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 rights1.

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

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violence, criminal sanctions and related human rights violations committed against individuals because of their sexual orientation or gender identity, among others².

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 abuse³.”

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.

VILMA SANTOS-RECTO

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EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

HOUSE OF REPRESENTATIVES

H. B. No. 4369

Introduced by Rep. Vilma Santos-Recto
6th District of Batangas

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

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

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

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

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

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

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

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

Sec. 7. Repealing Clause. – All laws, decrees, orders, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.
Sec. 8. **Effectivity.** – This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the *Official Gazette*.

Approved,