



COMMISSION ON HUMAN RIGHTS
REPUBLIC OF THE PHILIPPINES

**INPUTS OF THE COMMISSION ON HUMAN RIGHTS OF THE PHILIPPINES TO THE 12TH SESSION
OF THE UNITED NATIONS OPEN-ENDED WORKING GROUP ON AGEING (OEWGA)**

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INTRODUCTION

The Commission on Human Rights of the Philippines (CHRP)¹, as the country's national human rights institution, submits this written inputs to the 12th Session of the United Nations Open-Ended Working Group on Ageing (OEWGA) where debates and discussions on the protection of the rights of older persons will focus on four key areas requiring further attention: (1) right to work and access to the labor market; (2) access to justice, as the normative content of issues examined at the OEWGA 11th session. Then, (3) contribution of older persons to sustainable development; and (4) economic security, as the new substantive themes for the OEWGA 12th session.

In this submission, the Commission utilizes its own documentation of independent monitoring activities which have undergone internal deliberations of the Commission en Banc (CeB). In addition, it draws from national laws and policies, data and reports from national government agencies, and researches and studies from non-government organizations, media, educational institutions.

RIGHT TO WORK AND ACCESS TO THE LABOR MARKET

Definition

1. How is the right to work and access to the labor market for older persons defined in the national legislation in your country? If such definition is not available, how should it be defined considering relevant existing national, regional and international legal framework?

In the Philippines, national legislation and policies for the benefit and welfare of older persons have strong foundation in our fundamental law. The 1987 Constitution of the Republic of the Philippines mandates the promotion and protection of the rights and welfare of older Filipinos as a sector in the general Philippine population. It is a declared policy of the Philippine government that it "shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and 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."²

The right to work and access to the labor market is defined in the Philippine context based on existing national legislations that guarantees the older persons' right to work and access to the labor market, such as, (a) "The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and 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."³ (b) "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 to the provisions of the Labor Code, as amended, and other laws, rules and regulations."⁴

¹ As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights of has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all. The Commission has "A"-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).

² PHIL. CONST. art. XIII, §. 11.

³ PHIL. CONST. art. II, §. 9.

⁴ 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, § 5 (2010).

Likewise, the government shall provide incentives to encourage private entities to employ senior citizens in the form of tax payment reduction, equivalent to fifteen percent (15%) of the total amount paid as salaries and wages to senior citizens.

However, the Labor Code (for the private sector) and the Civil Service Rules (for the government service) provide for a mandatory retirement age of 65 years old. Under these laws, any employed individual may opt to retire at 60 years old or 65 years old. On the other hand, certain professions and occupations like Supreme Court justices and lower court justices may retire at 70 years old while police and military personnel should retire at 56 years old. Although there are prescribed mandatory retirement age for all workers, older persons (60 years old and above) may still be hired and employed to continue working and earning for themselves and their families. They can be hired as consultants or contractual where their taxes and other benefits are treated differently.

Meanwhile, the House approved on third and final reading House Bill 5509 in 2019, which seeks to lower the optional retirement age of government employees from 60 to 56 years old and to amend Section 13-A of RA 8291, otherwise known as the “Government Service Insurance Act of 1997.”⁵

Scope of the right

2.What are the key normative elements of the rights to work and access to the labor market for older persons? Please provide references to existing standards on elements:

In the Philippines, there are enabling laws¹ that protect senior citizens and promote their employment as highlighted by the inputs of the National Economic and Development Authority (NEDA) in its submission to the CHR, there are laws in the Philippines that protect senior citizens (older persons) and promote their employment.

In addition, the Anti-Discrimination Law⁶, prohibits discrimination against any individual in employment on account of age.

Older persons wish to continue working because this gives them confidence to push for their autonomy and independence as well as continue supporting their families who are still either directly or indirectly dependent on them. However, older persons are more vulnerable to poverty due to "their lower labor force participation in the formal sector throughout their adult life, and consequently have less access to pensions" (UN ESCAP, 2017). Although there are older persons who receive pension — 29% receive pension from their former work through SSS, GSIS, and other schemes and 31% through the social pension program for indigent senior citizens – the amount ranging from Php500 (social pension) to Php3,000 (SSS) is insufficient to cover their basic monthly expenses. This situation prompts many older persons to return to the workforce. On the other hand, there are also some older persons who like to work again to pursue long-held dreams, plans or other interests and remain active throughout their old age.⁷

State obligations

3.What are the measures that should be undertaken by the State to respect, protect and fulfill the right to work and access to the labor market for older persons, regarding the normative elements?

The Department of Labor and Employment (DOLE), based on its submission to CHR, in its mission to promote gainful employment for all, recognizes the vital role and potential of older persons in contributing to the development of the country labor force. As such, they are implementing current administrative policies and guidelines² to further advocate and protect the rights of welfare of Filipino Senior Citizens. The DOLE, through the Bureau of Workers with Special Concerns (BWSC), also continuously implements the DOLE Integrated Livelihood and Emergency Employment Program (DILEEP), which aims to contribute to the government’s agenda of inclusive growth through massive job generation and substantial poverty reduction. This DILEEP has two component programs, namely:

- DOLE Integrated Livelihood Program (DILP) is a grant assistance for capacity building on livelihood for the working poor, vulnerable, and marginalized workers, including senior citizens. In 2021³, total of 1,475 senior citizens were provided with livelihood assistance amounting to P23,805,122.00⁸; and

⁵ Commission on Human Rights of the Philippines, (2020 National Human Rights Situation of Older Persons) 35 (2020).

⁶ An Act Prohibiting Discrimination Against Any Individual in Employment on Account of Providing Penalties Therefor, [Anti-Age Discrimination in Employment Act], Republic Act 10911, § 5 (2016).

⁷ Commission on Human Rights of the Philippines, (2020 National Human Rights Situation of Older Persons) 35 (2020).

⁸ Letter from Secretary Silvestre H. Bello III to Commissioner Karen Gomez-Dumpit (Feb. 11, 2022) (on file with Author).

