of the Constitution, which provides that “the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost”⁴ and that “there shall be priority for the needs of the underprivileged sick, **elderly**, disabled, women, and children.”⁵

Consistent with these constitutional guarantees, the Expanded Senior Citizens Act of 2010 aims “to provide a comprehensive health care and rehabilitation system for disabled senior citizens to foster their capacity to attain a more meaningful and productive aging”⁶ and to “establish community-based health and rehabilitation programs for senior citizens in every political unit of society,”⁷ among others. To operationalize these objectives, this law mandates:

- The grant of 20% discount and exemption from value-added tax on health-related goods and services for senior citizens, including: medicines, essential medical supplies, accessories and equipment determined by the Department of Health (DOH);⁸ professional fees of attending physicians and licensed health professionals in all private hospitals, medical facilities, outpatient clinics, and home health care services;⁹ and medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services;¹⁰
- The provision of free medical and dental services, and diagnostic and laboratory fees in all government facilities,¹¹ as well as free vaccination against the influenza virus and pneumococcal disease for *indigent* senior citizen patients;¹²

² The word count is exclusive of the header, questions, and footnotes.

³ Phil. Const. art. II, sec. 15.

⁴ Phil. Const. art. XIII, sec. 11.

⁵ *Id.*

⁶ An Act granting additional benefits and privileges to senior citizens, further amending Republic Act No. 7432, as amended, otherwise known as “An Act to maximize the contribution of senior citizens to nation-building, grant benefits and special privileges and for other purposes” [Expanded Senior Citizens Act of 2010], Republic Act No. 9994, sec. 2(e) (2010).

⁷ Expanded Senior Citizens Act of 2010, sec. 2(4).

⁸ Expanded Senior Citizens Act of 2010, sec. 4(a)(1).

⁹ Expanded Senior Citizens Act of 2010, sec. 4(a)(2) and 4(a)(3).

¹⁰ Expanded Senior Citizens Act of 2010, sec. 4(a)(4).

¹¹ Expanded Senior Citizens Act of 2010, sec. 4(e).

¹² Expanded Senior Citizens Act of 2010, sec. 4(f).

- The DOH, in coordination with local government units (LGUs), NGOs, and people's organizations for senior citizens, to institute a national health program and to provide an integrated health service for senior citizens, as well as to train community-based health workers among senior citizens and health personnel to specialize in the geriatric care and health problems of senior citizens;¹³
- The establishment of a "senior citizens' ward" in every government hospital, which shall be for the exclusive use of senior citizens who are in need of hospital confinement by reason of their health conditions;¹⁴ and
- The mandatory coverage of all senior citizens in the country's national health insurance program.¹⁵

There are also comprehensive legislation that mandate the provision of universal health care for all Filipinos (Universal Health Care Act¹⁶) and the establishment of a national mental health policy for the purpose of promoting and protecting the rights of persons utilizing psychosocial health services (Mental Health Act¹⁷) that apply to all, regardless of age, without explicitly identifying older persons. The Mental Health Act, however, provides explicit references to "age" in defining the rights of services users, including the right to "exercise all their inherent civil, political, economic, social, religious, educational, and cultural rights respecting individual qualities, abilities, and diversity of background, without discrimination on the basis of" age, among other statuses,¹⁸ as well as the right to "access to evidence-based treatment of the same standard and quality, regardless of age," among other statuses.¹⁹

On palliative and hospice care, while the national policy does not explicitly mention older persons, the general guidelines provide that "palliative and hospice care shall cater to various age groups tailored to age-related health needs throughout the human life cycle."²⁰

2. What steps have been taken to ensure that every older person has access to affordable and good quality health care and services in older age without discrimination?

¹³ Expanded Senior Citizens Act of 2010, sec. 5(c).

¹⁴ Expanded Senior Citizens Act of 2010, sec. 5(c).

¹⁵ An Act providing for the mandatory PhilHealth coverage for all senior citizens, amending for the purpose Republic Act No. 7432, as amended by Republic Act No. 9994, otherwise known as the "Expanded Senior Citizens Act of 2010," Republic Act No. 10645, sec. 1 (2014).

¹⁶ An Act instituting universal health care for all Filipinos, prescribing reforms in the health care system, and appropriating funds therefor [Universal Health Care Act], Republic Act No. 11223 (2019).

¹⁷ An Act establishing a national mental health policy for the purpose of enhancing the delivery of integrated mental health services, promoting and protecting the rights of persons utilizing psychosocial health services, appropriating funds therefor and other purposes [Mental Health Act], Republic Act No. 11036 (2018).

¹⁸ Mental Health Act, chapter II, sec. 5(b).

¹⁹ Mental Health Act, chapter II, sec. 5(c).

²⁰ Department of Health, National Policy on Palliative and Hospice Care in the Philippines, Administrative Order No. 2015-0052 [AO 2015-52], sec. V(B), p. 3 (Dec. 21, 2015).

The National Commission of Senior Citizens (NCSC) reported that they are “closely coordinating with the [Philippine Health Insurance Corporation] and entering a Memorandum of Agreement to bolster the partnership with the said agency and protect the interest” of older persons in relation to universal health care.²¹

3. What data and research are available regarding older persons’ right to health and access to health care and services? Please indicate how national or sub-national data is disaggregated by sex, age and inequality dimensions, and what indicators are used to monitor the full realization of the right to health of older persons.

The Population Institute²² and the Institute on Aging²³ of the University of the Philippines have been producing research studies on the health status and overall well-being of Filipinos aged 60 years and over. In 2019, the Longitudinal Study of Ageing and Health in the Philippines (LSAHP) was published. The study included chapters on health status, functional health, and healthcare and healthcare utilization of older Filipinos.²⁴ In 2020, using data from the LSAHP, a policy brief on COVID-19 risk factors among older Filipinos was published.²⁵

The Philippine Health Statistics is an annual publication by the DOH, which compiles statistics on vital health events based on data from natality and mortality statistics, notifiable disease statistics, and population statistics.²⁶ In addition to age, the statistics are also classified according to geographic classification and sex.²⁷

4. What steps have been taken to provide appropriate training for legislators, policymakers, health and care personnel on the right to health of older persons?

The Expanded Senior Citizens Act of 2010 mandates the DOH to “train community-based health workers among senior citizens and health personnel to specialize in the geriatric care and health problems of senior citizens.”²⁸ There is no available information in this regard.²⁹

²¹ Letter *from* Franklin M. Quijano, Chairperson and Chief Executive Officer, to Beda A. Epres, Commissioner, Commission on Human Rights (Feb. 9, 2023) (on file with author).

