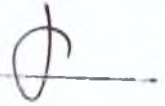


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SENATE
S.B. No. 1595

RECEIVED BY



Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
DEFINING WHO ARE INSTITUTIONALIZED PERSONS
AND PENALIZING THEIR MALTREATMENT

The ceiling as the sky, and the four corners of a room that limit their world. This is the reality of institutionalized persons. But still, whatever may be the reason for their confinement, they do not shed their right to be treated humanely. Any form of abuse or maltreatment should thus be admonished.

No less than the Constitution provides that the State "values the dignity of every human person and guarantees full respect for human rights."

Abuse of institutionalized persons is alarming. When those institutionalized incarcerated whether for health reasons or as a legal consequence are mistreated due to poor or inadequate care or support, or systemic poor practice, the State must step up and cloak its people with a mantle of protection.

With their pleas for help muffled by the walls that cage them, they become more susceptible to maltreatment – sometimes, most unfortunately, at the hands of the very people supposed to look after them. What makes the passage of this measure all necessary are the documented rise in the rates of abuse institutionalized cases in the pandemic. When the world stopped and the economy shut down, this sector has become even more marginalized. The closures and the protocols widened the gap even further – when the eyes were turned away, the abuses persisted.

This proposed measure seeks to not only shed a light into the horrors that some institutionalized persons suffer from, but also a lend our voice to them so that the protection that they are entitled to, will be afforded to them.

Serious physical injuries and long-term psychological consequences inflicted by the people whose job entails an expectation of trust – to care for and not to harm, are at the height of cruelty. Institutionalized persons deserve no less than watchful eyes that would guarantee that they remain safe and protected as they are confined outside public view and under situations that make it more difficult to complain.

In view of the foregoing, urgent passage of this measure is most earnestly sought.


RAMON BONG REVILLA, JR. 

1 3. Juveniles –

- 2 a. Held awaiting trial;
- 3 b. Residing in such facility or institution for purposes of
- 4 receiving care or treatment; or
- 5 c. Residing for any government purpose in such facility or
- 6 institution (other than a residential facility providing
- 7 only elementary or secondary education that is not an
- 8 institution in which juveniles who are adjudicated
- 9 delinquent, in need of supervision, neglected, placed in
- 10 government custody, mentally ill or disabled, mentally
- 11 ill or disabled, mentally retarded, or chronically ill or
- 12 handicapped).

13 Sec. 4. *Prohibited Acts.* – It shall be unlawful for any official, employee, or agent

14 of the government, or other person acting on behalf of the government charged with

15 the care of an institutionalized person to:

- 16 a. Subject persons residing in, or confined to an institution to egregious
- 17 or flagrant conditions causing such person to suffer physical injuries;
- 18 b. Withhold from such institutionalized persons services, resources and
- 19 facilities necessary for their maintenance and well-being; and
- 20 c. Inflict, intentionally or through negligence, upon said person’s
- 21 psychological or physical harm.

22 Sec. 5. *Penal Liability.* – Any of the persons referred to in Section 4 of this Act

23 who are guilty of the commission of the prohibited acts enumerated therein shall, **in**

24 addition to the penalties imposed under existing laws, be penalized with imprisonment

25 ranging from six (6) months to one (1) year. This is without prejudice to any

26 administrative case which may be filed against the erring official.

27 Sec. 6. *Civil Liability.* – A responsible official found guilty of violating this Act

28 shall also be civilly liable for any damage that may be suffered by the institutionalized

29 person as a result of the violation of this Act.

1 *Sec. 7. Separability Clause.* If any portion of this Act is declared unconstitutional
2 or invalid, the portions or provisions which are not affected shall continue to be in full
3 force and effect.

4 *Sec. 8. Repealing Clause.* All laws, decrees, executive orders and rules and
5 regulations or parts thereof which are inconsistent with this Act are hereby repealed
6 or modified accordingly.

7 *Sec. 9. Effectivity Clause.* This Act shall take effect fifteen (15) days after its
8 publication in the Official Gazette or in at least two (2) national newspapers of general
9 circulation.

Approved,