1. Please advise of the general situation in Philippines, in particular whether an elderly woman would be able to access assistance from police.

General Situation

Sources indicate that violent crime is a significant problem in the Philippines. According to travel advice by the Australian Department of Foreign Affairs and Trade issued in May 2010, random acts of violence occur and gun ownership is widespread and poorly regulated, contributing to a higher incidence of violent crime. A 2005 article by the Los Angeles Times explains that the increasing levels of crime are the result of growing poverty in the country. It claims growing economic hardship and widespread poverty have triggered a sharp increase in

property crimes, particularly theft. The number of arrests for such petty crimes have soared and the ‘volume of prisoners has skyrocketed far beyond the capacity of the jail system’.

According to Bondoc Solidarity (a Filipino NGO devoted to agrarian reform) extra-judicial executions among common criminals are commonplace in the southern cities of Cebu (on the island of Cebu) and Davao City (on the island of Mindanao), in other major cities and the Metro Manila region. Vigilante killings also continue to be a serious problem. Davao City is known for the ‘Davao Death Squads’ who, with the complicity of the local police, execute petty criminals, gang members and poor street youths. According to a 2009 report by Human Rights Watch, the number of targeted killings in these two southern cities has seen a steady rise over many years. The 2009 US Department of State Report on Human Rights Practices-Philippines also confirmed that vigilante killings continue to occur in Cebu City, Cagayan de Oro, Tagum City, and General Santos City.

Despite a recent ceasefire by one of a number of secessionist groups, the Moro Islamic Liberation Front, sources indicate that Mindanao (the southern island that is home to most Philippine Muslims) and other southern islands such as Basilan continue to experience regular fighting and bomb attacks by other groups such as Abu Sayyaf (one of several Islamist groups seeking a separate Muslim homeland in the south) and the communist New People’s Army.

Numerous sources claim that civilians are often killed and kidnapped by these armed groups or as a result of violent clashes with government forces. According to the 2009 US Department of State Report on Human Rights Practices-Philippines, ‘terrorist groups’ killed and kidnapped NGO workers, teachers, and other civilians. The NPA also continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. Citizens’ groups complained that the government armed forces, in confronting Abu Sayyaf and the NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages. The NPA and other extortion groups also harassed businesses and government offices, and burned farms, businesses, and private communication facilities to enforce the collection of ‘revolutionary taxes’. The report also noted numerous kidnappings recorded in Mindanao and the Sulu Archipelago by various armed criminal and ‘terrorist groups’.

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Negros Occidental

Though the majority of reports of armed conflict emerge from Mindanao and other southern areas, there has been limited reporting of clashes between government forces and the NPA in Negros Occidental.

In 2010, the Asian Legal Resource Centre claimed that in the last few years there were three extra-judicial killings in Negros Occidental, two of which were in the town of Manapla.11 In 2009, one media source reported a clash between the government and the NPA, whilst another local media source reported that, in July 2009, heavily armed NPA rebels ambushed a cargo truck in Negros Occidental resulting in the death of three civilians and the wounding of three others.12 Two recent local media articles also highlight that NPA extortion of local residents occurs in Negros Occidental.13

2010 Elections

Presidential elections, legislative elections and local elections in the Philippines were held on 10 May 2010. According to reports, prior to the elections, a number of bombs exploded in Maguindanao (on the island of Mindanao) and several candidates and campaign managers were killed, including a highly reported attack on one candidate’s convoy in Maguindanao.14 Due to election-related violence, the two provinces of Maguindanao, Sultan Kudarat and addition to Cotobato City were placed under a state of emergency, which is still in effect.15

On 9 June 2010, the Philippine Congress proclaimed Senator Benigno “Noynoy” Aquino III

Reports of extortion and kidnapping of civilians by the New People’s Army (NPA) or other armed groups; state response to extortion and kidnapping; extent of recruitment efforts by the NPA (2003 – 2006) , 18 October http://www.unhcr.org/refworld/docid/45f147963e.html – Accessed 18 June 2010 – Attachment 11.


(from the Liberal Party) as the country’s new president and Makati City Mayor Jejomar Binay as the vice president.16

Police Protection for the Elderly

Elderly Filipinos receive the same level of police protection as other groups in society which sources indicate is inadequate and ineffective in regards to violent crimes.