²² Website available at <https://www.uppi.upd.edu.ph/news/2022/two-decades-of-aging-studies-in-the-PH>

²³ Website available at <https://nih.upm.edu.ph/institute/institute-aging>

²⁴ Economic Research Institute for ASEAN and East Asia and Demographic Research and Development Foundation, Inc., *Ageing and Health in the Philippines* (Grace T. Cruz, Christian Joy P. Cruz, and Yasuhiko Sato eds., 2019), available at <https://www.eria.org/publications/ageing-and-health-in-the-philippines/> (last accessed Feb. 16, 2023).

²⁵ University of the Philippines Population Institute (UPPI) and Demographic Research and Development Foundation, Inc. (DRDF), *COVID-19 and the Older Filipino Population: How Many Are at Risk?* (2020), available at <https://www.uppi.upd.edu.ph/research/covid-19/rb1> (last accessed Feb. 16, 2023).

²⁶ Department of Health Epidemiology Bureau, *The 2020 Philippine Health Statistics*, pp. 1-2 (2020), available at https://doh.gov.ph/sites/default/files/publications/2020PHS_FINAL_PDF.pdf (last accessed Feb. 16, 2023).

²⁷ *Id.*, at pp. 3-4.

²⁸ Expanded Senior Citizens Act of 2010, sec. 5(c).

²⁹ The Commission is not aware of any efforts in this regard, nor did it receive information from concerned government agencies. The Health Promotion Accomplishment Report 2020-2021 by the DOH also does not contain information on this. Department of Health, *Health Promotion Accomplishment Report 2020-2021* (2021), available at <https://doh.gov.ph/sites/default/files/publications/HPB-Annual-Report-2020-2021.pdf> (last accessed Feb 16, 2023).

5. What steps have been taken to align macroeconomic policies and measures with international human rights law, to use maximum available resources for the realization of older persons' right to health, such as through expanding fiscal space, adopting targeted measures and international cooperation?

In the COVID-19 vaccination prioritization framework by the national government, which was adopted as a prerequisite for the equitable allocation of COVID-19 vaccines, senior citizens were among the priority groups, second to healthcare workers.³⁰

As part of the Philippine Health Facility Development Plan 2020-2040, the national government aims to establish a National Center for Geriatric Health and thirty-two geriatric centers within existing hospitals in almost all regions of the country by the year 2025. The estimated total cost for geriatric health facilities of PHP2,050.57 million.

The NCSC reported that it “created a study team to align macroeconomic policies and measures with international human rights laws”³¹ and that as such, it is “a regular attendee of the World Health Organization’s activities” in this regard.³²

6. What are the challenges faced by older persons in their enjoyment of the right to health, including the impact of intersectional discrimination and inequality based on age, gender, disability and other grounds?

The following challenges were raised by civil society representatives during the consultation:

- Government programs and policies do not address age-specific health needs (especially for specific illnesses).
- The government lacks a complete, comprehensive database of older persons. There is also a need for digitization of existing data and information.
- The DOH national budget has decreased in light of the Mandanas-Garcia ruling by the Supreme Court, in favor of the devolution of health services to local government units.
- Discrimination is more evident among the older LGBTQI. They cannot access basic services due to previous experiences of discrimination. In other countries, there is no concept of retirement. There is a need for a more inclusive geriatric care for persons of diverse SOGIE.
- Health supplies and services are lacking. “Free medicines” do not always reach the intended end-users or marginalized older persons.
- Geriatric doctors and nurses are lacking. There is also a need to educate healthcare workers on aging and needs of older persons. Only a few doctors are trained on geriatrics.

³⁰ Department of Health, Annual Report 2021, p. 71 (2022), available at <https://doh.gov.ph/sites/default/files/publications/DOH-2021-Annual-Report-as-of-November-13-2022.pdf> (last accessed Feb. 16, 2023).

³¹ Quijano, *supra* note 21.

³² *Id.*

- Health programs for senior citizens are fragmented. There is a need for a national long-term care framework for older persons which will help them maintain their functional mobility. The framework should provide a roadmap for a more comprehensive health service for older persons.
- Mental healthcare professionals and services are lacking. There is also a lack of infrastructure to support mental health services (e.g., recreational public parks, social programs).
- Access to services is mostly presence-based, i.e., physical appearance is required to access services. This further marginalized older persons with limited mobility and older persons living in geographically isolated and disadvantaged areas.³³

7. What measures have been taken to eliminate ageism and discrimination based on age, including discriminatory laws, policies, practices, social norms and stereotypes that perpetuate health inequalities among older persons and prevent older persons from enjoying their right to health?

In 2014, the law which provided for the mandatory national health insurance coverage for all senior citizens was enacted.³⁴ Before this, not all senior citizens were automatically covered by the national health insurance program. Only those who voluntarily enrolled through past employment or otherwise, as well as “indigent” senior citizens are covered. This addressed the inequality among older persons in accessing services under the program, as many who are not legally considered “indigent” are unable to do so because of economic reasons.

8. What measures have been taken to ensure that older persons are able to exercise their legal capacity on an equal basis with others, including making an informed consent, decisions and choices about their treatment and care?

Older persons who are also mental health service users have the right to “give informed consent before receiving treatment or care, including the right to withdraw such consent,” as provided in the Mental Health Act.³⁵

9. What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for the denial of their right to health?

The Expanded Senior Citizens Act of 2010 mandated the establishment of Office for Senior Citizens Affairs (OSCA) in all cities and municipalities. The OSCA is mandated to “assist senior citizens in filing complaints or charges against any individual, establishments, business entity,

³³ Responses by participants *during the* “Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing,” *through* Zoom (Feb. 7, 2023).

³⁴ An Act providing for the mandatory PhilHealth coverage for all senior citizens, amending for the purpose Republic Act No. 7432, as amended by Republic Act No. 9994, otherwise known as the Expanded Senior Citizens Act of 2010, Republic Act No. 10645 (2014).

³⁵ Mental Health Act, sec. 5(m).

institution, or agency refusing to comply” with the Act.³⁶ During the consultation, however, representatives of civil society reported that there are several experiences of OSCAs that did not perform their legally mandated functions, with some that did not recognize the needs expressed by senior citizen groups.³⁷

The Department of Justice maintains Action Centers in all regions of the country. These Centers act on complaints, requests for legal assistance, and queries of walk-in clients and callers, regardless of age.³⁸

Alternative dispute resolution (ADR) mechanisms are in place at all levels of the government. Every person, regardless of age, has access to the different ADR programs of the government, which include barangay justice (in the smallest political unit of the country), judicial ADR, and mediation and conciliation programs provided by different government agencies in different areas.

10. What mechanisms are in place to ensure the effective and meaningful participation of older persons living in different geographic areas of the country in the planning, design, implementation and evaluation of health laws, policies, programmes and services that affect them?

The law requires the NCSC to be composed of six Commissioners that “shall represent different geographical regions of the Philippines and shall hold office in their respective regions.”³⁹ The NCSC is a policy-making and executive national government agency specifically dedicated for older persons.

³⁶ Expanded Senior Citizens Act of 2010, sec. 6(g).

