

SENATE

'19 JUL 15 10:44

S. No. 480

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Introduced by Senator Ralph G. Recto

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**AN ACT  
ESTABLISHING LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER,  
INTERSEXUAL, ASEXUAL, AND INDIVIDUALS OF VARIOUS SEXUAL AND  
GENDER ORIENTATIONS (LGBTQIA+) HELP AND PROTECTION DESKS IN ALL  
PHILIPPINE NATIONAL POLICE STATIONS, AMENDING FOR THE PURPOSE  
TITLE VII OF REPUBLIC ACT NUMBER 8551, AS AMENDED, OTHERWISE  
KNOWN AS THE "PHILIPPINE NATIONAL POLICE REFORM AND  
REORGANIZATION ACT OF 1998," AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Section 11 Article II of the 1987 Constitution mandates the State to value the dignity of every human person and guarantee full respect for human rights. Such commitment to human rights has been upheld through signing and acceding to a number of significant international treaties concerning human rights<sup>1</sup>.

Yet despite this commitment, the Philippines has yet to affirm the rights of Lesbian, Gay, Bisexual, Transgender, Queer, Intersexual, Asexual, and Individuals of Various Sexual and Gender Orientations (LGBTQIA+) or guarantee the protection of LGBTQIA+ from discrimination and violence on the account of gender identity and expression. The Philippines did not express support for the United Nations Human Rights Council joint statements made in December 2006 and March 2011 which called on States to take steps to end acts of violence, criminal sanctions and related human rights violations committed against individuals because of their sexual orientation or gender identity, among others<sup>2</sup>.

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<sup>1</sup> These international treaties and conventions include the following: International Convention on the Elimination of All Forms of Racial Discrimination of 1969, International Covenant on Civil and Political Rights of 1976, International Covenant on Economic, Social and Cultural Rights of 1976, Convention on the Elimination of All Forms of Discrimination against Women of 1981, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987, Convention on the Rights of the Child of 1990, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 2003 and Convention on the Rights of Persons with Disabilities of 2008.

<sup>2</sup> United Nations' Human Rights Council. (2006 December 1). Joint Statement on Human Rights Violations Based on Sexual Orientation and Gender Identity. Geneva: Office of the United Nations High Commissioner for Human Rights.

United Nations' Human Rights Council. (2011 March 22). Joint Statement Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity. Geneva: Office of the United Nations High Commissioner for Human Rights.

Back home, many LGBTQIA+s become moving targets for discrimination and violence that affect their economic, social and physiological well-being. Yet in spite of this reality, there is an absence of government mechanism or intervention directed to monitor, let alone address, the incidents of discrimination, prejudice and even violence against the Filipino LGBTQIA+ community. Because of this, many LGBTQIA+ victims opt not to report the incident for fear of further harassment, prejudicial treatment, or more violent reprisal.

The Philippines should not condone an environment where the LGBTQIA+ community is "treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse<sup>3</sup>."

This bill seeks to correct this onerous predicament by establishing LGBTQIA+ help and protection desks in all Philippine National Police (PNP) stations. These dedicated desks shall act on all cases involving crimes against chastity, sexual harassment, and abuses committed against LGBTQIA+s in the Philippines. To complement this help desk, the PNP is tasked to ensure the gender neutrality of its human resource processes, from the recruitment and selection to the promotion and deployment of police officers. Ultimately, this bill seeks to create a police organization that is able and eager to respond to any criminal or emergency incident, regardless of the gender orientation of the people involved.

In view of the foregoing, the swift passage of the proposed measure is earnestly sought.

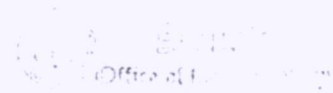


**RALPH G. RECTO**

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<sup>3</sup> Clinton, H. R. (2011 December 6). Remarks in Recognition of International Human Rights Day. Geneva: United Nations' Human Rights Council.