- Tulong Panghanapbuhay sa Ating Displaced/Disadvantaged Workers (TUPAD), a community-based (municipality/barangay) package of assistance that provides emergency employment for displaced workers, underemployed, and seasonal workers, for a minimum period of 10 days, but not to exceed 90 days, depending on the nature of work to be performed. “The program was able to provide emergency employment to 63,446 senior citizens (older persons), 39% of whom were female beneficiaries (28,453).”⁹

In view of ensuring the access of senior citizens to program funds for livelihood and employment assistance, the DOLE has also allocated a mandatory one percent (1%) of the regional DILEEP funds for the sector per Section 21 of the DILEEP Guidelines. The DOLE also supports the “promotion of older persons’ self-employment and entrepreneurship”⁴.

The Department of Trade and Industry (DTI), based on its submission to CHR, has been operating with different government agencies mandated to protect the rights of senior citizens. In particular, the DTI released a Joint Administrative Order¹⁰, to grant senior citizens 5% discount on Basic Necessities and Prime Commodities (BNPC) pursuant to Section 4 (j) of Republic Act No. 9994 or the “Expanded Senior Citizens Act of 2010”. Relative thereto, the DTI recommends to encourage the senior citizens’ participation in the formulation of policies on consumer protection.¹¹ The Department also implements “entrepreneurship development programs”¹², do not discriminate, thus, senior citizens who may wish to start their own business may be assisted by the DTI.

Special considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to work and access to labor market, such as protection and regularization of older workers in informal sector, equal remuneration for work of equal value particularly for older women as well as recognition of unpaid work often carried out by older women?

Policymakers must also ensure that there are social and economic legislations that are “inclusive, protective, and supportive of the older person sector.”¹³ These feedback from older persons and employees’ and employers’ groups only call for increased awareness activities and better implementation of the current employment law intended to remove any forms of discrimination toward older persons in workplaces. Furthermore, the State including policymakers and implementers should acknowledge the significant impact of providing work to older persons. Giving employment opportunities to older persons is not merely giving favors but will certainly help in the country’s economic growth, lessen the prevalence of poverty among older persons, and create a friendly, healthy and livable community for the aging population.

The government should regularly monitor and evaluate the implementation of the normative elements. This can be carried out by the National Commission of Senior Citizens (NCSC), as the oversight agency charged with ensuring the full implementation of laws, policies and programs pertaining to the elderly (older persons).¹⁴ The NCSC has only recently passed its IRR,¹⁵ and still in the process of firming up its organization and finalizing its internal structures. Once the Commission is fully operational, the monitoring and evaluation agenda should be a priority. The Commission’s effectiveness must also be monitored to ensure that the well-being of senior citizens are protected and promoted.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right to work and access to labor market for older persons?

The DOLE-Bureau of Workers with Special Concerns (BWCS), in its submission of inputs to the Special Committee on Senior Citizens and to the Department Legislative Liaison Office (DLLO), relative to their current efforts on various House Bills instituting Elderly Employment System, Providing Employment Assistance, and Opportunities to Senior Citizens, “reaffirmed its commitment in continuously promoting and working for the equal participation of senior citizens in the labor market.

⁹ Secretary Bello III, *supra* note 2.

¹⁰ Department of Trade and Industry, AMENDMENTS TO JOINT DTI-DA ADMINISTRATIVE ORDER (JAO) NO. 10-02, SERIES OF 2010 entitled “Grant of Special Discounts to Senior Citizens on the Purchase of Basic Necessities and Prime Commodities” and Joint DTI-DA ADMINISTRATIVE ORDER (JAO) NO. 12-02, SERIES OF 2012 entitled “Granting Special Discounts to Senior Citizens on Purchase of Basic Necessities and Prime Commodities” [Joint DTI-DA-DOE Administrative Order No. 17-02] (Series of 2017).

¹¹ Letter from Secretary Ramon Lopez to Commissioner Leah C. Tanodra-Armamento (Jan. 25, 2022) (on file with Author).

¹² Letter from Secretary Ramon Lopez to Commissioner Leah C. Tanodra-Armamento (Jan. 25, 2022) (on file with Author).

¹³ Commission on Human Rights of the Philippines, (2020 National Human Rights Situation of Older Persons) 35 (2020).

¹⁴ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

¹⁵ National Commission of Senior Citizens, Implementing Rules and Regulations of Republic Act No. 11350 otherwise known as the “National Commission of Senior Citizens Act”, Republic Act No. 11350, rule 5 §1 (2021), available at <http://20210927-IRR-of-RA-11350.pdf> (officialgazette.gov.ph) last accessed on 20 February 2022.

Private business establishments are encouraged to hire senior citizens through tax incentives, while civil society organizations are encouraged to participate in development work. This practice surfaces issues and concerns faced by senior citizens who are looking for employment.¹⁶

Implementation

6. What are the best practices and main challenges faced by your country in adoption and implementation of the normative framework on the right to work and access to the labor market for older persons?

Included in the inputs of the DOLE, based on its submission to CHR, it stated “a key issue is the availability of administrative data on senior citizens which can be used as reference in the targeting of beneficiaries under government programs and services”.

There may be an increase in the numbers of employed older persons but some union groups saw some gaps in the said new employment law. Some of these gaps are the mismatch of skills to the job and lack of diversification in the industry. Currently, most job opportunities are concentrated in the hotel, restaurant, and tourism industry. Some of the older persons employed through the special employment program also appealed to the government to provide jobs that are physically and mentally fit for older persons. Employers’ Confederation of the Philippines (ECOP) stated that “while many of their members comply with the provisions of the said law, especially when it comes to advertising for job placements, most eschew an older workforce.”¹⁷

These feedback from older persons and employees’ and employers’ groups only call for increased awareness activities and better implementation of this employment law intended to remove any forms of discrimination toward older persons in workplaces. Furthermore, the State including policymakers and implementers should acknowledge the significant impact of providing work to older persons. Giving employment opportunities to older persons is not merely giving favors but will certainly help in the country’s economic growth, lessen the prevalence of poverty among older persons, and create a friendly, healthy and livable community for the aging population.

Moreover, policymakers must also ensure that there are social and economic legislations that are “inclusive, protective, and supportive of the older person sector.”¹⁸

NEDA in their inputs also shared that, “providing special monetary and non-monetary privileges, establishing social safety nets and incentivizing support from the private sector as best practices that facilitate implementation of the normative framework”.

¹⁶ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

¹⁷Ibid.

¹⁸Ibid.