³⁷ Responses *by* participants *during the* “Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing,” *supra* note 33.

³⁸ Department of Justice, DOJ Action Centers (DOJAC), *available at* <https://www.doj.gov.ph/doj-action-center-dojac.html> (last accessed Feb. 16, 2023).

³⁹ An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor [National Commission of Senior Citizens Act], Republic Act No. 11350, sec. 4 (2019).

SOCIAL INCLUSION (918 words)⁴⁰

1. **What are the legal provisions, policy frameworks and/or measures in your country that explicitly focus on older persons who are marginalized on the grounds of their sex, disability, race, ethnicity, origin, religion, economic or other status? This may include addressing older populations on frameworks dedicated to other marginalized groups such as women, persons with disabilities, migrants, minorities, homeless people, etc., or addressing marginalized groups within frameworks devoted to older persons.**

Laws that specifically focus on marginalized sectors on grounds of sex, economic status, religion and indigeneity also address the intersection of these grounds with older age, as follows:

- The Magna Carta of Women explicitly provides that “the State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination” and that “towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation, and discrimination of older women.”⁴¹ It also provides that “the State shall establish a health insurance program for senior citizens and indigents.”⁴²
- The Magna Carta of the Poor⁴³ and the Social Reform and Poverty Alleviation Act⁴⁴ both recognize senior citizens as one of the basic sectors or the disadvantaged sectors of Philippine society that will benefit from the operation of these Acts.⁴⁵
- The Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, the law which institutionalized the relative political autonomy of Muslim Filipinos and indigenous cultural communities in the Bangsamoro region, explicitly provides that “the Bangsamoro Government shall ensure the welfare of senior citizens by upholding their rights and providing the benefits and privileges they presently enjoy.”⁴⁶

⁴⁰ The word count is exclusive of the questions and footnotes.

⁴¹ An Act providing for the Magna Carta of Women [The Magna Carta of Women], Republic Act No. 9710, sec. 33 (2009).

⁴² The Magna Carta of Women, sec. 27(d).

⁴³ An Act providing for a Magna Carta of the Poor [Magna Carta of the Poor], Republic Act No. 11291, sec. 3(a) (2019).

⁴⁴ An Act institutionalizing the social reform and poverty alleviation program, creating for the purpose the National Anti-Poverty Commission, defining its powers and functions, and for other purposes [Social Reform and Poverty Alleviation Act], Republic Act No. 8425, sec. 3(b) (1997).

⁴⁵ We discussed this further in our responses to the questions on “economic security.”

⁴⁶ An Act providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, Repealing for the Purpose Republic Act No. 6734, Entitled “An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao,” As Amended by Republic Act No. 9054, Entitled “An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao” [Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao], Republic Act No. 11054, sec. 23 (2018), *which provides* “Section 23. Support for Persons with Special Needs, Senior Citizens, and Disadvantaged Groups. - The Bangsamoro Government shall establish a special agency, support facilities and livelihood or skills training for persons with special needs, and other disadvantaged persons for their rehabilitation and productive integration into mainstream society. The Bangsamoro Government shall coordinate all existing governmental and nongovernmental agencies concerned with the rehabilitation and education of these persons. The Bangsamoro Government shall ensure the welfare of senior citizens by upholding their rights and providing the benefits and privileges they presently enjoy.”

- The Indigenous Peoples' Rights Act of 1997 explicitly provides that "particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons."⁴⁷

The Expanded Senior Citizens Act of 2010, which is the most comprehensive law to date dedicated to older persons in the country, explicitly recognizes the need to address the special circumstance of indigency⁴⁸ and homelessness. It explicitly provides that indigent senior citizens shall receive free vaccination⁴⁹ and be eligible for social pension.⁵⁰ It also provides for the provision of discounts for utility bills of senior citizens center and residential care/group homes "operated primarily for the purpose of promoting the well-being of abandoned, neglected, unattached, or homeless senior citizens."⁵¹

2. What legal age limits exist in your country that prevent the full and equal participation of older persons in societies in areas such as employment, education, healthcare, financial goods and services, or others?

The law provides for the mandatory retirement age in both the public and private sector at 65 years, in most cases (for Judges and Justices, 70 is the mandatory retirement age; for police and military officers, miners, and jockeys, it is below 60 years). While there is expectation that old age pension will cover for the financial needs of retired older persons, the benefit levels particularly that of the contributory pension scheme for former workers in the private sector and the social pension scheme are inadequate for the needs of retirees.⁵² With the inadequacy in the amount of

⁴⁷ An Act to recognize, protect and promote the rights of indigenous cultural communities/indigenous peoples, creating a National Commission on Indigenous Peoples, establishing implementing mechanisms, appropriating funds therefor, and for other purposes [The Indigenous Peoples' Rights Act of 1997], Republic Act No. 8371, sec. 25 (1997), *which provides* "Section 25. Basic Services. - The ICCs/IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons. Accordingly, the State shall guarantee the right of ICCs/IPs to government's basic services which shall include, but not limited to, water and electrical facilities, education, health, and infrastructure."

⁴⁸ "Indigent senior citizens" are defined as "any elderly who is frail, sickly or with disability, and without pension or permanent source of income, compensation or financial assistance from his/her relatives to support his/her basic needs, as determined by the Department of Social Welfare and Development...." An Act granting additional benefits and privileges to senior citizens, further amending Republic Act No. 7432, as amended, otherwise known as "An Act to maximize the contribution of senior citizens to nation building, grant benefits and special privileges and for other purposes" [Expanded Senior Citizens Act of 2010], Republic Act No. 9994, sec. 3(h) (2010). Civil society advocates have been pushing for the revision of the definition of "indigent senior citizen" because the present definition does not correctly encapsulate senior citizens who need special support for the protection of their economic and social rights.

⁴⁹ Expanded Senior Citizens Act of 2010, sec. 4(f), *which provides* "the DOH shall administer free vaccination against the influenza virus and pneumococcal disease for indigent senior citizen patients; ..."

⁵⁰ Expanded Senior Citizens Act of 2010, sec. 5(h)(1), *which provides* "(1) Social Pension. Indigent senior citizens shall be entitled to a monthly stipend amounting to Five hundred pesos (Php500.00) to augment the daily subsistence and other medical needs of senior citizens, subject to a review every two (2) years by Congress, in consultation with the DSWD."

⁵¹ Expanded Senior Citizens Act of 2010, sec. 5(d), *which provides* "At least fifty percent (50%) discount shall be granted on the consumption of electricity, water, and telephone by the senior citizens center and residential care/group homes that are government-run or non-stock, non-profit domestic corporation organized and operated primarily for the purpose of promoting the well-being of abandoned, neglected, unattached, or homeless senior citizens, subject to the guidelines formulated by the DSWD."

