

**ORDINANCE NO. 2014-085**

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**AN ORDINANCE CONSOLIDATING THE SENIOR CITIZENS ORDINANCES NOS. 1992-042, 1992-049, 2002-017, 2006-70, 2010-066, 2011-018, 2013-036, 2013-054, AND 2014-034, RESOLUTION NO. 2010-340 AND INTEGRATING THEREIN THE SENIOR CITIZENS MONTH EXECUTIVE ORDER 2006-016, AMENDING SOME SECTIONS IN THE PROCESS**

Author: Hon. Esteban Greg R. Abonal III

Co-sponsor: Hon. Jose A. Tuason

**EXPLANATORY NOTE**

After the enactment of R.A. 7432 known as “An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes” four more related laws were adopted.

Immediately after the promulgation of the first senior citizens law, the City of Naga likewise legislated Ordinance No. 1992-042 creating the Office of the Senior Citizens Affairs. Then followed several related or amendment ordinances, supplemented by a resolution and an executive order, to wit: No. 1992-049, An Ordinance Granting Discounted Fares to Senior Citizens in Common Carriers Operating in the City of Naga; No. 2002-017, An Ordinance Appropriating the Amount of One Hundred Thousand (P100,000) Pesos out of the Unappropriated Surplus for the Year 2001 to Cover the Death Assistance to Affiliated Senior Citizens of the City of Naga at One Thousand (P1,000) Pesos per Beneficiary; No. 2006-70, An Ordinance Creating the Office for the Senior Citizens Affairs (OSCA) Headed by a Senior Citizen in the City of Naga as Mandated by R.A. 9257; No. 2008-091, An Ordinance Establishing a Cash Assistance for Death Expenses for Senior Citizens of the City of Naga; No. 2010-066, An Ordinance Mandating an Increased Budget Allocation for Senior Citizens and Persons with Disability (PWDS), Allocating No Less Than One Percent (1%) of City and Barangay Budgets for Each Sector, and Requiring Implementation Beginning Year 2011; No. 2011-018, An Ordinance Implementing Extra Privileges to Senior Citizens in Naga City; No. 2013-036, An Ordinance Establishing a Trust Fund for the Office for Senior Citizens Affairs (OSCA) in the City of Naga; No 2013-054, An Ordinance Prescribing the Replacement of Senior Citizens Lost/Worn-out and Mutilated ID’s and Purchase Booklets for Medicines and Prime Commodities and Prescribing Fees Thereof; and, No. 2014-034, An Ordinance Amending Section 2 of Ordinance No. 2008-091, Entitled: “An Ordinance Establishing a Cash Assistance for Death Expenses for Senior Citizens of the City of Naga” by Increasing the Cash Assistance from Two Thousand (P2,000.00) Pesos to Three Thousand (P3,000.00) Pesos.

This ordinance consolidates these ordinances and integrates the resolution and executive order all for the purpose of easy reference.

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that :

**SECTION 1. Title.** This ordinance shall be known as the “Consolidated Senior Citizens Ordinances”.

**SECTION 2. Adoption of Policies and Objectives.** The City of Naga hereby adopts the declared policies and objectives in Section 2 of R.A. 9994, otherwise known as “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’”, more specifically :

- a. To establish mechanisms whereby the contributions of the senior citizens may be maximized;
- b. To adopt measures whereby our senior citizens are assisted and appreciated by the community as a whole;
- c. To establish a program beneficial to senior citizens, their families, and the rest of the community they serve;
- d. To establish community-based health and rehabilitation programs for senior citizens in every political unit of society.

**SECTION 3. Additional Privileges and Responsibilities.** In addition to the benefits and privileges enumerated in Section 4 of R.A. 9994,

- a. All senior citizens shall be entitled to the following benefits and privileges:
  - 1) Comfortable seats in public conveyances, e.g. buses, vans, jeepneys, tricycles
  - 2) Priority in services in restaurants, groceries, markets,
  - 3) Free movie once a week at the designated theater and at the designated date and time
  - 4) Financial assistance of Three Thousand Pesos (P3,000) to the family for the death of an affiliated senior citizen
- b. In this regard, the management of establishments shall assume the following responsibilities:
  - 1) Where customers must queue for service, as in fast food centers or payment counters, to provide marked lanes that shall give priority to senior citizens;
  - 2) In restaurants and on buses, to reserve seats most convenient for entrance and exit or for embarking and disembarking;
  - 3) In dealing with senior citizens, to extend the utmost patience and due respect.