ACCESS TO JUSTICE

Definition

1. What is the definition of the right of older persons to access justice in the national legislation in your country? Or should such right be defined, considering existing national, regional and international legal framework?

The Philippines has no definition for the right of older persons to access justice. However, it guarantees justice to all, regardless of age, as stipulated in Philippine Constitution.⁵

The Civil Code of the Philippines¹⁹ guarantees that every Filipino has access to their rights, including justice. This has been stated in the code's Article 32 Sections 8, 15 to 19.

Article 13 of the Revised Penal Code 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.²⁰ The penal code 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,"²¹ but a 2010 Supreme Court ruling clarified that this rule could not be used by convicted criminals who were below the age of 70 when they committed the crime or offense.²² Furthermore, the article published by Rappler also revealed that the Bureau of Jail Management and Penology (BJMP) does not have special facilities or policies that mandate for special treatments of older persons inside the Philippine jail institutions²³.

Access to justice follows the basic principle of the rule of law – guarantee for people to exercise their rights, hold perpetrators and decision-makers accountable.²⁴ UNDP also defines access to justice as the "ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards".²⁵

Other than the abovementioned policies, there is neither specific policy nor proposed bills both in the House of Representatives and Senate of the Philippines that recognizes the vulnerabilities and unique characteristics of the older person sector and sets special or particular rules for older persons to access justice based on these vulnerabilities and capacities.

Scope of the right

2. What are the key normative elements of the right of older persons to access justice on an equal basis with other? Please provide references to existing standards on such elements such as below, as well as any additional elements:

The guarantee of older persons' legal capacity (legal standing and legal agency) on an equal basis with others and not denied on the basis of age. There is no specific reference to such guarantee. However, Article 800 (Succession) of the Civil Code provides that the law presumes that every person is of sound mind, in the absence of proof to the contrary. Further, Article 1327 (Contracts) does not prohibit the elderly from giving consent to a contract. The prohibition is only limited to unemancipated minors and insane or demented persons, and deaf-mutes who do not know how to write.²⁶

The Civil Code provides for the award of damages or compensation to one that is entitled, regardless of age.⁶

The Philippine government also pursues timely administration of justice through the implementation of various strategies such as digitalization of justice processes, as espoused in Chapter 630 of the Updated Philippine Development Plan (PDP) 2017-2022. While not solely focused on the elderly, the Justice on Wheels Program, launched in 2004, is the Supreme Court's centerpiece program on increasing access to

¹⁹Republic of the Philippines. (1949, June 18). Civil Code of the Philippines. Official Gazette. <https://www.officialgazette.gov.ph/1949/06/18/republic-act-no-386/>

²⁰ Talabong, R. (2018, November 13). Too old for jail? At least 4,500 senior citizens incarcerated in PH. Rappler. <https://www.rappler.com/nation/number-of-senior-citizens-jailed-philippines-as-of-november-2019>

²¹Republic of the Philippines. (1930, December 8). The Revised Penal Code. Official Gazette. <https://www.officialgazette.gov.ph/1930/12/08/act-no-3815-s-1930/>

²²Talabong, R. (2018, November 13). Too old for jail? At least 4,500 senior citizens incarcerated in PH. Rappler. <https://www.rappler.com/nation/number-of-senior-citizens-jailed-philippines-as-of-november-2019>

²³ Ibid.

²⁴ Hauser, D. (2019, June 23). *The 2030 agenda and human rights* [Slides]. [Www.Un.Org. https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2019/06/Presentation-document-Older-persons-access-to-justice-Hauser.pdf](https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2019/06/Presentation-document-Older-persons-access-to-justice-Hauser.pdf)

²⁵ Office of the Ombudsman - Philippines. (2013). *Primer Access to Justice* [Slides]. <https://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2013/01/Primer-Access-to-justice.pdf>

²⁶ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

justice. This program aims to literally bring justice closer to the poor, vulnerable, and marginalized groups.²⁷ In addition, “access to legal services are also available to senior citizens that are being provided by the concerned government agencies”⁷.

Alternative Dispute Resolution (ADR) mechanisms are in place at all levels of the government. Every person has access to the different ADR programs of the government, which include Katarungang Pambarangay, Judicial ADR, and Mediation and Conciliation programs provided by different government agencies in different areas (e.g., land and real property, labor, consumer protection, data privacy, etc.).²⁸

The Bureau of Jail Management and Penology (BJMP) has special programs for senior citizen Persons Deprived of Liberty (PDLs), which include protecting senior citizen PDLs from discrimination, establishing functional priority lanes, and linking them with the OSCA to access different services for senior citizens, as mandated by RA 9994.²⁹

In the inputs of NEDA, it also indicated that BJMP also has an aftercare program for PDLs upon release. This is a referral system where BJMP seeks financial assistance for a PDL’s repatriation, employment/livelihood assistance, educational/vocational training scholarships, and medical and psychological interventions from LGUs, civil society, and the private sector.³⁰ All jail and correction facilities ensure equal access to services by all PDLs, including senior citizens. Also, there are available reporting mechanisms where senior citizens can file their complaints, namely the (i) OSCA, established in all cities and municipalities as mandated by RA 9994; and (ii) Assistance and Information Desks to be installed by the NCSC.

State obligations

3.What mechanisms or measures are necessary to ensure the enjoyment and to monitor implementation of the right of older persons to access justice, including State obligations to respect, promote, protect and fulfill the right?

Accessing justice is already challenging per se, especially to the poor and disadvantaged ones, due to quite number of issues and problems because of financial aspect, attitudes of the people toward the justice system, the inability of the justice system to provide effective dispensation of justice, and political, geographic or linguistic factors.³¹ It is even more difficult for older persons because of age discrimination and other barriers.

The Philippines signed and ratified the Convention on the Rights of Persons with Disabilities (CRPD). Article 13 of CRPD provides access to justice through the provision of procedural and age-appropriate accommodations in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.³²

Special considerations

4.What special considerations or specific issues should be included in the right of older persons to access justice, including procedural and age-appropriate accommodations as well as responsibilities of non-State actors?

There is a need to review State policies on the right of older persons, particularly amid the COVID-19 pandemic. In August 2020, DILG released its rule on the mobility of older persons under various quarantine situations.³⁵ Social safety nets for older persons must be holistic to provide for their needs while fulfilling the State’s obligations to protect their rights.³³

Implementation

5.What are the best practices and main challenges faced by your country in adoption and implementation of the normative framework on the right to access justice for older persons?