⁵² Coalition of Services of the Elderly, Inc. and HelpAge International, *The Feasibility of a Universal Social Pension in the Philippines*, p. 10, para. 1, *available at* <https://www.helpage.org/silo/files/the-feasibility-of-a-universal-social-pension-in-the-philippines.pdf> (last accessed Feb. 16, 2023).

old age pension for most retirees and the low pension coverage in the country,⁵³ many older persons rely on family members for support or try to engage in gainful economic activity. Considering this, members of civil society oppose the proposals to lower the optional retirement age and call, instead, for more productive opportunities to earn income for themselves and their dependents.⁵⁴

It was noted during the consultation that in some government agencies, the availment of training opportunities is restricted to those under 40 years, which is discriminatory on the basis of age.⁵⁵

During the consultation, it was noted that by common experience, HMO beneficiaries are limited to those younger than 65 years.⁵⁶ The Insurance Commission, however, affirmed that “there are no rules and regulations within the insurance and HMO legal framework that set the maximum age for eligibility for HMO/health insurance coverage”⁵⁷ but that “consistent with underwriting/pricing practices however, premiums/membership fees are calculated accordingly taking into consideration the higher utilization and/or mortality rates of the older age group.”⁵⁸ It also noted that there are HMO and health insurance products that specifically target individuals aged 60 years and above.⁵⁹

The Bangko Sentral ng Pilipinas reported that “while there is no explicit age limit for accessing digital financial services, [they are] aware that some of the underbanked or underserved Filipinos are senior citizens who encounter” challenges in adopting and using financial products and services.⁶⁰ As such, it “continuously broadens its financial literacy and consumer protection programs” to senior citizens, among others, including through digital financial literacy programs, as well as the amendment and implementation of consumer protection regulatory framework.⁶¹

3. What measures are in place, if any, to ensure that older persons in institutions segregated from their communities - such as institutional care systems or prisons - can continue participating in their society?

The Bureau of Corrections reported that they ensure older persons in prisons “are able to participate in the society” by holding activities inside facilities, including religious activities and peer learning activities.⁶²

⁵³ *Id.* It was estimated that around 40% of older Filipinos are left with no pension at all.

⁵⁴ Responses *by* participants *during the* “Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing,” *through Zoom* (Feb. 7, 2023).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Letter *from* Dennis B. Funa, Insurance Commissioner, *to* Beda A. Epres, Commissioner, Commission on Human Rights (Feb. 13, 2023) (on file with author).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Letter *from* Mamerto E. Tangonan, Office-in-charge, Bangko Sentral ng Pilipinas, *to* Beda A. Epres, Commissioner, Commission on Human Rights (Feb. 14, 2023) (on file with author).

⁶¹ *Id.*

⁶² Letter *from* Gregorio Pio P. Catapang, Acting Director General, Bureau of Corrections, *to* Beda A. Epres, Commissioner, Commission on Human Rights (Feb. 2, 2023) (on file with author).

The Mental Health Act explicitly provides that service users inside mental health facilities, regardless of age, have the right to “exercise all their inherent civil, political, economic, social, religious, educational, and cultural rights respecting individual qualities, abilities, and diversity of background , without discrimination on the basis of physical disability, age, gender, sexual orientation, race, color, language, religion or nationality, ethnic, or social origin”⁶³ and the right to “send or receive uncensored private communication which may include communication by letter, telephone or electronic means, and receive visitors at reasonable times.”⁶⁴

4. States have an obligation to use maximum available resources to progressively achieve the full realization of economic, social and cultural rights. What is the share of national public expenditure budget targeted to older persons as a distinct group?

The Commission requested information from national government agencies on the percentage of their allocated budget dedicated for senior citizens programs and activities. The National Commission of Senior Citizens shared that the total appropriation for the government’s social pension program for indigent senior citizens for the year 2023 is PHP25.296 billion,⁶⁵ which is roughly 0.4% of the total PHP5.268 trillion national budget.⁶⁶ The Bureau of Corrections shared that it has allocated PHP44 million to finance its plans, programs, and projects for the year 2023 to improve the quality of life of older prisoners.⁶⁷

Overall, there is no aggregate information from the different national government agencies regarding the total share of the national expenditure budget targeted to older persons.

⁶³ An Act Establishing a National Mental Health Policy for the Purpose of Enhancing the Delivery of Integrated Mental Health Services, Promoting and Protecting the Rights of Persons Utilizing Psychosocial Health Services, Appropriating Funds Therefor and Other Purposes [Mental Health Act], Republic Act No. 11036, sec. 5(b) (2018).

⁶⁴ Mental Health Act, sec. 5(p).

⁶⁵ Letter *from* Franklin M. Quijano, Chairperson and Chief Executive Officer, National Commission of Senior Citizens, to Beda A. Epres, Commissioner, Commission on Human Rights (Feb. 9, 2023) (on file with author).

⁶⁶ *Computation ours.*

⁶⁷ Catapang, *supra* note 62.

CONTRIBUTION OF OLDER PERSONS TO SUSTAINABLE DEVELOPMENT (1,206 words)⁶⁸

- 1. How are the key human rights relating to older persons' participation and, therefore, their contribution to sustainable development defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

The Expanded Senior Citizens Act of 2010 recognizes the “rights of senior citizens to take their proper place in society and make it a concern of the family, community, and government.”⁶⁹ Consistent with this, the Act aims “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 Philippine society,”⁷⁰ “to motivate and encourage the senior citizens to contribute to nation building,”⁷¹ and to “establish mechanisms whereby the contributions of the senior citizens are maximized.”⁷²

Although there is no particular provision on contributions of older persons to sustainable development in the Act, the Commission considers that most of its provisions directly or indirectly contribute in securing the relevant rights of older persons. As stated in the UN Declaration on the Right to Development, “all the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.”

Also, as per the Act, the OSCAs established in all cities and municipalities are mandated to facilitate programs and other initiatives that can help link older persons to opportunities in which they can continue contributing to their communities.⁷³

The creation of the NCSC, which is required by law to be headed by senior citizens, also guaranteed older persons' meaningful participation in the various programs and initiatives for the development of older persons and the nation.⁷⁴

⁶⁸ The word count is exclusive of the header, questions and footnotes.

⁶⁹ An Act granting additional benefits and privileges to senior citizens, further amending Republic Act No. 7432, as amended, otherwise known as “Act to Maximize the Contribution of Senior Citizens to Nation Building grant benefits and special privileges and for other purposes” [Expanded Senior Citizens Act of 2010], Republic Act No. 9994, sec. 2(a) (2010).

⁷⁰ Expanded Senior Citizens Act of 2010, sec. 2(b).

⁷¹ Expanded Senior Citizens Act of 2010, sec. 2(c).

⁷² Expanded Senior Citizens Act of 2010, sec. 2(1).

⁷³ Expanded Senior Citizens Act of 2010, sec. 6.

⁷⁴ An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor [National Commission of Senior Citizens Act], Republic Act No. 11350 (2019).

