

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



HOUSE OF REPRESENTATIVES

H. B. No. 3702

Introduced by Representative Ralph G. Recto

AN ACT
ESTABLISHING HELP AND PROTECTION DESKS FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEXUAL, ASEXUAL, AND INDIVIDUALS OF VARIOUS SEXUAL AND GENDER ORIENTATIONS (LGBTQIA+) 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 by the Philippine Government through signing and acceding to a number of significant international treaties concerning human rights.

Despite this commitment, however, 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.

Back home, many LGBTQIA+s become moving targets for discrimination and violence that affect their economic, social and physiological well-being. In spite of this reality, there is an absence of government mechanism or intervention directed to monitor, let alone address, the incidence 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, humiliation, prejudicial treatment, or more violent reprisal.

The Philippines should not condone an environment where the LGBTQIA+ community is treated, as former US Secretary of State Hillary Clinton described, "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."

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

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

"Title VII

"CREATION OF WOMEN'S AND LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEXUAL, ASEXUAL, AND INDIVIDUALS OF VARIOUS SEXUAL AND GENDER ORIENTATIONS (LGBTQIA+) HELP AND PROTECTION DESKS IN ALL POLICE STATIONS AND THE FORMULATION OF A GENDER SENSITIVITY PROGRAM"

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

"Sec. 57. *Creation and Functions.* – The PNP shall establish women's **AND LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEXUAL, ASEXUAL, AND INDIVIDUALS OF**

1 **VARIOUS SEXUAL AND GENDER ORIENTATIONS (LGBTQIA+)**

2 **HELP AND PROTECTION** desks in all police stations throughout the
3 country to administer and attend to cases involving crimes against
4 chastity, sexual harassment, abuses committed against women, ~~[and]~~
5 children **AND LGBTQIA+** and other similar offenses: *Provided, That*
6 municipalities and cities presently without policewomen will have two
7 (2) years upon the effectivity of this Act within which to comply with
8 the requirement of this provision.”

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

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

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

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

27 Sec. 5. Implementing Rules and Regulations. – Within thirty (30) days from the
28 effectivity of this Act, National Police Commission shall, in coordination with the
29 Philippine National Police and the Department of the Interior and Local Government,
30 promulgate rules and regulations for the effective implementation of this Act.

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

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

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

 Approved,