**SECTION 4. Senior Citizens Coordinating and Monitoring Board.** Pursuant to Rule VIII, Section 5 of the Implementing Rules and Regulations (IRR) of R.A. 9994, there shall be a mechanism on the implementation of R.A. 9994 to be known as the Senior Citizens Coordinating and Monitoring Board (SCCMB).

- a. The SCCMB shall be composed of: the Social Welfare and Development Officer as Chairman; the Department of Interior and Local Government (DILG) Officer as Vice-Chairman; and as members: the Head of the OSCA, the City Legal Officer, the City Health Officer, the Department of Trade and Industry (DTI) Field Officer, and the Representative of the Naga City People’s Council.
- b. The SCCMB shall have the following duties and functions:
  - 1) To formulate a City Plan of Activities for Senior Citizens, in coordination with the City Government, the Social Welfare and Development Office and Stakeholders;
  - 2) To develop an effective monitoring and reporting system toward efficient and uniform implementation of the law;

- 3) To develop and institute effective and innovative approaches and methods to address emerging concerns of the senior citizens;
  - 4) To coordinate the programs and projects of the City Government with responsibilities under R.A. 9994 and its IRR;
  - 5) To monitor the conduct of orientation, training and other capability building programs to maximize the contributions and participation of the senior citizens;
  - 6) To coordinate the conduct and evaluation of the plan of action, research and documentation of good practices and disparities for policy and program development; and
  - 7) To prepare a yearly report for the City Mayor and concerned local government units.
- c. The SCCMB shall meet at least quarterly to promulgate policies, rules and regulations, and resolve issues complaints and other concerns related to senior citizens affairs.
- d. The SCCMB shall use part of the special purpose appropriation for the senior citizens budgeted for operation and implementation of its functions.
- e. The OSCA shall serve as the SCCMB secretariat.

**SECTION 5. Office of the Senior Citizens Affairs.** Pursuant to Section 6 of R.A. 9994, there shall be the Office of the Senior Citizen Affairs (OSCA).

- a. The head of the OSCA shall be a senior citizen chosen from a list of three (3) nominees of the general assembly of the accredited senior citizens association of Naga City. He shall be selected and appointed by the City Mayor for a single term of three (3) years without prejudice to an extension if exigency so requires. During his term, he may not be removed except for reason of death, permanent disability or ineffective performance of his duties to the detriment of fellow senior citizens.
- b. The OSCA shall serve the interest of the senior citizens and shall function:
- 1) To plan, implement and monitor yearly work programs in pursuance of the objectives of this ordinance;
  - 2) To draw up a list of available and required services which can be provided by senior citizens.
  - 3) To maintain and regularly update on a quarterly basis the Senior Citizens Master List and to issue, free of charge for the first instance, the Senior Citizen Official Identification Card (ID) and Purchase Booklet which shall be valid anywhere in the country but shall be distinguishably for Naga City senior citizens.
  - 4) To serve as a general information and liaison center to serve the needs of the senior citizens;
  - 5) To monitor compliance of the provisions of this ordinance and other national laws, particularly the grant of special discount and privileges to senior citizens;
  - 6) To report to the City Mayor, individuals but especially establishment found violating any provision of this ordinance and applicable national laws; and
  - 7) To assist the Senior Citizens in filing complaints or charges against any establishment, institution, or any agency refusing to comply with the privileges under R.A. No. 9257 before the Department of Justice or the city or regional trial court

- c. All salaries and wages of items created under this ordinance as well as maintenance and other operating expenses shall have their own budgetary allocation in the annual Local Expenditure Program.
- d. No less than one percent (1%) each of the city and of the barangay annual budgets shall be allocated for benefits, plans, programs, and activities of the senior citizens either organized, implemented, and/or sanctioned by the OSCA and/or by other General Administrative, Social, Economic Services departments/offices of Naga City or, in the barangay level, by the BASCA and/or by the Senior Citizens Committee of the Barangay Council.
- e. All fund disbursements for various plans, programs, and activities for the benefit of the senior citizens shall be based on a Work and Financial Plan duly endorsed by the Sangguniang Barangay or the OSCA and duly approved by the Punong Barangay, or by the City Mayor, as the case may be.
- f. One Hundred Pesos (P100.00) shall be charged for replacement of lost/worn-out/mutilated ID and Twenty-Five Pesos (P25.00) for replacement of lost or filled-up Purchase Booklet. An Affidavit of Loss shall be required for replacement of lost ID or Purchase Booklet and that payment shall be made at the Treasurer's Office.