2. Please provide references to existing national legal standards relating to older persons' contribution to sustainable development on normative elements such as:

- **right to equality and prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in the context of sustainable development;**
- **elimination of all forms of ageism and age discrimination from sustainable development laws, frameworks, programs, policies, and practices;**

Except for the Anti-Age Discrimination in Employment Act,⁷⁵ there are no other laws or policies which explicitly prohibit discrimination on the basis of age.

The Expanded Senior Citizens Act of 2010 explicitly mandated the government to provide assistance to senior citizens in the form of the following, in line with the Act's objective of encouraging their participation in societal development:

- Employment information and matching services to enable older persons who have the capacity and desire to work to be productive members of society;⁷⁶
- Training programs that will provides skills and welfare or livelihood support for senior citizens;⁷⁷
- Programs that will ensure access to formal and nonformal education;⁷⁸ and
- Integrated health service for senior citizens, and training of community-based health workers and health personnel on geriatric care.⁷⁹

⁷⁵ An Act Prohibiting Discrimination Against any Individual in Employment on Account of Age and providing Penalties Therefor [Anti-Age Discrimination in Employment Act], Republic Act No. 10911 (2016).

The law prohibits discrimination in employment on account of age. Specifically, it provides that "Section 5. Prohibition of Discrimination in Employment on Account of Age - (a) It shall be unlawful for an employer to: (1) Print or publish, or cause to be printed or published, in any form of media, including the internet, any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age; (2) Require the declaration of age or birth date during the application process; (3) Decline any employment application because of the individual's age; (4) Discriminate against an individual in terms of compensation, terms and conditions or privileges of employment on account of such individual's age; (5) Deny any employee's or worker's promotion or opportunity for training because of age; (6) Forcibly lay off an employee or worker because of old age; or (7) Impose early retirement on the basis of such employee's or worker's age. (b) It shall be unlawful for a labor contractor or subcontractor, if any, to refuse to refer for employment or otherwise discriminate against any individual because of such person's age. (c) It shall be unlawful for a labor organization to: (1) Deny membership to any individual because of such individual's age; (2) Exclude from its membership any individual because of such individual's age; or (3) Cause or attempt to cause an employer to discriminate against an individual in violation of this Act. (d) It shall be unlawful for a publisher to print or publish any notice of advertisement relating to employment suggesting preferences, limitations, specifications, and discrimination based on age."

⁷⁶ Expanded Senior Citizens Act of 2010, sec. 5(a), *which provides* "Senior citizens who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employment shall conform with the provisions of the Labor Code, as amended, and other laws, rules and regulations."

⁷⁷ Expanded Senior Citizens Act of 2010, sec. 5(a), *which provides* "... The Department of Labor and Employment (DOLE), in coordination with other government agencies such as, but not limited to, the Technology and Livelihood Resource Center (TLRC) and the Department of Trade and Industry (DTI), shall assess, design and implement training programs that will provide skills and welfare or livelihood support for senior citizens; ..."

⁷⁸ Expanded Senior Citizens Act of 2010, sec. 5(b), *which provides* "The Department of Education (DepED), the Technical Education and Skills Development Authority (TESDA) and the Commission on Higher Education (CHED), in consultation with nongovernmental organizations (NGOs) and people's organizations (POs) for senior citizens, shall institute programs that will ensure access to formal and nonformal education."

⁷⁹ Expanded Senior Citizens Act of 2010, sec. 5(c), *which provides* "The DOH, in coordination with local government units (LGUs), NGOs and POs for senior citizens, shall institute a national health program and shall provide an integrated health service for senior citizens. It shall train community-based health workers among senior citizens and health personnel to specialize in the geriatric care and health problems of senior citizens. The national health program for senior citizens shall, among others, be harmonized with the National Prevention of Blindness Program of the DOH. Throughout the country, there shall be established a "senior citizens' ward" in every government hospital. This geriatric

- **right to freedom of expression, including freedom to seek, receive and impart information; right of peaceful assembly and right to freedom of association;**

The Bill of Rights guarantees these rights for all, regardless of age. The constitution provides:

- “No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.”⁸⁰
- “The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”⁸¹
- “The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.”⁸²
- **right to take part in the government of his country, directly or through freely chosen representatives;**
- **right to development, including older persons as active participants and beneficiaries of development;**
- **active, free and meaningful participation of older persons and their representative organizations in all matters related to sustainable development, including in political processes;**

The Constitution guarantees the right to participate in public life, particularly through the protection of the right to suffrage. It provides that “suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, ... No literacy, property or other substantive requirements shall be imposed on the exercise of suffrage.”⁸³

There is no maximum age limit for running for local and national public positions in the Philippines.⁸⁴ In the House of Representatives, which is the lower house of Congress, representatives may be elected as a district (geographic) or a party list representative. The party list system is an avenue for marginalized sectors to be represented in Congress. The system was

ward shall be for the exclusive use of senior citizens who are in need of hospital confinement by reason of their health conditions. However, when urgency of public necessity purposes so require, such geriatric ward may be used for emergency purposes, after which, such “senior citizens’ ward” shall be reverted to its nature as geriatric ward.”

⁸⁰ Phil. Const., art. III, sec. 4.

⁸¹ Phil. Const., art. III, sec. 7.

⁸² Phil. Const., art. III, sec. 8.

⁸³ Phil. Const., art. V., sec. 1.

⁸⁴ An exception is the local council for the youth called “Sangguniang Kabataan” which limits eligibility to Filipinos aged eighteen (18) to twenty-one (21) years.

created in the Constitution⁸⁵ and was expounded by the Party-List System Act, which explicitly includes “elderly” as among the sectors which may be represented by a party.⁸⁶

In addition to the NCSC and OSCAs, which are both mandated by law to be headed by senior citizens, the Senior Citizens Sectoral Council (SCSC) of the National Anti-Poverty Commission (NAPC) is also a formal mechanism for senior citizens to directly participate in the development processes of the government.⁸⁷ The SCSC, composed of older members of civil society, is empowered to advise the national government on matters relating to poverty alleviation. The SCSC was formed under the Social Reform and Poverty Alleviation Act, which adopts a cross-sectoral approach in social reform and poverty alleviation agenda. Under the law, basic sectors such as senior citizens are represented in the NAPC, a coordinating and advisory body for the implementation of the law

The Senior Citizens Center Act of the Philippines mandates the establishment of senior citizens centers in all cities and municipalities to cater to older persons' socialization and interaction needs as well as to serve as venues for the conduct of other meaningful activities.⁸⁸ The centers shall be used for training, productive activities and work schemes for senior citizens and for promoting and maintaining linkages between the government and non-government organizations.

- **access to prompt remedies and redress when older persons' above mentioned rights are violated.**⁸⁹

The Civil Code of the Philippines⁹⁰ guarantees that every Filipino has access to their rights, including justice.