Very limited information could be found on violence towards elderly people in the Philippines but some sources indicate that it exists but is often under-reported. A 2008 article by The Manila Times on senior citizens claimed that ‘Senior citizens are too easily victimized by neighborhood gangs. The latest victim of such kind of violence was a group of caroling seniors. They were hacked with bolos (large cutting tool similar to the machete) by a group having a binge who did not like their singing’.17

There appear to also be a number of legislative Bills currently before parliamentary committees that specifically address the issue of protection for the elderly such as the Seniors’ Safety Act of 2008 which seeks to develop strategies for preventing and punishing crimes, including acts of domestic violence, against senior citizens and the Older Filipinos’ Protection from Violence Act.18 Proponents of these bills claim that recent studies show that elderly abuse is severely under-reported because of shame, privacy concerns or as a result of prior unsatisfactory experiences with individuals, agencies or others who lacked sensitivity to the concerns or needs of elder or disabled persons.19 These legislative initiatives highlight the vulnerability of elderly Filipinos to violence.

The 2010 report by Freedom House, Freedom in the World-Philippines noted that rule of law in the Philippines is generally weak. A backlog of more than 800,000 cases in the court system contributes to impunity, and low pay encourages rampant corruption.20 Other NGO reports corroborate the claim of a ‘climate of impunity’ that plagues the Philippines criminal justice system with the military and police being the perpetrators of human rights violations.21 The constitutionally mandated Commission on Human Rights (CHR) described the Philippine National Police (PNP) as ‘the worst abuser of human rights’.22 In a 2009 report on death

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squads in the Philippines, Human Rights Watch found evidence of complicity and at times direct involvement of government officials and members of the police in such killings. An Amnesty International report from November 2009 notes that the combination of a lack of confidence in police impartiality, fear of reprisals and the lack of an effective witness protection program, contributes to the ineffectiveness of most police investigations. The Asian Human Rights Commission and Asian Legal Resource Centre claim that there are no existing mechanisms that persons facing threats or serious risks to their lives can use to seek police protection, either temporary or long-term. Whilst the newly elected President Aquino has promised to address government corruption, it appears that he intends to retain the former National Police Chief. Maintaining the head of the highly criticized and allegedly corrupt police force raises doubts as to the commitment to and likelihood of achieving this goal.

2. Please provide general information on relocation.
Sources indicate that there are no legal or cultural impediments to relocation. Practical considerations, however, such as a person’s age and lack of familial support, may mean that relocation would be burdensome.

According to the 2009 US Department of State Report on Human Rights Practices - Philippines, the constitution provides for freedom of movement and the government generally respected these rights in practice. The 2010 Report by Freedom House, Freedom in the World-Philippines also states that citizens may travel freely outside conflict zones and that there are no restrictions on employment or place of residence.

3. Are there safe retirement homes or other services for older women in the Philippines, especially in Negros Occidental?
Only a small number of aged care homes exist in the Philippines as, traditionally, elderly Filipinos relied on the support and care of their children, spouse or other relatives. With increasing emigration of young Filipinos who provide remittances to elderly relatives back home, the state has been forced to provide services to the elderly in absence of their familial support network.

No information could be found on aged care homes in Negros Occidental. Only three state-run aged care homes exist in the Philippines. The state-run homes include the ‘Golden Acres:

Haven for the Elderly’ in Tanay, Rizal (57 km east of Manila which accommodates up to 300 people) and regional homes in Talon-Talon, Zamboanga City (island of Mindanao) and in Visayan Village, Tagum City, Davao Oriental.\(^{30}\) The local Coalition of Services for the Elderly, however, claims that Golden Acres has reached maximum capacity.\(^{31}\)

There are also numerous NGOs concerned with women’s rights and development operating in the Philippines, some of which address issues relating to elderly women and provide aged care homes.\(^{32}\) An example is the Deborah Foundation (based in Bulacan) which operates a home for elderly women.\(^{33}\) The Bahay Puso Apostolate Foundation also operates a small home for elderly women in Bataan.\(^{34}\) Other privately-run non-gender specific nursing homes include the:

- Asilo De Molo Home for the Aged (Asilo De San Vicente De Paul) (Molo, Iloilo City);
- Hospicio De San Jose De Barili (Home for the Aged) (Barili, Cebu Province);
- Ladies of Charity Home for the Aged Calbayog Unit (Calbayog City);
- St. Vincent’s Home for the Aged (Tangub, Bacolod City);
- Villa Marillao Home for the Aged (Naga City, Bicol) and;
- Kanlungan Ni Maria home for the elderly in Antipolo, Rizal.\(^{35}\)

No information was found to indicate that these homes have previously been the target of violence but, as noted earlier, the overall security situation in the southern islands is more precarious than other regions.

There does not appear to be a sufficient number of elderly homes to meet demand. Due to the growing trend of labour migration, and therefore increasing concerns of care for the elderly, the Philippine government recently called on the private sector to assist in developing more homes.\(^{36}\)

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A number of laws exist in the Philippines which grant privileges to senior citizens. *The Republic Act of 1991* grants discounts on services, entertainment and medicines, exemptions on individual income taxes.37 *The Expanded Senior Citizens Act of 2003* grants additional benefits and privileges to senior citizens.38 The implementation of these benefits, however, has not been consistent and has been widely criticized. The exception is the city of Makati which receives regular press about its generous treatment of its senior citizens such as free movie admissions, annual cash gifts and parking exemptions.39 In 2010, the Philippines Parliament passed the *Expanded Senior Citizens Act of 2010* which exempts senior citizens from the 12% value added tax in their purchase of medicines and services in order that they enjoy a full 20% discount.40 This Act also includes the introduction of a new non-contributory pension of 500 pesos per month (approximately US$11) which will be targeted at the ‘poorest of the poor’ over the age of 60. It is limited to ‘indigent senior citizens’ who are defined as ‘any senior citizen who is frail, sickly or with disability and without permanent source of income, compensation, pension or financial assistance from relatives to support his basic needs’41 However, it is unlikely that people would qualify for this scheme if they already receive a pension.

A number of government-sponsored support services for the elderly also exist. The 1995 *Senior Citizens Center Act of the Philippines* aimed to establish senior citizens centres in every city and municipality of the Philippines which were intended to be used as venues for the delivery of social services.42 Though a number of municipalities have been unable to set up such centres due to lack of funding, the local government website for Negros Occidental claims that ‘Out of 32 LGUs (local government units), 25 have Senior Citizen Centres serving 53,100 registered senior citizen members as of 2007’. In 2010, in response to a growing need for community support and care for the elderly, the Department of Social Welfare and Development also established a program titled ‘Home Care Support Services for Senior

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Citizens’ with the objective to ‘Establish quality care for the frail, sickly, bedridden senior citizens in their own homes through their family/kinship carers and homecare volunteers for the abandoned and neglected senior citizens’.43

Attachments


11. Immigration and Refugee Board of Canada 2006, PHL101566.E - Philippines: Reports of extortion and kidnapping of civilians by the New People's Army (NPA) or other armed groups; state response to extortion and kidnapping; extent of recruitment

efforts by the NPA (2003 - 2006), 18 October


13. ‘NPA rebels ambush civilian vehicle, killing three in Negros Occidental’ 2009, balita.ph website, source: Philippine News Agency, 13 July


17. Amnesty International 2010, ‘Philippines election marred by political killings’ 7 May

18. ‘Violence mars Philippines elections’ 2010, CNN News, 10 May


22. Sisante, J.L & Legaspi, A. 2010, ‘Congress proclaims Aquino as president, Binay as VP’ GMA News, 6 September


37. ‘Projects’ (undated), Deborah Foundation website

38. ‘Extension of the Home for Abandoned Elderly Women with the Bahay Puso Apostolate Foundation Inc.’ 2002, Embassy of Japan in the Philippines website

39. ‘Directory of Facilities for People with Disabilities in Asia & Pacific: Facilities in Philippines’ (undated), National Rehabilitation Center for Persons with Disabilities (Japan) website


43. Lopez, A. 2009, ‘Cash gift, goodies await Makati’s senior citizens this Christmas’ Philippine Daily Inquirer, 19 November


48. Deleted.

49. Deleted.