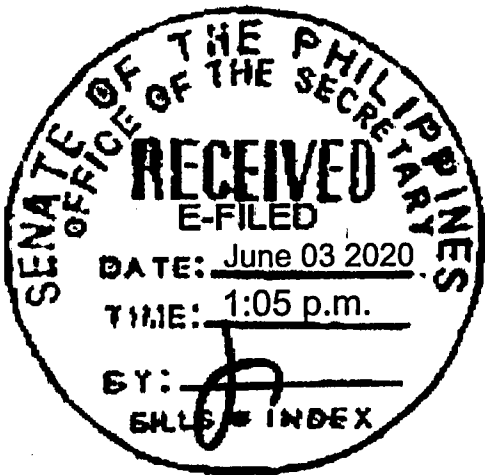


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE  
P.S. Res. No. 437

Introduced by **SENATOR LEILA M. DE LIMA**

**RESOLUTION**  
**DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN,**  
**FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN**  
**INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED CASES OF**  
**SEXUAL EXTORTION BY MEMBERS OF THE PHILIPPINE NATIONAL**  
**POLICE (PNP), WITH THE END VIEW OF EXACTING**  
**ACCOUNTABILITY FROM THE PERPETRATORS AND IDENTIFYING**  
**AND ADDRESSING GAPS IN THE FORMULATION AND**  
**IMPLEMENTATION OF GENDER-BASED POLICIES AND PROGRAMS**  
**OF THE NATIONAL GOVERNMENT DURING THIS TIME OF CRISIS**

1 WHEREAS, Section 2 of Republic Act No. 9710, otherwise known as “The  
2 Magna Carta of Women”, declares, in part, that “[t]he State affirms the role of  
3 women in nation building and ensures the substantive equality of women and men. It  
4 shall promote empowerment of women and pursue equal opportunities for women  
5 and men and ensure equal access to resources and to development results and  
6 outcome. Further, the State realizes that equality of men and women entails the  
7 abolition of the unequal structures and practices that perpetuate discrimination and  
8 inequality”;

9 WHEREAS, Section 2 of The Magna Carta of Women also declares, in part,  
10 that, “[t]he State affirms women's rights as human rights and shall intensify its  
11 efforts to fulfill its duties under international and domestic law to recognize, respect,  
12 protect, fulfill, and promote all human rights and fundamental freedoms of women,  
13 especially marginalized women, in the economic, social, political, cultural, and other  
14 fields without distinction or discrimination on account of class, age, sex, gender,  
15 language, ethnicity, religion, ideology, disability, education, and status”;

1 WHEREAS, Section 4(k) of the aforementioned law partially defines violence  
2 against women as “any act of gender-based violence that results in, or is likely to  
3 result in, physical, sexual, or psychological harm or suffering to women, including  
4 threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring  
5 in public or in private life”;

6 WHEREAS, Section 10 of the same asserts, in part, that “[w]omen have the  
7 right to protection and security in times of disasters, calamities, and other crisis  
8 situations especially in all phases of relief, recovery, rehabilitation, and construction  
9 efforts. The State shall provide for immediate humanitarian assistance, allocation of  
10 resources, and early resettlement, if necessary. It shall also address the particular  
11 needs of women from a gender perspective to ensure their full protection from sexual  
12 exploitation and other sexual and gender-based violence committed against them”;

13 WHEREAS, under Section 3 of Republic Act No. 10121, otherwise known as  
14 the “Philippine Disaster Risk Reduction and Management Act of 2010”, women  
15 belong to vulnerable and marginalized groups who “face higher exposure to disaster  
16 risk and poverty”;

17 WHEREAS, on account of the global pandemic a nationwide state of calamity  
18 was declared, and in a bid to contain the spread of the COVID-19 virus, stringent  
19 measures were put in place and quarantines of various levels – community  
20 quarantine, general community quarantine, enhanced community quarantine and  
21 modified enhanced community quarantine – were successively imposed on many  
22 areas, including the National Capital Region (NCR);

23 WHEREAS, apart from the obvious economic and public health issues that the  
24 COVID-19 pandemic has forced the national government to confront, there are also  
25 other social issues that, while relegated to the margins, also deserve equal attention  
26 from policymakers, planners and program implementors;

27 WHEREAS, emerging data has shown that since the outbreak of COVID-19,  
28 violence against women and girls (VAWG) has intensified in several countries as  
29 security, health, and financial concerns create tensions which are further heightened  
30 by the cramped and confined conditions of life under lockdown;<sup>1</sup>

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<sup>1</sup> UN Women. *The Shadow Pandemic: Violence Against Women and Girls and COVID-19*. (2020). Retrieved May 27, 2020, from <https://www.unwomen.org/>-