The Revised Penal Code⁹¹ states that age could be a mitigating circumstance in criminal liability, but it does not say that age could exempt anyone from detention and prison time. It also states that jail penalty and punishment may be suspended by the court if the offender is under 18 years old or over 70 years old. It further states that “an act that is committed with insult or in disregard of the respect due to the offended person on account of his age is considered aggravating circumstance; and the death sentence shall not be inflicted upon any person over seventy years of age.”

⁸⁵ Phil. Const., art. VI, sec. 5(1) and 5(2).

⁸⁶ An Act providing for the election of party-list representatives through the party-list system, and appropriating funds therefor [Party-List System Act], Republic Act No. 7941, sec. 5 (1995).

⁸⁷ An Act Institutionalizing the Social Reform and Poverty Program, Creating for the Purpose the National Anti-Poverty Commission, Defining its Powers and Functions, and for Other Purposes, [Social Reform and Poverty Alleviation Act], Republic Act. 8425 (1998).

⁸⁸ An Act Establishing a Senior Citizens Center in all Cities and Municipalities of the Philippines, and Appropriating Funds Therefore [Senior Citizens Center Act of the Philippines], Republic Act No. 7876 (1995).

⁸⁹ Please also see our response to question no. 9 under the “right to health” heading.

⁹⁰ An Act to Ordain and Institute the Civil Code of the Philippines [Civil Code of the Philippines], Republic Act No. 386, arts. 32(8), 15-19.

⁹¹ An Act Revising the Penal Code and Other Penal Laws [The Revised Penal Code], Act No. 3851, art. 13.

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfill the above-mentioned rights to ensure older persons' contribution to sustainable development?

During the consultation, it was emphasized that there is a need to develop a National Human Rights Agenda for older persons.⁹² This should be formulated in coordination with the national government agencies, civil society, and other stakeholders to address the gaps and challenges in the implementation of the programs and services in the country.⁹³

It was also emphasized that there is a need to clearly define the policy-making mandate of the NCSC.⁹⁴ The NCSC must also ensure the implementation of existing laws and policies while also assessing their effectiveness in addressing the situation or conditions of senior citizens.⁹⁵

4. What are the good practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' contribution to sustainable development?

Among the good practices that was brought up during the consultation was the availability of enabling laws dedicated to the rights of older persons in the country.⁹⁶ However, as with other laws, there is a gap in implementation.⁹⁷ To improve the implementation of existing laws, there is a need to come up with strategic responses, including allocating a dedicated budget for senior citizens programs and services within national government agency and local government budgets, as well as mobilizing champions from the legislative and executive branches of government to continually advocate for the rights of senior citizens.⁹⁸

The existence of a strong and active civil society cohort that readily assists in the implementation of programs was highlighted during the consultation.⁹⁹ However, there is a need to have stronger advocacy with local and cross-regional networks and mechanisms, particularly in calling for a convention on the human rights of older persons.¹⁰⁰

⁹² Responses by participants during the "Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing," through Zoom (Feb. 7, 2023).

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

ECONOMIC SECURITY (1,024 words)¹⁰¹

- 1. How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?**

The State policy to “promote a just and dynamic social order that will... free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all,”¹⁰² apply to all regardless of age.

The Constitution mandates the Congress to “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... by equitably diffusing wealth and political power for the common good.”¹⁰³ Under the social justice constitutional provisions, the relevant rights of certain sectors are explicitly guaranteed.¹⁰⁴ The “elderly” were explicitly mentioned in the constitutional guarantee for the fulfillment of the right to health of priority sectors.¹⁰⁵

- 2. Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:**
 - a. right to social security, including regular adjustment of benefits with changes in living costs;**
 - b. right to adequate standard of living, including housing, clothing, food and water, among others;**
 - c. right to work, and whether a national minimum wage or any alternative mechanism is in place is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustment exists;**
 - d. prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;**
 - e. the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information; and rights to peaceful assembly and freedom of association;**
 - f. active, free and meaningful participation of older persons and their representative organizations in all matters related to ensuring their economic security, including in political processes;**
 - g. access to prompt remedies and redress when older persons' above mentioned rights are violated.**

¹⁰¹ The word count is exclusive of the header, questions, and footnotes.

¹⁰² Phil. Const. art. II, sec. 9.

¹⁰³ Phil. Const. art. XIII, sec. 1.

¹⁰⁴ This explicitly includes local and overseas workers, farmers and farmworkers, subsistence fishermen, urban and rural poor dwellers, women, and peoples' organizations.

¹⁰⁵ Please see response to no. 1 under right to health.

The Expanded Senior Citizens Act of 2010, consistent with the relevant constitutional guarantees and in accordance with the Act's objectives "to recognize the rights of senior citizens to take their proper place in society and make it a concern of the family, community, and government,"¹⁰⁶ "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 Philippine society,"¹⁰⁷ and to "establish a program beneficial to the senior citizens, their families and the rest of the community they serve,"¹⁰⁸ mandates the following:

- The provision of "privileges" exclusive to senior citizens in the form of discounts and tax exemptions, assistance, and free services;¹⁰⁹
- The provision of government assistance in the areas of employment, education, health, social services, housing, public transport, and foster care, in addition to the mandatory national health insurance coverage;¹¹⁰

¹⁰⁶ Expanded Senior Citizens Act of 2010, sec. 2(a).

¹⁰⁷ Expanded Senior Citizens Act of 2010, sec. 2(b).

¹⁰⁸ Expanded Senior Citizens Act of 2010, sec. 2(3).

¹⁰⁹ For purchase of medicines and essential medical supplies, professional fees of health service providers, public transportation, water and electricity bills, as well as "exemption from training fees for socioeconomic programs," free medical and dental services and diagnostic and laboratory fees from government facilities, exemption from payment of individual income tax (for minimum wage earners), and educational assistance "to pursue post-secondary, tertiary, post-tertiary, vocational and technical education"

Expanded Senior Citizens Act of 2010, sec. 4(a) provides "Sec. 4. Privileges for the Senior Citizens. - The senior citizens shall be entitled to the following: (a) the grant of twenty percent (20%) discount and exemption from the value-added tax (VAT), if applicable, on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment of the senior citizen: (1) on the purchase of medicines, including the purchase of influenza and pneumococcal vaccines, and such other essential medical supplies, accessories and equipment to be determined by the Department of Health (DOH). The DOH shall establish guidelines and mechanisms of compulsory rebates in the sharing of burden of discounts among retailers, manufacturers and distributors, taking into consideration their respective margins; (2) on the professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics and home health care services; (3) on the professional fees of licensed health professional providing home health care services as endorsed by private hospitals or employed through home health care employment agencies; (4) on medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services, in accordance with the rules and regulations to be issued by the DOH, in coordination with the Philippine Health Insurance Corporation (PhilHealth); (5) in actual fare for land transportation travel in public utility buses (PUBs), public utility jeepneys (PUJs), taxis, Asian utility vehicles (AUVs), shuttle services and public railways, including Light Rail Transit (LRT), Mass Rail Transit (MRT), and Philippine National Railways (PNR); (6) in actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking; (7) on the utilization of services in hotels and similar lodging establishments, restaurants and recreation centers; (8) on admission fees charged by theaters, cinema houses and concert halls, circuses, leisure and amusement; and (9) on funeral and burial services for the death of senior citizens; ..."

