



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. 233



Introduced by Representative **GERALDINE B. ROMAN**

RESOLUTION

DIRECTING THE HOUSE COMMITTEE ON WOMEN AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE POSSIBLE DISCRIMINATORY INCIDENT, THAT HAPPENED INSIDE A MALL, ON THE BASIS OF SEXUAL ORIENTATION OR GENDER IDENTITY INVOLVING THE DENIAL OF ACCESS TO A LADIES' RESTROOM TO TRANSGENDER WOMAN GRETCHEN CUSTODIO DIEZ WITH THE ACCOMPANYING INSTRUCTION TO HER TO USE THE RESTROOM OF MALES INSTEAD.

WHEREAS, Art. 2, Sec. 11 of the 1987 Constitution provides that: "The State values the dignity of every human person and guarantees full respect for human rights";

WHEREAS, Art. XIII, Sec. 1 of the 1987 Constitution also provides in part that: "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity";

WHEREAS, Article 1 of the Universal Declaration of Human Rights, to which the Philippines is a signatory, states that: "All human beings are born free and equal in dignity and in rights";

WHEREAS, Article 7 of the Universal Declaration of Human Rights states that: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination";

WHEREAS, Part II, Art. 2 (2) of the International Covenant on Economic, Social, and Cultural Rights, to which the Philippines is also a signatory, provides that: "The State Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status";

WHEREAS, on Tuesday, 13 August 2019, transgender woman Gretchen Custodio Diez related her experience in the hands of a janitress in a mall who led her out of a comfort room for women and told her to use the rest room for males instead;

WHEREAS, transgender woman Gretchen Custodio Diez suffered the humiliating treatment by the janitress on account of her chosen gender identity;

WHEREAS, after being told to leave the woman's comfort room, transgender woman Gretchen Diez left but returned to talk with the janitress the exchange of which she recorded in a video;

WHEREAS, a lady guard of the mall handcuffed Gretchen Diez and brought her to the police station possibly on account of her video taking of her exchange with the janitress of the mall;

WHEREAS, after midnight, transgender woman Gretchen Diez told reporters that the mall had already dropped charges against her;

WHEREAS, the actions taken by the janitress and the establishment are unjustified which resulted in the public humiliation of transgender woman Gretchen Diez;

WHEREAS, the refusal of the establishment through its janitress to allow transgender woman Gretchen Diez the use of the restroom for women and to also instruct her to go the Men's Room instead is an affront to all the members of the LGBT Community who are already suffering from discrimination by society;

WHEREAS, well-enshrined in our Constitution is the concept of equality, the anti-thesis of discrimination – which happened in this unfortunate incident;

WHEREAS, transgender woman Gretchen Diez is a peaceful, amiable, and law-abiding citizen who was unlawfully and shamefully led out of the ladies' restroom on the sole basis of her sexual orientation and gender identity or expression;

WHEREAS, on top of the embarrassing refusal to gain access to the ladies' room, transgender woman Gretchen Diez was further humiliated by the instruction for her to go and use the Men's Room instead;

WHEREAS, while businesses are given the prerogative to manage their own affairs and implement their own set of policies, said policies should not and could not contravene the Constitution, the supreme law of the land;

WHEREAS, this is not an isolated incident as demonstrated by the denial of entry to H&J Sports Bar and Restaurant in Makati on 26 August 2018, to a group led by Jervi Li, celebrity impersonator and host more popularly known as 'KaladKaren Davila, and other separate but equally unsettling events, to wit: also last year, two transgender women complained of being denied entry to bars in Cebu City; in 2015, transgender fashion designer Veejay Floresca was refused admittance to Valkyrie Superclub on the ground of "no crossdresser policy"; in the same year involving the same establishment, Miss Gay Manila 2015 Trixie Maristela was also denied entry to said club; in 2012, five Filipino transgenders were barred from entering Icon Bar of Intercontinental Hotel in Makati citing the same reason, among others;

WHEREAS, these incidents highlight the systemic discrimination that transgender Filipinos face which embrace not only getting access to a Ladies' Comfort Room or to a bar but also to education, employment, and other social services;

WHEREAS, incidents like these underscore the need to have meaningful laws in place which address the general public's lack of knowledge regarding our LGBT brothers and sisters, whose human rights have to be protected just like any citizen of this country;

NOW, THEREFORE BE IT, RESOLVED by the House of Representatives, as it is hereby resolved, to direct the House Committee on Women and Gender Equality to conduct an inquiry, in aid of legislation, on the possible discriminatory incident on the basis of sexual orientation or gender identity involving the denial of access to transgender woman Gretchen Diez to a female restroom topped by the instruction to her to go to the male restroom instead, inside a mall in Cubao, on account of her being a member of the LGBT Community.

Adopted,

A handwritten signature in cursive script, appearing to read "Geraldine B. Roman". The signature is written in dark ink on a light-colored background.