1 WHEREAS, data from the Philippine Commission on Women (PCW) reported  
2 a total of 804 incidents of gender-based violence and violence against women and  
3 children from 15 March to 30 April. The number of reported cases during this period  
4 under lockdown was lower than the number of cases reported in the previous months.  
5 However, gender rights watchdog groups have speculated that these incidences may  
6 be underreported due to government resources and personnel being stretched thin in  
7 addition to lockdown measures discouraging victims from reporting abuse;<sup>2</sup>

8 WHEREAS, delays in the distribution of food and financial aid from the  
9 national government have exacerbated these conditions. Those who are poorest and  
10 most vulnerable, in their desperation, are forced to defy stay-at-home orders in order  
11 to seek out a living and provide for their families;

12 WHEREAS, pursuant to Republic Act No. 11469, otherwise known as the  
13 “Bayanihan to Heal as One Act” (the “Bayanihan Act”), the national government has  
14 adopted a whole-of-government approach to ensure the continued protection of  
15 women, children, and other vulnerable groups amidst the pandemic;

16 WHEREAS, Article 14, paragraph 7 of Act No. 3815, otherwise known as “The  
17 Revised Penal Code”, considers as an aggravating circumstance when the crime is  
18 committed “on the occasion of a conflagration, shipwreck, earthquake, **epidemic** or  
19 **other calamity or misfortune.**”<sup>3</sup> “The reason for the existence of this  
20 circumstance is found in the debased form of criminality met in one who, in the  
21 midst of a great calamity, instead of lending aid to the afflicted, adds to their  
22 suffering by taking advantage of their misfortune to despoil them”;<sup>4</sup>

23 WHEREAS, it was alleged by gender rights advocates that some members of  
24 the Philippine National Police are involved in a ‘sex-for-pass’ scheme during the  
25 period of quarantine which allegedly involves extorting sexual favors from known sex

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/media/headquarters/attachments/sections/library/publications/2020/issue-brief-covid-19-and-ending-violence-against-women-and-girls-infographic-en.pdf?la=en&vs=5348

<sup>2</sup> Ranada, P. *During coronavirus lockdown: Abused women, children more vulnerable*. (9 May 2020). Retrieved May 27, 2020, from <https://www.rappler.com/newsbreak/in-depth/260072-during-coronavirus-lockdown-abused-women-children-more-vulnerable>

<sup>3</sup> Emphasis supplied.

<sup>4</sup> Reyes L. *The Revised Penal Code: Criminal Law Book One*. 17<sup>th</sup> ed. (Philippines: REX Book Store, Inc., 2008.) p. 374 citing *US v. Rodriguez*, 19 Phil, 150, 157).

1 workers who seek to cross the borders of quarantine zones in order to rendezvous  
2 with clients and earn a living;<sup>5</sup>

3 WHEREAS, the aforementioned report also takes note of other anonymous  
4 testimonies pointing out the difficulties encountered in receiving government aid due  
5 to the social stigma and discrimination associated with the profession;<sup>6</sup>

6 WHEREAS, in response, PNP chief Gen. Archie Gamboa on Monday said that  
7 victims of the alleged 'sex-for-pass' scheme in quarantine checkpoints would have to  
8 come out in open court so that complaints may be prosecuted against the  
9 perpetrators. He pointed out that while administrative cases would be filed by the  
10 PNP itself, such was not the case for criminal proceedings wherein the victim would  
11 have to personally step out into the public;<sup>7</sup>

12 WHEREAS, coming out in the open may also subject women who engage in  
13 sex work to widespread social exclusion, discrimination, and vilification within their  
14 communities thereby further relegating them to the margins of society;

15 WHEREAS, going public may also have serious implications and  
16 repercussions to these victims as it may serve to further antagonize their already  
17 tenuous, and often abusive, relationship with the PNP. This is particularly  
18 problematic given the numerous reports of policemen committing acts of  
19 harassment<sup>8</sup>, abuse<sup>9</sup>, and even violence<sup>10</sup> amidst the enhanced community  
20 quarantine;

21 WHEREAS, according to a 2001 report by Amnesty International on women  
22 in custody who are vulnerable to torture and sexual abuse, filing complaint against a  
23 police officer not only takes a tremendous amount of courage, but also financial

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<sup>5</sup> Rivas, R. *To cross coronavirus border, prostituted women abused by cops first*. (21 May 2020). Retrieved May 27, 2020, from <https://www.rappler.com/newsbreak/in-depth/260588-prostitutes-abused-by-cops-first-cross-coronavirus-border>