Expanded Senior Citizens Act of 2010, sec. 4(c) provides that "Sec. 4. Privileges for the Senior Citizens. - The senior citizens shall be entitled to the following: ... (c) the grant of a minimum five percent (5%) discount relative to the monthly utilization of water and electricity supplied by the public utilities..."

Expanded Senior Citizens Act of 2010, sec. 4(g) provides that "Sec. 4. Privileges for the Senior Citizens. - The senior citizens shall be entitled to the following: ... (g) educational assistance to senior citizens to pursue post secondary, tertiary, post tertiary, vocational and technical education, as well as short-term courses for retooling in both public and private schools through provision of scholarships, grants, financial aids, subsidies and other incentives to qualified senior citizens, including support for books, learning materials, and uniform allowances, to the extent feasible: Provided, That senior citizens shall meet minimum admission requirements; ..."

Other relevant provisions are found in the Expanded Senior Citizens Act of 2010, sec. 2(d), 4(e), and 4(b).

¹¹⁰ On employment, the Act mandates that "senior citizens who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society" [Expanded Senior Citizens Act of 2010, sec. 5(a)]. On education, the Act mandates concerned national government agencies, in consultation with NGOs and people's organizations to "institute programs that will ensure access to formal and nonformal education" [Expanded Senior Citizens Act of 2010, sec. 5(b)]. On housing, the Act mandates the national government to "include in its national shelter program the special housing needs of senior citizens, such as establishment of housing units for the elderly" [Expanded Senior Citizens Act of 2010, sec. 5(e)]. On ensuring access

- The provision of social pension for “indigent” senior citizens “to augment the daily subsistence and other medical needs;”¹¹¹ and
- The provision of “social safety assistance intended to cushion the effects of economic shocks, disasters and calamities” which shall include “food, medicines, and financial assistance for domicile repair.”¹¹²

The Magna Carta of the Poor¹¹³ explicitly mandates the establishment by the government of a system to progressively realize or implement the fundamental rights of basic sectors or the disadvantaged sectors of Philippine society, which explicitly include senior citizens.¹¹⁴ The Magna Carta also provides for the scope of these fundamental rights, which includes the right to adequate food,¹¹⁵ the right to decent work,¹¹⁶ the right to relevant and quality education,¹¹⁷ the right to

to public transportation, the Act mandates the concerned national government agency to “develop a program to assist senior citizens to fully gain access to public transport facilities” [Expanded Senior Citizens Act of 2010, sec. 5(f)].

¹¹¹ Expanded Senior Citizens Act of 2010, sec. 5(h)(1).

¹¹² Expanded Senior Citizens Act of 2010, sec. 5(h)(3).

¹¹³ An Act providing for a Magna Carta of the Poor [Magna Carta of the Poor], Republic Act No. 11291 (2019).

¹¹⁴ Magna Carta of the Poor, sec. 3(a), *which provides* “(a) Basic Sectors shall refer to the disadvantaged sectors of Philippine society including farmer-peasants, fisherfolk, workers in the formal sector including migrant workers, workers in the informal sector, indigenous peoples and cultural communities, women, persons with disability, senior citizens, victims of calamities/natural and human-induced disasters, youth and students, children, urban poor and members of cooperatives;”

¹¹⁵ Magna Carta of the Poor, sec. 4(a), *which provides* “Section 4. Scope of the Fundamental Rights of the Poor. - The government shall establish a system of progressive realization or implementation to provide the requirements, conditions and opportunities for the full enjoyment or realization of the following rights of the poor, which are essential requirements towards poverty alleviation: (a) Right to Adequate Food is the right of individuals or families to have physical and economic access to adequate and healthy food, or the means to procure it. The Department of Social Welfare and Development (DSWD), the Department of Agriculture (DA), and other implementing agencies concerned shall: (1) Undertake necessary actions to mitigate and alleviate hunger especially in times of calamities/natural and human-induced disasters; (2) Fully implement and maintain supplementary feeding programs in day care centers and schools; (3) Ensure the availability, accessibility and sustainability of food supplies in a quantity and quality sufficient to meet the dietary needs of poor individuals and families; and (4) Proactively engage the poor in activities intended to promote their food self-sufficiency and strengthen their access to resources and means to ensure food security. ...”

¹¹⁶ Magna Carta of the Poor, sec. 4(b), *which provides* “... (b) Right to Decent Work is the right to the opportunity to obtain decent and productive employment, in conditions of freedom, equity, gender equality, security, and human dignity. The Department of Labor and Employment (DOLE) and other implementing agencies concerned shall: (1) Ensure that the poor shall have access to information regarding employment openings in private enterprises and in government programs and projects especially regarding available employment opportunities for families displaced by calamities/natural and human-induced disasters or relocated from hazardous/danger zones; (2) Ensure the compliance of private contractors and subcontractors doing national and local public work projects, funded by either the national government or any local government unit (LGU), to till in thirty percent (30%) of the skilled labor requirements by qualified workers who come from the poor sector and who are residents of the LGUs where these projects are undertaken: Provided, That where the number of available resources is less than the required percentage provided therein, said requirements shall be based on the maximum number of locally available labor resources and shall be certified by the municipal, city, provincial or district engineer as sufficient compliance with the labor requirements under this Act; (3) Promote livelihood among the poor where implementing agencies shall provide technical and administrative support to help the poor establish their livelihood enterprise; (4) Ensure compliance with core labor standards, address the job and skills mismatch, and enhance human capital through education and training; and (5) Provide an environment for more inclusive tripartism to achieve more broad-based representation of interests and make decision-making highly participatory through social dialogue at the firm and industry levels. ...”

¹¹⁷ Magna Carta of the Poor, sec. 4(c), *which provides* “... (c) Right to Relevant and Quality Education is the right to attain the full development of the human person. The Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), in coordination with development partners concerned, shall: (1) Maintain a system of free public education in the kindergarten, elementary and high school levels; (2) Make higher education accessible to all poor individuals and families. They shall expand the programs of providing free or socialized college education to the poor, including student loans or study-now-pay-later plans, in state/local universities and colleges, which may be made subject to reasonable academic requirements; and (3) Ensure access to quality technical-vocational education and training through scholarships, subsidies and financial assistance to ensure access to decent and productive employment, subject to compliance to qualification requirements. ...”

adequate housing,¹¹⁸ and the right to the highest attainable standard of health.¹¹⁹ While the scope of the Magna Carta covers poor senior citizens, the fundamental rights therein do not identify conditions or circumstances that are specific to them.