While there are international instruments and domestic policies for the right of older persons, there are limited provisions on access to justice for older persons. There is currently no specific legislation that addresses elder abuse. Thus, there is a lack of protective mechanisms to prevent violence, abuse, and neglect against older persons, and to provide redress for such. The safeguard of the welfare of senior

²⁷ Ibid.

²⁸ Ibid.

²⁹ BJMP Programs. Retrieved from: <https://www.bjmp.gov.ph/index.php/about-us/programs>.

³⁰ Ibid.

³¹ Ibid.

³² Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

³³ Ibid.

citizens is mainly focused on providing social pensions and healthcare benefits. There is a gap in terms of providing for their right to access justice. As a way forward, the government will pursue the enactment of the proposed Anti-Senior Citizen Abuse Act, one of the legislative agenda under Chapter 11 of the Updated PDP 2017-2022. The bill aims to protect senior citizens from all forms of abuse.³⁴

³⁴ Ibid.

FOCUS AREA 1: CONTRIBUTION OF OLDER PERSONS TO SUSTAINABLE DEVELOPMENT

National legal framework:

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development?

The Philippine Constitution recognizes the rights of all Filipino people including older persons to participate in and contribute to sustainable development and nation building.⁸ Also, included in NEDA's input, "in the Philippines, there are laws recognizing older persons' right to participate in and contribute to sustainable development".⁹

Further to the inputs of NEDA, "several government documents also specify policies on the elderly such as:³⁵

- The Philippine Plan of Action for Senior Citizens (2019-2022), which aims to ensure prioritizing gender-responsive community-based approaches for the effective leadership and meaningful participation of senior citizens in decision-making processes, both in the family and community;
- The Plan of Action on Ageing 1999-2004, which includes health promotion and disease prevention for adults by providing free flu vaccinations, osteoporosis screenings and eye tests. Specifically, the National Action Plan on Senior Citizens focuses on aspects of quality of life such as independent living.³⁶ In addition, the Philippines Statistics Authority (PSA) provides official statistics on labor force participation of senior citizens (including types of occupation) and their poverty incidence. Other information may be available in certain offices such as the OSCA for their volunteer and development planning/programming work; the Civil Service Commission for those in the executive departments; House of Representatives and the Senate for those in the legislative; and the Supreme Court for those in the judiciary;
- The Philippine Institute for Development Studies (PIDS) has also conducted research on policies and programs for older persons.³⁷ Demographic studies of senior citizens are also available at the Commission on Population and Development,³⁸ and the University of the Philippines Population Institute.
- The Longitudinal Study of Ageing and Health in the Philippines, which is the first nationally representative longitudinal study of ageing in the country. The 2018 baseline data provides comprehensive information on the health, economic status, and overall well-being of a nationally representative sample of older Filipinos aged 60 and older.³⁹

All these policies are formulated with the goal of "ensuring that societies and individuals age with security and dignity while maintaining their full participation and human rights.

Equality and non-discrimination:

2. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development?

Filipino senior citizens enjoy the advantage of a "comprehensive" national law that endeavors to promote their welfare by providing specific benefits and privileges. The Expanded Senior Citizens Act (RA 9994) was enacted on February 15, 2010. It aims to augment the existing programs and services being enjoyed by older persons as provided in previous legislations and policies. This law also seeks to ensure the effective and efficient implementation of the benefits and discount privileges by clarifying the specific roles and functions of the respective implementing government agencies.

Also, the country enacted RA 10911 or the Anti-Age Discrimination in Employment Act of 2016 to promote equality in employment opportunities and in treatment in the workplace, regardless of age.

³⁵ Albert, J.R.G., Monje, J.D., and Muñoz, M.S. (2021). SocPen beyond Ten: A process evaluation of the DSWD Social Pension (SocPen) program for indigent senior citizens amid the COVID-19 pandemic. PIDS Discussion Paper Series No. 2021-31. Available at: https://serp-p.pids.gov.ph/publication_detail?id=7578 (p. 16), last accessed on February 20, 2022.

³⁶ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

³⁷ Philippine Institute for Development Studies, Silver Linings for the Elderly in the Philippines: Policies and Programs for Senior Citizens, available at <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1909.pdf> (last accessed Feb. 21, 2022).

³⁸ Commission on Population and Development, resources, available at <https://popcom.gov.ph/> (last accessed Feb. 21, 2022)

³⁹ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

In an effort to ensure a “supportive and enabling environment for the elderly”, the Congress recently enacted RA 11350, which provides for the creation of a National Commission of Senior Citizens. Among the functions of the Commission are: (a) ensuring the full implementation of laws, policies, and programs pertaining to senior citizens; (b) formulate policies for the promotion and protection of the rights and well-being of senior citizens; (c) conduct information, education, and communication campaigns to raise awareness on the rights of senior citizens; and (d) establish and maintain cooperation and consultations with local government units and national government agencies on all matters pertaining to the general welfare of senior citizens.

Remedy and Redress:

3. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

RA 9994 mandated the establishment of the Office for Senior Citizens Affairs (OSCA) in every city and municipality in the country. The OSCA is mandated, among others, “to assist the senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under [Republic Act No. 9994] before the Department of Justice (DOJ), the Provincial Prosecutor’s Office, the regional or the municipal trial court, the municipal trial court in cities, or the municipal circuit trial court.”⁴⁰ Although, data and information on the OSCA’s capability to effectively refer older persons to the proper forum are not available and have not been monitored by the CHRP.

The Senior Citizen Sectoral Council is one of the 14 basic sectors under the National Anti-Poverty Commission (NAPC) that plays a vital role in governance since they represent the primary beneficiaries of the government’s poverty-reduction programs. The sector needs to be given a platform so they can navigate between government agencies and civil society institutions on issues that are pertinent to them. The basic sector is an important lobby in pushing for badly-needed legislation for the poor, and are indispensable to the essential dynamics of governance, both at the national and local levels. It is this participation in governance on the part of the sectors that NAPC has effectively institutionalized.⁴¹

⁴⁰ 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, § 6 (2010).

⁴¹ National Anti-Poverty Commission, Social Reform and Poverty Alleviation, available at <https://napc.gov.ph/sectors/socialreform> (last accessed Feb. 21, 2021).