<sup>6</sup> *Ibid.*

<sup>7</sup> Gonzales, C. *'Sex-for-pass' victims in checkpoints have to come out in open court — PNP*. (25 May 2020). Retrieved May 27, 2020, from <https://newsinfo.inquirer.net/1280459/victims-of-sex-for-pass-scheme-in-checkpoints-have-to-come-out-in-open-court-pnp>

<sup>8</sup> Panti, L. *Armed police threaten to arrest Taguig condo residents for alleged ECQ violation*. (20 April 2020). Retrieved May 27, 2020, from <https://www.gmanetwork.com/news/news/metro/734756/armed-police-threaten-to-arrest-taguig-condo-residents-for-alleged-ecq-violation/story/>

<sup>9</sup> de Leon, M. *Man in private village assaulted, nearly arrested without warrant by Makati police* (27 April 2020). Retrieved May 27, 2020, from <https://www.rappler.com/nation/259129-man-private-village-assaulted-nearly-arrested-without-warrant-makati-police>

<sup>10</sup> Ferreras, V. & Cahiles, G. *Retired soldier shot dead by police at checkpoint in Quezon City*. (22 April 2020). Retrieved May 27, 2020, from <https://www.cnnphilippines.com/news/2020/4/22/Retired-soldier-shot-dead-by-police-.html>

1 resources that are often beyond the means of the victims. It is also common for  
2 victims of rape by law enforcement officials to be threatened or pressured by the  
3 perpetrator into withdrawing her complaint. Victims coming from disadvantaged  
4 social or economic groups often have very little chance of obtaining justice which  
5 likely contributes to their decision to not press charges;<sup>11</sup>

6 WHEREAS, the lack of details concerning issues relating to gender-based  
7 violence in the weekly reports submitted by Malacañang to the Joint Congressional  
8 Oversight Committee pursuant to Section 5 of the Bayanihan Act is of particular  
9 concern as it may indicate that the government is not taking this issue as seriously as  
10 it should;

11 WHEREAS, “[r]ape by state officials, including police officers, has been  
12 unequivocally defined as torture by international criminal tribunals as well as by  
13 United Nations (UN) and regional human rights bodies. These bodies have  
14 recognized that rape by a state agent is an exertion and abuse of power that gives rise  
15 to pain and suffering, physical or mental, justifying characterization as an act of  
16 torture. Rape and other forms of sexual assault on women and girls have also been  
17 defined as acts of gender-based violence which constitute discrimination as  
18 prohibited by the Convention on the Elimination of All Forms of Discrimination  
19 against Women (CEDAW), to which the Philippines is a state party;<sup>12</sup>

20 WHEREAS, Article 2(c) of the UN Declaration on the Elimination of Violence  
21 Against Women (DEVAW) considers any “[p]hysical, sexual and psychological  
22 violence perpetrated or condoned by the State, wherever it occurs” as constituting  
23 violence against women”. Article 4 of the same mandates that States “should  
24 condemn violence against women”, and should “pursue by all appropriate means and  
25 without delay a policy of eliminating violence against women...” Towards this end,  
26 States should “exercise due diligence to prevent, investigate and, in accordance with  
27 national legislation, punish acts of violence against women, whether those acts are  
28 perpetrated by the State or by private persons”;

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<sup>11</sup> Amnesty International. *PHILIPPINES Fear, shame and impunity: Rape and sexual abuse of women in custody*. 2001. Retrieved May 28, 2020 from <https://www.amnesty.org/download/Documents/128000/asa350012001en.pdf>

<sup>12</sup> Amnesty International. *Above the Law: Police Torture in the Philippines*. 2014. London, United Kingdom. Retrieved May 28, 2020 from: <https://www.refworld.org/pdfid/5481a3ca4.pdf>

1       WHEREAS, existing laws, policies, and programs concerning gender-based  
2 violence have to be reviewed and reconstituted so that they should be more  
3 empowering to women in general and contextually sensitive to the plight of women  
4 who were forced into prostitution due to poverty;

5       WHEREAS, gender-based violence is a serious issue that deserves more than  
6 just a passing glance from the national government. Putting an end to gender-based  
7 violence is an issue of social justice and a society that is free from any and all forms of  
8 violence against women constitutes a vision of society that should be aspired to;

9       NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the  
10 Senate Committee on Women, Children, Family Relations and Gender Equality to  
11 conduct an inquiry, in aid of legislation, on the reported cases of sexual extortion by  
12 members of the Philippine National Police (PNP), with the end view of exacting  
13 accountability from the perpetrators and identifying and addressing gaps in the  
14 formulation and implementation of gender-based policies and programs of the  
15 national government during this time of crisis.

*Adopted,*

  
LEILA M. DE LIMA