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfill the above-mentioned rights to ensure older persons' economic security?

Older persons' rights to ensure economic security are generally the same as when they were younger adults.¹²⁰ To be able to sustain themselves, especially in accessing health-related goods and services, they emphasized the need to have regular income, which ideally should be covered by old age pension.¹²¹ However, due to the inadequate contributory pension amounts and inadequacy and inaccessibility of social pension, ensuring access to dignified income-generating opportunities that are specifically designed and targeted for them is very crucial, which also helps in their personal development and allow them to contribute to societal development.¹²² Essential new technologies should be accessible and user-friendly to older persons.¹²³ To access capital so that older persons can start micro-enterprises, the government should implement special loan programs with low interest rates and assistance in preparing the necessary documentary requirements.¹²⁴

On older migrant workers, official statistics on Overseas Filipino Workers (OFW) should be disaggregated by age.¹²⁵ It is a common experience among OFWs, especially for older OFWs, who return to the country to find it difficult to re-enter the local workforce as there are very limited

¹¹⁸ Magna Carta of the Poor, sec. 4(d), *which provides* "... (d) Right to Adequate Housing is the right to have a decent, affordable, safe and culturally appropriate place to live in, with dignity, security of tenure in accordance with Republic Act No. 7279, otherwise known, as the "Urban Development and Housing Act of 1992", in peace, with access to basic services, facilities, and livelihood. The Housing and Urban Development Coordinating Council (HUDCC) and other implementing agencies concerned shall: (1) Prioritize the implementation of the socialized housing program with identified appropriate subsidies; (2) Immediately construct and provide housing facilities for families living in identified hazardous/danger zones, and in areas affected by disasters/calamities where the housing needs of the poor are urgent; (3) Create an enabling environment that will assist the poor gain access to security of tenure with the least financial burden; and (4) Provide a system consisting of simple requirements and procedures, and expeditious processing and approval especially for community-based socialized housing/people's proposals. ..."

¹¹⁹ Magna Carta of the Poor, sec. 4(e), *which provides* "... (e) Right to the Highest Attainable Standard of Health is the right to have equitable access to a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health. The Department of Health (DOH) and other implementing agencies concerned shall: (1) Ensure equitable access to a system of good quality health care and protection that is also available, and accessible to the poor, in keeping with reasonable standards; (2) Provide for comprehensive, universal, culture-sensitive, nondiscriminatory and gender-responsive health services and programs, which include: (i) maternal and child health care and nutrition; (ii) access to ethical, legal, medically safe and effective reproductive health services and supplies; (in) promotion of breastfeeding; (iv) prevention and management of reproductive tract infections, sexually transmitted diseases, including Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS); (v) provision of immunization against major infectious diseases occurring in the community; and (vi) prevention, treatment and control of epidemic and endemic diseases; (3) Reduce the financial burden of health care and protection of the poor through a socialized health insurance program with the end view of totally eliminating out-of-pocket expenses; and (4) Provide health-related education and information to the community."

¹²⁰ Responses by participants *during the* "Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing," *through Zoom* (Feb. 7, 2023).

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

opportunities for decent work.¹²⁶ Social security contributions for old age pensions are not always portable.¹²⁷ As such, bilateral or multilateral agreements between sending and receiving States to ensure portability of old age pension would enhance the economic security of former older migrant workers.

Most LGBTQ persons fear prospects of a lonesome life in older age as many of them were abandoned by or estranged from their families.¹²⁸ NGOs have to provide decent housing for abandoned or estranged older LGBTQ persons but such efforts are unsustainable,¹²⁹ and State funding is necessary. For a country where the duty to care for older persons is primarily with family members,¹³⁰ older LGBTQ persons are disproportionately affected by the lack of adequate housing, health, and care programs for older persons.¹³¹ While older LGBTQ persons do not always find it difficult to engage in income-generating activities through freelancing in arts-related industries, they still face age-based discrimination at work.¹³² It is also important for local communities to proactively engage older LGBTQ persons in their communities, as many of them feel out of place or left out in most activities and projects targeted for older persons.¹³³

4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' economic security?

Some local government units allocate 1% of their budget exclusively for the benefit of senior citizens, which is, while good practice, not without challenges. First, this needs to be institutionalized through the enactment of a law.¹³⁴ There is also a need to ensure that older persons constituents are able to participate in the decision-making process on how to utilize this budget to ensure that it would benefit those who need it most in terms of economic security.¹³⁵

Older migrant workers benefit from the medical repatriation program by the DOH, however, it must be ensured that the medical attention will be continuously provided upon arrival in the country.¹³⁶

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Phil. Const. art. XV, sec. 4, *which provides* "The family has the duty to care for its elderly members but the State may also do so through just programs of social security."

¹³¹ Responses by participants *during the* "Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing," *supra* note 120.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ A bill was filed for this purpose in the present Philippine Congress: An Act mandating local government units to allocate one percent (1%) of their internal revenue allotment (IRA) for programs and projects for senior citizens and 1% of IRA for programs and projects for persons with disabilities, H.B. No. 3641, 19th Cong., 1st Reg. Sess. (2022).

¹³⁵ Responses by participants *during the* "Consultation with Civil Society for the 13th Session of the United Nations Open-Ended Working Group on Ageing," *supra* note 120.

¹³⁶ *Id.*

The participation of older persons in planning and decision-making processes is also crucial. By law, the senior citizens sector is one of the basic sectors that has a formal coordinating and advisory relationship with the national government on poverty alleviation issues.¹³⁷ A dedicated national government agency (the National Commission of Senior Citizens) also facilitates the implementation of fragmented laws on senior citizens and ensures older persons are represented in crucial governmental functions.¹³⁸

The Bangko Sentral ng Pilipinas reported that it has collaborated with “relevant stakeholders to develop innovative payment channels that can cater to the needs of senior citizens” including through the electronic distribution of pension and social aid, as well as the implementation of interoperable digital payment rails.¹³⁹

¹³⁷ An Act institutionalizing the social reform and poverty alleviation program, creating for the purpose the National Anti-Poverty Commission, defining its powers and functions, and for other purposes [Social Reform and Poverty Alleviation Act], Republic Act No. 8425 (1997).

¹³⁸ An Act creating the National Commission of Senior Citizens, providing for its functions, abolishing the National Coordinating Council and Monitoring Board, amending for the purpose Republic Act No. 7432, as amended, and appropriating funds therefor [National Commission of Senior Citizens Act], Republic Act No. 11350 (2019).

¹³⁹ Letter *from* Mamerto E. Tangonan, Office-in-charge, Bangko Sentral ng Pilipinas, *to* Beda A. Epres, Commissioner, Commission on Human Rights (Feb. 14, 2023) (on file with author).