**SECTION 6. Senior Citizens Associations.** Even as City Hall officials and offices respond to individual needs of senior citizens, the OSCA shall coordinate and assist in organized efforts by organized senior citizens associations.

- a. There shall be one (1) Barangay Association of Senior Citizens Affairs (BASCA) in each of the twenty-seven (27) barangays of Naga City and shall hold office in their respective barangay halls.
- b. The Naga City Senior Citizens Federation, Inc. (NCSCFI) shall be recognized as the official umbrella organization of all the BASCAs in the city.
- c. Each BASCA shall submit to its respective Punong Barangay its annual plans and requests for budgetary assistance from the barangay.
- d. The NCSCFI shall collate its own as well as all BASCA annual plans and requests for budgetary assistance from the City Government and submit the same to OSCA for consideration and accommodation in time for the annual budgeting process of the City Government in August each year.

**SECTION 7. Senior Citizens Month.** September is declared as Senior Citizens Month and the City Senior Citizen Officials Program (CSCOP) is adopted, provided:

- a. Composition and Manner of Election
  - 1) There shall be one senior citizen counterpart for the City Mayor, one for the City Vice-Mayor, twelve counterparts for the City Councilors, one counterpart for the Sanggunian Secretary, and twelve counterparts for department heads or heads of offices.
  - 2) The SCCMB shall set the period and guidelines and shall supervise the election of the City Senior Citizen Officials.
  - 3) Each Barangay Association of Senior Citizens Affairs (BASCA) shall submit to the SCCMB its single member-nominee's Resolution of Nomination and Certificate of Candidacy to OSCA; provided, that any previous City Senior

Citizen Official (CSCO) may be nominated and serve only up to a second time.

- 4) The Presidents of the twenty-seven Barangay Association of Senior Citizens Affairs shall elect through secret balloting the full complement of fourteen (14) city officials from among the nominees.
  - 5) The candidate with the highest number of votes shall be the City Senior Citizen Mayor; the second highest, the City Senior Citizen Vice-Mayor; and, the next twelve, the twelve City Senior Citizen Councilors.
  - 6) The Senior Citizen Mayor-elect shall designate remaining BASCA nominees as counterparts for the Sanggunian Secretary and for department heads or heads of offices.
- b) Term of Office, Functions, and Honorarium
- 1) The term of the City Senior Citizen Officials shall be from September 1 to 30 each year.
  - 2) They shall serve as counterpart of the elected or appointed officials and shall perform similar duties and functions of their counterparts, except matters pertaining to monetary disbursement.
  - 3) Each City Senior Citizen Councilor shall automatically become the Chairman, Co-chairman, or Member of the Sangguniang Panlungsod Standing Committee in which the regular City Councilor of whom the former is the counterpart is the Chairman, Co-chairman, or Member.
  - 4) During the joint session with the regular Sangguniang Panlungsod, the CSCOs shall participate in the deliberations but shall have no voting power.
  - 5) Aside from the joint session, the CSCOs shall schedule a separate day for their regular session to deliberate on matters for proposal to the Sanggunian.
  - 6) At the end of their term, the Senior Citizen City Mayor shall convene all the elected and appointed CSCOs for an evaluation of their CSCOP and submit the evaluation report to the City Mayor, the Sangguniang Panlungsod, and the OSCA.
  - 7) All CSCOs shall receive honorarium on a daily wage basis.