FOCUS AREA 2: Economic Security

National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

The Philippine Constitution states that the government must “promote a just and dynamic social order that will ensure the prosperity and independence of the nation and 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.”⁴²

Another legislation, also guarantees the older persons’ right to pursue economic security or development through discounts, tax exemptions, educational support, social services, housing support, social pension and social safety nets.⁴³ In addition, R.A. No. 10911 or Anti-Age Discrimination in Employment Act, which was enacted in 2016, mandates employers to remove age discriminations in hiring, developing and retaining individuals. This law also opens more opportunities for older persons to continue working for as long as they can or want and be self-sustaining even in old age.

The NEDA, based on its submission to CHR, highlighted the following different policies guaranteeing the minimum essential level of the enjoyment of economic, social and cultural rights of the elderly Filipinos.⁴⁴

- RA 660 (An Act to Amend Commonwealth Act Numbered One Hundred and Eighty-Six Entitled “An Act to Create and Establish a Government Service Insurance System, to Provide for its Administration, and to Appropriate the Necessary Funds Therefor,” - provides both annuity and lifetime pension; also called the Magic 87 as members who are 52 years old can avail of retirement as long as they have been in the government service for the past 35 years and to Provide Retirement Insurance and for Other Purposes”) to Provide for its Administration, and to Appropriate the Necessary Funds Therefor,” and to Provide Retirement Insurance and for Other Purposes”).
- RA 1616 (An Act Further Amending Section Twelve of Commonwealth Act Numbered One Hundred Eighty-Six, As Amended, By Prescribing Two Other Modes of Retirement and for Other Purposes)- Prescribes refund of GSIS premiums and gratuity payment from employers who entered government service on or before May 31, 1977 and who rendered at least 20 years of service.
- RA 6948 (An Act Standardizing and Upgrading the Benefits for Military Veterans and Their Dependents)- Provides for the following: (i) old age pension; (ii) disability pension; (iii) death/survivorship pension; (iv) burial assistance; and (v) educational benefit.
- RA 7699 (Portability Law of 1994)- Combines GSIS and Social Security System (SSS) periods with paid premiums to qualify for retirement programs offered by both pension funds.
- RA 7876 (Senior Citizens Center Act of the Philippines of 1995)- Provides for the adoption of integrated and comprehensive approach towards health development giving priority to elderly and the establishment of senior citizen centers in every city and municipality.
- RA 8282 (An Act Further Strengthening the Social Security System thereby amending for this purpose, Republic Act No. 1161, as amended, otherwise known as the Social Security Law)- Entitles workers in the private sector to pension, salary loans and benefit packages related to sickness, maternity, disability, retirement, death, funerals, and assistance through the Employees’ Compensation program supporting workers who suffer from work-related injuries or sickness resulting in disability or death.
- RA 8291 (Government Service Insurance System [GSIS] Act of 1997)- Entitles government employees to compulsory and optional life insurance, pension (five-year lump sum or cash payment) and other social security protections such as disability, survivorship, separation, and unemployment benefits.

⁴²PHIL. CONST. art. II, §. 9..

⁴³An 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, § 6 and 5 (2010).

⁴⁴ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

- RA 10645 (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)- Provides for the mandatory coverage of all senior citizens in the national health insurance program of PhilHealth to be sourced from the National Health Insurance Fund.
- RA 11223 (Universal Health Care Act of 2018)- Provides for the protection and promotion of the right to health of all Filipinos, including the elderly; and ensures that all Filipinos are guaranteed equitable access to quality and affordable health care goods and services, and protected against financial risk.
- Presidential Proclamation No. 470, s. of 1994 (Declaring the First Week of October of Every Year as Linggo ng Katandaang Filipino [Elderly Filipino Week])- Mandates certain government agencies to work with non-government organizations to carry out the nationwide activities for the Elderly Filipino Week.¹⁰
- Batas Pambansa Bilang 344 (An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices)- Provides for the minimum requirements and standards to make buildings, facilities, and utilities for public use accessible to disabled persons, including older persons who are confined to wheelchairs and those who have difficulty in walking or climbing stairs, among others.

2.How is poverty defined in the national policy framework?

Poverty incidence is the proportion of families/individuals with per capita income/expenditure less than the per capita poverty threshold (i.e., the minimum income/expenditure required for a family/individual to meet the basic food and non-food requirements) to the total number of families/individuals.⁴⁵

3.What are the challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

In the National Human Rights Situation Report on Older Persons, the CHRP enumerated the following issues and challenges relating to situation and assessment relating to the challenges faced by older persons:⁴⁶

- Some of the challenges of the older persons are less economically active compared to younger age groups⁴⁷ given the limited opportunities, existing ageism or age discrimination, and challenges in policies and programs confronting older persons.
- Based on the 2015 Census of Population of Philippine Statistics Authority (PSA), majority or 80% of the older population do not have college degree. Around four million older persons have attained or completed elementary education. Moreover, 437 thousand or 5.2% of the total older person population in 2017 are in the bottom income decile. The bottom 40% comprised of 2.4 million (28.1%) while 2.5 million (29.4%) comprised the richest 20%. The same study also shows that only 43.8% of senior citizens have a job or business at the time they participated in the survey.⁴⁸
- According to Coalition of Services of the Elderly (COSE), a non-government organization working with older person sector, “three million out of the eight million Filipino older persons do not have any form of pension. Most of them are from the informal sector who do not have regular income or contributions, or who do not have any source of income and are dependent on support from their families.”⁴⁹
- COSE also reported in this study that 58% of older people receive incomes from children within the country and 21% from their children who are outside the country.
- The enactment of the Tax Reform for Acceleration and Inclusion (TRAIN) law in 2017 also affected majority of the older population. Although the government provided additional Php200 a month unconditional cash support in the first year, the amount was still insufficient to augment the basic needs of older persons and only benefits existing social pension beneficiaries. The said social

⁴⁵Philippine Statistics Authority, Approving and Adopting the Official Concepts and Definitions for Statistical Purposes for the Poverty Sector, (NSCB Resolution No. 2 Series of 2007), available at [Approving and Adopting the Official Concepts and Definitions for Statistical Purposes for the Poverty Sector | Philippine Statistics Authority \(psa.gov.ph\)](https://psa.gov.ph), (last accessed Feb. 21, 2022).

