

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4826



Introduced by Hon. John Marvin "Yul Servo" C. Nieto

EXPLANATORY NOTE

Despite modest gains on social and legal rights for lesbians, gays, bisexuals and transgenders (LGBT's) in the Philippines, much has to be done for them to achieve full legal and social equality.

While the Philippine Constitution clearly states that:

"The State values the dignity of every human person and guarantees full respect for human rights," people who do not conform to socially prescribed sexual and gender codes are still the targets of stigma, discrimination and violence."

Thousands of LGBTs still suffer the harsh reality of homophobia (fear of homosexuals) and transphobia (fear of transgenders) in their daily lives. Many are refused employment, the use of public facilities or health care services, among others, because of their sexual orientation and gender identity.

Of late, there have been increasing reports of violent crimes perpetrated against LGBTs. According to Hate Crime Watch, which monitors media reports on rights violations against LGBTs, there have been 54 reported cases of killings against gays and lesbians documented in media since 1996. But it is the undocumented cases outside media coverage which are estimated to be much greater.

One of the more infamous of these hate crimes against LGBTs was the brutal killing of Jennifer Laude in October 2014. She was found dead with her head leaning on the rim of the toilet bowl, half naked. Autopsy reports later indicated that she died of asphyxiation by drowning. US Marine Joseph Scott Pemberton, who was then on R & R while their ship was docked in the Subic Bay Freeport, was found guilty of homicide after a much-publicized trial, which did not only highlighted the increasing hate crimes against the members of the LGBT community but also brought out the issue of the onerous Visiting Forces Agreement (VFA).

While laws protecting marginalized sectors such as women, children, migrants, national minorities, and the elderly have been passed, Congress has yet to pass measures protecting the rights of LGBTs.

May 17 is known as the International Day Against Homophobia and Transphobia or IDAHO in commemoration of that day in 1990 when the World Health Organization removed homosexuality from its International Classification of Mental Disorders. Every year on this date, people all over the world pause and ponder on the high human and social cost of discrimination, violence and harassment against LGBTs all over the world, especially in 80 countries where acts, speech, works, and other things related to same-sex and same-gender relations are still punished or fined. In some countries such as Uganda, there is even a pending legislation making homosexuality punishable by death.

Advocates who defend human rights based on sexual orientation and gender identity in the Philippines join IDAHO observances around the world with a number of social gatherings and private activities that contribute to the gradual achievement of equality, acceptance, and freedom for LGBTs and their families.

This bill acknowledges the reality of homophobia and discrimination and seeks to promote public consciousness about the need to respect the rights of LGBTs and end the violence, hate, and discrimination heaped on them. It hopes to provide more opportunities to discuss and search for solutions to the problems confronted by our fellow human beings.

In this light, the passage of this bill is earnestly sought.



JOHN MARVIN "YUL SERVO" C. NIETO

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AN ACT
DECLARING MAY 17 OF EVERY YEAR AS THE NATIONAL DAY AGAINST
HOMOPHOBIA AND TRANSPHOBIA, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This act shall be known as the "National Day against Homophobia and Transphobia Act of 2019."

SEC. 2. This act is in recognition of the observance of the International Day against Transphobia and Homophobia which was first commemorated on May 17, 1990 after the World Health Organization removed homosexuality from its International Classification of Mental Disorders.

SEC. 3. The National Day against Homophobia and Transphobia shall be commemorated in the Philippines every year as in recognition of the rights of lesbians, gays, bisexuals and transgenders in the country and the need to end the discrimination, oppression and intolerance they are faced with in society.

SEC. 4. All government offices, private institutions, schools, colleges and universities are hereby encouraged to extend their full support for exercises and activities in the observance, promotion and protection of LGBT rights.

SEC. 5. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,