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SENATE
P. S. RES No. 772

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Introduced by Senator Paolo Benigno "Bam" A. Aquino IV

RESOLUTION
DIRECTING THE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ANTI-TAMBAY CAMPAIGN OF THE PHILIPPINE NATIONAL POLICE (PNP) WITH THE END IN VIEW OF PROTECTING ORDINARY FILIPINOS FROM UNJUST, DISCRIMINATORY, AND ABUSIVE POLICIES AND PRACTICES

1 **WHEREAS**, Article III, Section 1, of the 1987 Philippine Constitution states
2 that, "*No person shall be deprived of life, liberty, or property without due process of*
3 *law, nor shall any person be denied the equal protection of the laws;*"

4 **WHEREAS**, on 13 June 2018, while giving a speech at the oath taking in
5 Malacañang of newly promoted uniformed personnel, President Duterte made the
6 following pronouncement: "*My directive is 'pag mag-istambay-istambay sabihin niyo,*
7 *'Umuwi kayo. 'Pag 'di kayo umuwi, ihatid ko kayo doon sa opisina ni ano doon,*
8 *Pasig'. Ako na ang bahala, ilagay mo lang diyan. Talian mo 'yung kamay pati bin-*
9 *ihulog mo diyan sa ano. Do not-you be strict. Part of confronting people just idling*
10 *around. They are potential trouble for the public;*"

11 **WHEREAS**, following the President's directive, ordering the police to be strict
12 against "tambays" or those individuals who stand idly or loiter in public spaces, the
13 Philippine National Police (PNP) initiated an "anti-tambay campaign" supposedly to
14 address the problem of criminality in the country;

15 **WHEREAS**, as of 21 June 2018, the National Capital Region Police Office
16 (NCRPO) reported 7,291 "tambays" have so far been arrested in Metro Manila, for
17 alleged violations of various local ordinances;

18 **WHEREAS**, there is no law against vagrancy or loitering in public. The Anti-
19 Vagrancy Law was repealed in 2012 with the passage of Republic Act No. 10158, or
20 the Act Decriminalizing Vagrancy.

21 **WHEREAS**, PNP Chief Oscar Albayalde, alleged that individuals were being
22 arrested not because they were "tambays" but because they were violating various
23 local ordinances such as those imposing curfews or prohibiting drinking alcohol,
24 smoking, or loitering shirtless in public spaces. Nevertheless, he referred to the
25 ongoing crackdown as an "anti-tambay" drive;

26 **WHEREAS**, on 16 June 2018, many Filipinos expressed their concern on
27 social media after a Facebook user, "Ttam Nanaramid," recounted how he and five
28 other friends were invited to go to the police station while they were waiting outside
29 the gate of a friend's house in Makati City. They were detained inside a cell of the
30 PCP7 station for an hour. One of his companions said that a video of President
31 Duterte's pronouncement against "tambays" was shown to them and was the only
32 reason cited for their detention;

33 **WHEREAS**, another post also circulated in social media which showed CCTV
34 footage of a shirtless man who was accosted in front of his house by roving police
35 just a few seconds after he stepped out of the door on 17 June 2018, in Barangay
36 Sta. Lucia, Novaliches, Quezon City. The man, Ariel Morco, was not arrested but was
37 ordered to clean the bathroom of the police station;

38 **WHEREAS**, on 15 June 2018, Genesis "Tisoy" Argoncillo, a 25 year old
39 resident of Sitio Cabuyao, Barangay Sauyo, Novaliches, Quezon City, was
40 apprehended by police in front of a sari-sari store, where he was waiting for his
41 cellphone load and watching videos on his phone. He was supposedly arrested for
42 being shirtless in public. Tisoy was brought to the Quezon City Police District (QCPD)
43 Station 4, where he underwent inquest proceedings the following day. Police
44 documents showed that he was detained with the charge of alarm and scandal;

45 **WHEREAS,** Tisoy Argoncillo died on 19 June 2018, four days after he was
46 arrested. According to the QCPD, Tisoy was rushed to the Novaliches District
47 Hospital after he complained of difficulty in breathing, and died on the same day;

48 **WHEREAS,** the QCPD Station Commander initially claimed that Tisoy died
49 from self-inflicted trauma. The police later claimed that he died from suffocation due
50 to the severe congestion of prison cells. Tisoy's death certificate however revealed
51 that he died due to multiple blunt force trauma to his neck, head, chest and upper
52 extremities. QCPD Chief Supt. Esquivel now asserts that investigators have obtained
53 statements from witnesses that Tisoy died after he was mauled by fellow inmates;

54 **WHEREAS,** while PNP Chief Albayalde has belatedly assured that the PNP
55 would harmonize and clarify the policy and guidelines for the ongoing anti-tambay
56 campaign, the reports of mistaken and seeming arbitrary arrests, and of abuse and
57 neglect while in custody, makes urgent the need to assess how the said campaign is
58 being operationalized, and the safety and welfare of the thousands already arrested
59 and who continue to be arrested daily;

60 **WHEREAS,** there is a need to assess whether the PNP's anti-tambay
61 campaign, as well as the local ordinances on which they are supposedly based, are
62 consistent with national laws and the Constitution;

63 **WHEREAS,** with limited and congested spaces at home, many ordinary
64 Filipinos in our grassroots communities look to neighborhood sari-sari stores,
65 covered courts, and other public places as spaces for temporary rest, respite, and
66 connection with other members of their community. Especially given the socio-
67 cultural and economic context of our nation, a government campaign that expressly
68 targets "tambays" is untenable, discriminatory and anti-poor;

69 **NOW, THEREFORE, BE IT RESOLVED,** as it is hereby resolved by the
70 Senate of the Philippines, to direct the Senate Committee on Public Order and
71 Dangerous Drugs to conduct an inquiry, in aid of legislation, into the Anti-Tambay
72 Campaign of the PNP, with the end in view of protecting ordinary Filipinos from
73 unjust, discriminatory, and abusive policies and practices.

Adopted,

Bern Aguino