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TITLE VII OF REPUBLIC ACT NUMBER 8551, AS AMENDED, OTHERWISE  
KNOWN AS THE "PHILIPPINE NATIONAL POLICE REFORM AND  
REORGANIZATION ACT OF 1998," AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 Section 1. Title VII of Republic Act No. 8551, as amended, is hereby further  
2 amended to read as follows:

3 "Title VII  
4 "CREATION OF WOMEN'S **AND LESBIAN, GAY, BISEXUAL,**  
5 **TRANSGENDER, QUEER, INTERSEXUAL, ASEXUAL, AND**  
6 **INDIVIDUALS OF VARIOUS SEXUAL AND GENDER**  
7 **ORIENTATIONS (LGBTQIA+) HELP AND PROTECTION** DESKS IN  
8 ALL POLICE STATIONS AND THE FORMULATION OF A GENDER  
9 SENSITIVITY PROGRAM"

10 Sec. 2. Section 57 of Republic Act No. 8551, as amended, is hereby further  
11 amended to read as follows:

12 "Sec. 57. *Creation and Functions.* – The PNP shall establish  
13 women's **AND LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER,**  
14 **INTERSEXUAL, ASEXUAL, AND INDIVIDUALS OF VARIOUS**  
15 **SEXUAL AND GENDER ORIENTATIONS (LGBTQIA+) HELP AND**  
16 **PROTECTION** desks in all police stations throughout the country to  
17 administer and attend to cases involving crimes against chastity, sexual  
18 harassment, abuses committed against women, [and] children **AND**  
19 **LGBTQIA+** and other similar offenses: *Provided,* That municipalities and  
20 cities presently without policewomen will have two (2) years upon the

1 effectivity of this Act within which to comply with the requirement of this  
2 provision.”

3 Sec. 3. Section 58 of Republic Act No. 8551, as amended, is hereby further  
4 amended to read as follows:

5 “Sec. 58. *Prioritization of Women for Recruitment.* – Within the  
6 next five (5) years, the PNP shall prioritize the recruitment and training  
7 of women who shall serve in the women's desk. Pursuant to this  
8 requirement, the PNP shall reserve ten percent (10%) of its annual  
9 recruitment, training, and education quota for women: **PROVIDED,**  
10 **THAT NOTHING IN THIS TITLE SHALL BE CONSTRUED AS A**  
11 **RESTRICTION FROM RECRUITING LGBTQIA+ INTO THE PNP**  
12 **REGULAR FORCE, EITHER THROUGH REGULAR RECRUITMENT**  
13 **OR LATERAL ENTRY PROGRAM.”**

14 Sec. 4. Section 61 of Republic Act No. 8551, as amended, is hereby further  
15 amended to read as follows:

16 “Sec. 61. *Non-prohibition for Promotion.* – Nothing in this title  
17 shall be construed as a restriction on the assignment of policewomen  
18 **AND LGBTQIA+ POLICE OFFICERS** to other positions in the PNP nor  
19 shall any provision[s] of this title be used for the non-promotion of a  
20 PNP female **OR LGBTQIA+** personnel to higher position.”

21 Sec. 5. *Implementing Rules and Regulations.* – Unless otherwise provided in this  
22 Act, the Commission in coordination with the Philippine National Police and the  
23 Department of the Interior and Local Government, shall promulgate rules and  
24 regulations for the effective implementation of this Act.

25 Sec. 6. *Separability Clause.* – If any provision, section or part of this Act shall be  
26 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair  
27 any other provisions, sections or parts hereof.

28 Sec. 7. *Repealing Clause.* – All laws, decrees, orders, rules and regulations which  
29 are inconsistent with the provisions of this Act are hereby repealed or modified  
30 accordingly.

31 Sec. 8. *Effectivity.* – This Act shall take effect fifteen (15) days following its  
32 publication in at least two (2) newspapers of general circulation or in the *Official*  
33 *Gazette.*

Approved,