⁴⁶ Commission on Human Rights of the Philippines, (2020 National Human Rights Situation of Older Persons) 33 (2020).

⁴⁷ Reyes, C., Arboneda, A., & Asis, R. (2019, September). *Silver Linings for the Elderly in the Philippines: Policies and Programs for Senior Citizens*. Philippine Institute for Development Studies. <https://www.econstor.eu/bitstream/10419/211083/1/1678591343.pdf>

⁴⁸ (Reyes, C., Arboneda, A., & Asis, R., 2019, p. 8)

⁴⁹ Coalition of Services of the Elderly. (2018, February 9). *Universal Social Pension Better Than P200 Subsidy For Poor Older Persons –COPAP, COSE* [Press release]. <https://cose.org.ph/universal-social-pension-better-than-p200-subsidy-for-poor-older-persons-copap-cose/>

pension and UCT program have excluded five million older persons who have low retirement pension to no pension at all.⁵⁰

- The economic stability or development of older persons has become even more challenging brought about by the pandemic and series of lockdowns in the Philippines. Older persons have been banned to go outside their homes neither to buy basic needs nor work due to their vulnerabilities or high risks in COVID-19. There were also reported delays in the SSS pension caused by change in payout system during the COVID-19 pandemic.⁵¹

Also, based on the inputs of NEDA, submitted to CHR, “senior citizens living in poverty are challenged with limited access to healthcare; and low awareness and availment of government programs.¹⁹ Although older persons are covered by PhilHealth, the benefits cannot cover the full cost of healthcare, resulting in high out-of-pocket expenses. Inadequate facilities, missing budget allocation and inaccessible programs and services worsen this problem in their local communities.⁵² A recent PIDS study also found leakage in DSWD’s SocPen Programs: two out of five senior citizen beneficiaries of SocPen belong to the upper 50 percent of per capita income distribution while about 8.9 percent avail of pensions aside from the SocPen. The ongoing effects of the COVID-19 pandemic also exacerbate these challenges”.

4. What data, statistics and research are available regarding older persons living in poverty?

The following information are taken from the inputs of NEDA on its submission to CHR:

- The Philippine Statistics Authority (PSA) releases data on basic sector poverty every three years, and other non-income data related to poverty may be generated through the Annual Poverty Indicator Survey (conducted during non-Family Income and Expenditure Survey years).⁵³ They also provides official statistics on labor force participation of senior citizens (including types of occupation) and their poverty incidence. Other information may be available in certain offices such as the OSCA for their volunteer and development planning/programming work; the Civil Service Commission for those in the executive departments; House of Representatives and the Senate for those in the legislative; and the Supreme Court for those in the judiciary.
- The Philippine Institute for Development Studies (PIDS) has also conducted research on policies and programs for older persons. Demographic studies of senior citizens are also available at the Commission on Population and Development, and the University of the Philippines Population Institute.
- The Longitudinal Study of Ageing and Health in the Philippines, which is the first nationally representative longitudinal study of ageing in the country. The 2018 baseline data provides comprehensive information on the health, economic status, and overall well-being of a nationally representative sample of older Filipinos aged 60 and older.

The Philippine Statistics Authority (PSA) is the government agency primarily conducting data collection involving the Philippine population. Statistical data published by the PSA involving the older population are predominantly focused on population projections, poverty indices, economic deviations, access to social security benefits and the like. These data are usually disaggregated by age, sex, and economic status. For purposes of data collection, older persons or senior citizens are defined as those over the age of 60.⁵⁴

Some of the previous indices published by the PSA reflecting the situation of older persons are as follows:

- Philippine Statistics Authority, “2010 Census-based Population Projections in Collaboration with the Inter-Agency Working Group on Population Projections”⁵⁵

⁵⁰ Ibid.

⁵¹ Araja, R. (2020, October 11). Lawmaker urges SSS to address delays in elderlies’ pension. *Manila Standard*. <https://manilastandard.net/mobile/article/336534>

⁵² Dr. Aurora De Leon, The Quality of Life of the Filipino Elderly in Selected Cities and Provinces, available at [Dr Aurora De Leon's Presentation First Multipartite Regional Meeting on the Financial Security of Older Women in East & Southeast Asia FINAL.pdf \(tsaofoundation.org\)](#), (last accessed Feb. 21, 2022)

⁵³ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

⁵⁴ Philippine Statistics Authority, *Facts on Senior Citizens, Result of the 2015 Census of Population: Population Characteristics, 2015*, available at https://psa.gov.ph/system/files/2015%20Fact%20Sheets%20on%20Senior%20Citizen_pop.pdf?width=950&height=700&iframe=true#:~:text=Senior%20Citizen%20is%20defined%20as,the%20Philippines%3A%202000%20to%202015 (last accessed March 29, 2021).

⁵⁵ Philippine Statistics Authority, “2010 Census-Based Population Projections in Collaboration with the Inter-Agency Working Group on Population Projections”. <https://www.psa.gov.ph/content/highlights-2010-censusbased-Population-projections> . Accessed March 29, 2021.

- Philippine Statistics Authority, Women, and Men in the Philippines Statistical Handbook (2016)⁵⁶
- Philippines Statistics Authority, “2014 Annual Poverty Indicator Survey”⁵⁷
- Philippine Statistics Authority, Philippines National Demographic and Health Survey 2017⁵⁸

The Pilot Study on Select Rights of Older Filipinos conducted by the CHR in the first quarter of 2019 reveals that old age is the most cited reason for not accessing education programs. More respondents in the higher age groups cited age as a barrier compared to those in the lower age groups.

Progressive realization and the use of maximum available resources

8. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

The response to this is similar to the response to the similar question under Right to Work and Access to the Labor Market, question no. 3.

9. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

The government has implemented macroeconomic policies to address the economic insecurity of older persons in poverty. In 2018, SocPen beneficiaries received an additional stipend of PHP200.00 under the Unconditional Cash Transfer (UCT) program as mandated by the Tax Reform for Acceleration and Inclusion (TRAIN) law, “Republic Act 10963”. In the succeeding years, DSWD through MC No. 4, s. of 2019 increased the grant to PHP300.00. During the onset of the pandemic, SocPen beneficiaries were also qualified to receive for two months, cash benefits ranging from PHP5,000.00 to PHP8,000.00 through the Social Amelioration Program.⁵⁹

Chapter 11¹¹ of the Updated Philippine Development Plan (PDP) 2017-2022 also identified increasing the amount and coverage of social pension to qualified beneficiaries as one of its legislative agenda and strategy. The Lower House passed House Bill (HB) No. 945925 but the Senate has yet to pass a counterpart bill. Recently, the Lower House also approved several HBs that grant monetary incentives or exemptions to senior citizens (e.g., HB 8424 which mandates all LGUs to set aside at least one (1) percent of their total budget to senior citizen-centric.⁶⁰

10. What good practices are available in terms of ensuring older persons’ economic security, including through a life-course approach?

In the CHR-National Human Rights Situation Report on Older Persons, it highlighted the notable efforts of the Philippine government in promoting and respecting the human rights of Filipino older persons. There have been significant developments in the national legal framework, in which five of the 11 major national legislations for older persons were enacted from 2016-2018. A major step towards achieving our ageing agenda is the passage of the Anti-Age Discrimination in Employment Act (2016), the Universal Health Care Act (2019), and the National Commission of Senior Citizens Act (2018).

In addition to the inputs of NEDA, “the Philippines has implemented laws, policies and institutional mechanisms to ensure older person’s economic security from employment to retirement to death”.

Remedies and redress

11. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

⁵⁶ Philippine Statistics Authority, “Women and Men in the Philippines Statistical Handbook (2016)

⁵⁷ Philippine Statistics Authority, “2014 APIS: Annual Poverty Indicators Survey, 2014, <https://psa.gov.ph/sites/default/files/2014%20APIS%20Final%20Report.pdf>

⁵⁸ Philippine Statistics Authority, Philippine National Demographic and Health Survey 2017, <https://psa.gov.ph/national-demographic-health-survey>

⁵⁹ Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

⁶⁰ Ibid.

On the part of the Commission, its mandate is to investigate on its own, or by complaint of any party, all forms of human rights violations involving civil and political rights,⁶¹ therefore, cases involving the ageism and age discrimination of older persons, as one of the vulnerable and marginalized groups, will be acted upon with the appropriate interventions. Specifically, while the country is still grappling with the COVID-19 pandemic, the Commission has made available three distinct online reporting platforms. This is to also ensure that reports involving older persons will be given with equal and appropriate interventions and the Commission works in partnership with organizations and government agencies to ensure appropriate referral and response.

- **E-lawyering Service**, aims to offer immediate legal assistance to actual or threatened victims of human rights violations, who may report the incidents through phone call, social media or e-mail. The program is also open to migrants and their families, and aims to ensure the immediate referral of cases to appropriate government agencies for proper action.
- **e-Report sa Gender Ombud**, with support from the United Nations Populations Fund (UNFPA), the Commission has developed this online reporting portal for cases of GBV during the pandemic. The reporting is not limited to those who are victim-survivors of violence, but can be used by anyone who witnessed or knows of incidents of GBV and wishes the same to be responded to and documented. Forms of GBV are also not limited to intimate partner violence, it could be violence experienced by women, girls and members of the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) communities in the hands of family members, strangers, from duty bearers, or those in relation to access of relief and support services, alleged violation of curfew and ECQ rules or denial of services in relation to reporting GBV or accessing reproductive health services. Sectors are specified per report to ensure we capture the specific experiences of marginalized and vulnerable groups including girl-children, women with disability, indigenous women, women human rights defenders, women in the informal sector, rural and urban poor, **the elderly / older persons**, migrant women, among others.
- **OFW and Migrant Complaint Portal**, this online reporting portal is particularly for migrants and members of their families. This is aimed at offering immediate legal assistance to actual or threatened victims of human rights violations, and to ensure the immediate referral of cases to appropriate government agencies and NHRIs in the receiving and transit countries for proper action.

In 2016, DSWD launched the Reporting System and Prevention program for Elderly Abuse Cases to serve as an end-to-end system to address elderly abuse in the community.⁶² There are also existing laws¹² in the Philippines that will show the available mechanisms for older persons to lodge complains and seek redress.

⁶¹ PHIL. CONST. art. XIII § 17-18..

⁶² Letter from Undersecretary Rosemarie Edillon to Commissioner Karen Gomez-Dumpit (Feb. 7, 2022) (on file with the Author).

ENDNOTES

¹ RA 9994 (Expanded Senior Citizens Act of 2003):

- (i) exempts them from training fees for socioeconomic programs, (Sec. 4 par. d)
- (ii) provides educational assistance (e.g. scholarships, grants, other incentives) to pursue formal and vocational education and short-term courses for retooling (Sec. 4, par. g)
- (iii) mandates the provision of employment information and matching services (Sec. 5, par. a)

² DOLE's current administrative policies and guidelines issued to further advocate and protect the rights and welfare of elderly Filipino works:

- Department Circular No. 3, Series of 2021, which provides for the guidelines on Section 5(a) Employment provision of Republic Act No. 9994 or the Expanded Senior Citizens Act of 2021;
- Department Order No. 170, Series of 2017, which provides for the Implementing Rules and Regulations of Republic Act No. 10911 or the Anti-Age Discrimination in Employment Act; and
- Department Order No. 173, Series of 2017, which provides for the Revised Guidelines in the Implementation of the DOLE Integrated Livelihood and Emergency Employment Program (DILEEP).

³ DOLE's Consolidated Quarterly Progress Report, the senior citizens (older persons) beneficiaries came from Region VI (585), followed by Region XII (228), Region VIII (183), Region VII (166), and NCR (126). Almost 39% or 571 of the total number of senior citizens (older persons) granted with assistance were women.

⁴ The DOLE provides employment opportunities to the senior citizens through entrepreneurship development either for individual or group undertaking. The DILP, a flagship program of the Department, prioritizes the vulnerable and marginalized sectors, one of which is the senior citizens (older persons), where they can receive livelihood support in the form of working capital such as tools, equipment, and raw materials, to start their own enterprise or to sustain their current livelihoods. An individual project can receive a maximum grant assistance of Php 30,000.00, while group project can receive Php 250,000.00 to Php 1,000,000.00, depending on the membership size and project requirements. DOLE also allocates one (1) percent of its total regional DILP funds for senior citizens to ensure their access to the program.

