Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 1026

Introduced by
REP. ARLENE D. BROSAS (Gabriela Women’s Party),
REPS. CARLOS ISAGANI T. ZARATE, FERDINAND R. GAITE, EUFEMIA C. CULLamat (Bayan Muna),
REP. FRANCE L. CASTRO (ACT Teachers Partylist) and REP. SARAH JANE I. ELAGO (Kabataan Partylist)

RESOLUTION
DIRECTING THE APPROPRIATE HOUSE COMMITTEE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE VIOLENT DISPERSAL AND ARREST OF PROTESTING MEMBERS AND ALLIES OF THE LGBTQI++ COMMUNITY BY THE POLICE, AS WELL AS THE HARASSMENT AND DISCRIMINATION EXPERIENCED BY THE 20 ARRESTED INDIVIDUALS AT THE MANILA POLICE DISTRICT HEADQUARTERS, AND RECOMMEND MEASURES FOR THE PROTECTION OF THE LGBTQI++ COMMUNITY AGAINST VIOLENCE AND DISCRIMINATION

WHEREAS, Section 4 of the 1987 Constitution states that “no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances;

WHEREAS, the police violently dispersed and illegally arrested 20 people at the Pride March in Mendiola, Manila, on Friday, June 26, 2020 despite them observing physical distancing and other health protocols;

WHEREAS, the protesters were tackled, violently restrained and dragged by the police as seen in photos and videos during the arrest;

WHEREAS, when the protesters asked why they were being arrested, the policemen refused to answer. They were not even informed of their rights under the Miranda doctrine;

WHEREAS, the arrested activists were charged with disobedience of person in authority in relation to Republic Act 11332, otherwise known as the Law on Reporting of Communicable Diseases, and Batas Pambansa 880, otherwise known as Public Assembly Act;

WHEREAS, as seen in media footages, the protesters were observing physical distancing and other health protocols and even wore face masks and face shields contrary to the claims of the arresting officers;
WHEREAS, Republic Act No. 11332 or the Law on Mandatory Reporting on Notifiable Disease and Health Events of Public Concern Act is also not applicable to the protesters because not one of them has tested positive for COVID-19, nor is considered as suspect or probable case;

WHEREAS, upon the arrest, police officers also ordered some protesters to return to their vehicles, forced their drivers out and took over the vans -- a clear case of carnapping under RA 6539, otherwise known as “an Act Preventing and Penalizing Carnapping”;

WHEREAS, on the same day of their arrest, the arrested members and allies of the LGBTQI++ were illegally detained at the Manila Police District Headquarters and experienced police-perpetrated harassment, intimidation, and discrimination;

WHEREAS, several police officers heavily insisted that one of the detained activists should be thrown in with the male detainees’ room despite her assertion that she is a transwoman;

WHEREAS, the discrimination perpetrated by the police is punishable under RA 11313 or Safe Spaces Act as gender-based streets and public spaces sexual harassment includes transphobic gestures or comments that is unwanted and has threatened one's sense of personal space and physical safety;

WHEREAS, there is no factual or legal basis on the arrest and detainment of the activists. In fact, according to the Batas Pambansa 880 which they claim were basis for the arrest, it is the “constitutional right of the people peaceably to assemble and petition the government for redress of grievances is essential and vital to the strength and stability of the State. To this end, the State shall ensure the free exercise of such right without prejudice to the rights of others to life, liberty and equal protection of the law”;

WHEREAS, the arresting officers were the ones who did not follow the law. The following are the provisions which they have violated under the Batas Pambansa 880, otherwise known as Public Assembly Act:

Obstructing, impeding, disrupting or otherwise denying the exercise of the right to peaceful assembly – Section 13 (d);

Failure to observe the policy of maximum tolerance – Section 13 (f) in relation to Section 10 (a);

Carrying of firearms by members of the law enforcement unit within 100 meters (where any of them carrying firearms?) – Violation of Section 13 (f) in relation to Section 10 (b)

Carrying of firearms by members of the law enforcement unit in the rally or protest – Violation of Section 13 (g) (4);

WHEREAS, this incident is a brazen showcase of police terror ironically against activists protesting fascism and tyranny, and against the looming enactment of the Anti-Terrorism Bill;

NOW THEREFORE, BE IT RESOLVED, that the appropriate House committee conduct an investigation, in aid of legislation, on the violent dispersal and arrest of protesting members and allies of the LGBTQI++ community by the Manila Police District, and recommend measures to protect the LGBTQI++ community against violence and discrimination;
RESOLVED FURTHER, that the implementation of RA 11332 and RA 11313 be reviewed in light of the said violent dispersal and arrest.

Adopted,

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