#### **SECTION 8. OSCA Trust Fund.**

- a. The OSCA Trust Fund is created and maintained at the Treasurer's Office to provide additional financial and/or material aid to senior citizens for health care and rehabilitation system for the disabled senior citizens and extend assistance to the needs of the underprivileged, sick, and incapacitated elderly and give full support to the improvement of the well-being of the elderly.
- b. To this OSCA Trust Fund shall be paid/deposited all payments for replacement of ID's and Purchase Booklets, donations from individuals or institutions, earnings from income-generating activities and projects undertaken by the OSCA, and savings from externally-funded activities.
- c. This OSCA Trust Fund shall be managed by Trustees that by resolution shall approve disbursements for full and exclusive assistance to senior citizens in need and shall require annual audit of the same. The Trustees shall include:
  - 1) City Mayor – Chairman
  - 2) OSCA Head – Vice-Chairman
  - 3) Sangguniang Panlungsod Chairman of the Committee on Senior Citizens – Member
  - 4) City Treasurer – Member
  - 5) NCSCFI President – Member

### **SECTION 9. Penalties and Other Sanctions**

- a. The following acts concerning drug and medicine purchases are considered violations of the ordinance:
  - 1) A Senior Citizen or his/her representative or a person misusing the privileges by:
    - a) using several purchase booklets,
    - b) availing of the discount to buy medicines, drugs, medical accessories and supplies not for the use of the senior citizen,
    - c) unauthorized use of the identification card of the senior citizen.
  - 2) A medical practitioner giving prescription to other persons in the name of the senior citizen or giving anomalous prescription.
  - 3) Retailers and establishments dispensing medicines:
    - a) refusing to grant the full 20% senior citizens discount and VAT exemption on drug and medicine purchases paid via credit card,
    - b) making a distinction between branded and generic drugs and medicines in giving the 20% discount,
    - c) posting notices and signages telling customers that availment of the 20% discount is limited to cash purchases only,
    - d) "limiting" of discountable drug and medicine purchases to certain weekdays only, such that senior citizens cannot avail of the 20% discount on other days, and e) restricting the purchase time or period for senior citizens to a particular hour each day only, i.e. refusing to grant senior citizen discounts after a certain hour.
- b. The following acts concerning food purchases are considered violations of the provisions of the ordinance:
  - 1) Pegging a maximum amount of food purchase subject to 20% discount and the VAT exemption, and/or posting of notice to that effect;
  - 2) Refusal to grant the 20% discount and VAT exemption on take-out / take-home / drive-thru orders it appearing that the purchase is for the exclusive use and enjoyment of senior citizens;
  - 3) Refusal to grant a discount for credit card payments; and
  - 4) Refusal to grant a 20% discount and VAT exemption on delivery orders it appearing that the purchase is for the exclusive use and enjoyment of senior citizens.
- c. Any person who refuses to honor the senior citizen card or violates any provision of the ordinance shall suffer the following penalties: One Thousand Pesos (P1,000) for the First Offense, Three Thousand Pesos (P3,000) for the Second Offense, and Five Thousand Pesos (P5,000) for the Third Offense and every succeeding offense thereafter.
- d. If the offender is a corporation, partnership, organization or any similar entity, the officials thereof directly involved such as the president, general manager, managing partner, or such other officer charged with the management of the business affairs shall be liable.
- e. Provided, however, that any person/establishment charged with violation of any of the provisions of this ordinance and does not wish to contest the charge(s) and is willing to pay the fine voluntarily prior to the filing of charges before the proper Court shall be allowed to pay the corresponding fine at the City Treasurer's Office to avoid criminal prosecution within twelve (12) hours from apprehension; otherwise, the case shall be prosecuted.

- f. Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any person, establishment or business entity that fails to abide by the provisions of the Act, the Implementing Rules, and/or this ordinance.

**SECTION 10. Separability Clause.** Any provision of this ordinance found to be in violation of the Constitution or declared invalid by a competent court shall not impair the other provisions or parts thereof and shall continue to be in force and in effect.

**SECTION 11. Repealing Clause.** Ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with provisions of this ordinance are hereby repealed. Likewise, all previous senior citizen ordinances particularly, except for the persons with disabilities (PWD) provisions in Ordinance No. 2010-066, are hereby repealed.

**SECTION 12. Effectivity.** This ordinance shall become effective immediately upon approval.

**ENACTED:** December 19, 2014

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**GABRIEL H. BORDADO JR.**  
City Councilor &  
Temporary Presiding Officer

**NELSON S. LEGACION**  
City Vice Mayor

**CONCURRED:**

**JOHN G. BONGAT**  
City Mayor