⁵ The 1987 Philippine Constitution:

- Article II, Sec. 10: "The State shall promote social justice in all phases of national development.
- Article II, Sec. 11: "The State values the dignity of every human person and guarantees full respect for human rights."
- Article III, Sec. 1: "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."

⁶ Civil Code:

- Article 20: "Every person who, contrary to law, willfully or negligently causes damage to another, shall indemnify the latter for the same."
- Article 21: "Any person who willfully causes loss or injury to another in a manner that is contrary to morals, good customs or public policy shall compensate the latter for the damage."
- Title XVIII (Damages) is one of the bases on the award of damages.
- Access to timely legal proceedings, especially in situations of immediacy; d. Accessibility of courtrooms, legal tribunals and other justice-related facilities to all older persons;

⁷ Legal services available to senior citizens (older persons):

- Department of Justice Action Center (DOJAC):³¹ While not solely focused on the elderly, DOJAC acts on complaints, requests for legal assistance, and queries of walk-in clients and callers. b. Public Attorney's Office (PAO).
- PAO provides access to free legal services, subject to indigency qualifications as prescribed by Rule VI of the IRR of RA 9406.32 Although the IRR does not provide any provision on free legal assistance specific for senior citizens, PAO Memorandum Circular No. 02, s. 2016 provides that pension is excluded in the determination of indigency. This gives leeway for senior citizens to avail of free legal services subject still to the qualification based on family income.

⁸ Article II, Section 10, stipulates the State policy to promote social justice in all phases of national development;

- Article II, Section 11 declares the value of every person's human dignity and guarantees full respect for human rights; and
- Article III on the Bill of Rights protects the following:
-Section 4 - freedom of speech, of expression, and the right of the people to peaceably assemble and petition the government for redress of grievances; and
Section 7 - the right of the people to information on matters of public concern.

⁹ List of laws recognizing older person's right to participate and contribution to sustainable development:

- Republic Act (RA) No. 7432 (An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes), Provides privileges to senior citizens such as discounts, income tax exemption to the poor, and free skills training from the Office for Senior Citizens Affairs (OSCA). It also establishes the OSCA in local government units (LGUs) to address the concerns of senior citizens.
- RA 8425 (Social Reform and Poverty Alleviation Act of 1998), Expands the coverage of the benefits and privileges for senior citizens (i.e., 20% discount to a list of goods and services), provides guidelines in organizing the OSCA and encourages working with NGOs on the development of senior citizens, among others. The Act also encourages the senior citizens to contribute to nation building [Sec. 1 (a)
- RA 9994 (Expanded Senior Citizens Act of 2010), Further expands the discount privileges of senior citizens (i.e., 20% discount and exemption to the value added tax), and provides a list of government assistance including: a. Social pension (or SocPen) amounting to PHP500.00 monthly to indigent senior citizens implemented by the Department of Social Welfare and Development (DSWD); b. Mandatory Philippine Health Insurance Corporation (or PhilHealth) Coverage; and c. Social safety nets (i.e., food, medicine and financial assistance during disasters). It also provides further enhancements to the OSCA, including the provision of an honorarium to its head equivalent to Salary Grade 10.
- RA 10868 (Centenarians Act of 2016), Creates the NCSC and provides for its functions; and abolishes the National Coordinating Council and Monitoring Board.⁴ The law mandates the NSCC to ensure full implementation of the programs, projects, and policies of the government on senior citizens, including studies on the elderly.
- RA 11639 (General Appropriations Act of 2022), Mandates all government agencies to formulate plans, programs, and projects to address the concerns of senior citizens and persons with disability, and integrate the same in their regular activities (Sec. 35).
- DSWD Administrative Order No. 5, s. 2010 (DSWD Long Term Care Program for Senior Citizens [LTCSC] General Implementing Guidelines), Guides the implementation of the LTCSC, the blueprint of the government to ensure the development of a milieu that would meet the present and future needs of the growing number of senior citizens in terms of human development service delivery. This integrates several programs and services such as: a. Residential care services such as a 24-hour facility to provide multidisciplinary care to abandoned senior citizens; b. Community-based services for senior citizens and their families such as strengthening senior citizens associations and senior citizens center for education; c. Home care support service such as hospice care, foster home, family/kinship care and caregiver support; and d. Volunteer resource services for opportunities on volunteer community work and inter-generational linkages.

¹⁰ Government agencies: DSWD, DOH, Department of Education, Department of the Interior and local Government; Non-government organizations: Coalition of Services for the Elderly and Federation of Senior Citizens Associations of the Philippines

¹¹ Chapter 11: Ensuring Food Resiliency and Reducing Vulnerabilities of Filipinos.

¹² Laws for remedies and redress of older persons:

- RA 9994 (Expanded Senior Citizens Act of 2010), Mandates the OSCA to assist senior citizens in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under this law (Sec. 6) • Outlines the penalties for any person or entity, who refuses to honor the senior citizen card¹⁶ issued by the government or violates any provision of the Act (Sec. 7 supplemented by Rule VII of the Implementing Rules and Regulations or IRR)
- RA 9710 (Magna Carta of Women), Stipulates that the State shall protect women senior citizens from neglect, abandonment, domestic violence, abuse, exploitation, and discrimination. Towards this end, the State shall ensure special protective mechanisms and support services against violence, sexual abuse, exploitation, and discrimination of older women (Sec. 33, Chapter V).
- IRR , RA 11350 (The NCSC Act), Provides for the functions of NCSC, which includes among others, the following [Rule 5, Sec. 1 par. 1 (a) and (b)]: a. Install an Assistance and Information Desk that shall address complaints of senior citizens in relation to violations of the provision of RA 7432, RA 9994, and other laws relating to senior citizens; and b. Act on complaint/s of senior citizens by conducting investigations, case build-up, and if possible, recommend the filing of administrative, civil, or criminal complaints.
- Act No. 3815 (Revised Penal Code of the Philippines), provides special protective mechanism to the elderly through the following provisions: a. An offender that is over 70 years of age is considered a mitigating circumstance (Article 13, par. 2). b. 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 an aggravating circumstance (Article 14, par. 3). c. The death sentence shall not be inflicted upon any person over seventy years of age (Article 83).