

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS

First Regular Session

House Bill No. 2572



Introduced by **Hon. Sol Aragon**

EXPLANATORY NOTE

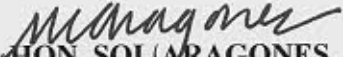
Lesbians, gays, bisexuals, and transgenders are oppressed by the more bigoted members of society at large mainly due to misconceptions and ignorance. LGBT members are becoming increasingly vulnerable to crimes. “Since there is no mechanism that helps identify hate crime victims, we don’t know how many more have been killed over the years,” says Marlon Lacsamana of the Philippine LGBT Hate Crime Watch. “The government needs to recognize, investigate, document and prosecute hate crimes based on SOGI. For that we need to get the active support of CHR.”¹

Hate crimes differ from ordinary crimes not only because of the motivation of the offender, but also because of the impact on the victim. The perpetrator selects the victim because of his or her membership of a group; this suggests that one member of such a group is interchangeable with any other. Unlike victims of many other criminal acts, hate crime victims are selected on the basis of what they represent rather than who they are. The message that is conveyed is intended to reach not just the immediate victim but also the larger community of which that victim is a member.

Thus, they are sometimes described as symbolic crimes. Hate crimes are designed to intimidate the victim and the victim’s community on the basis of their personal characteristics. Such crimes send a message to the victim that they are not welcome; they have the effect of denying the victim’s right to full participation in society. They also send a

¹ <http://thephilippinelgbthatecrimewatch.blogspot.com/>

message to members of the community sharing the characteristic that they also do not belong, and could equally be a target. Hate crimes, therefore, can damage the fabric of society and fragment communities.²


HON. SOL ARAGONES
Representative, 3rd District of Laguna

² Hate Crime Laws, A Practical Guide, OSCE Office for Democratic Institutions and Human Rights (ODIHR) Al. Ujazdowskie 19, 00-557 Warsaw, Poland, 2009.

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**AN ACT MAKING HATE CRIMES AGAINST MEMBERS OF THE
LESBIAN, GAY, BISEXUAL, AND TRANSGENDER (LGBT)
COMMUNITY AN AGGRAVATING CIRCUMSTANCE
FOR CRIMES AGAINST PERSONS AND CHASTITY**

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 and cited as the “LGBT Hate Crime Aggravating Act.”

SECTION 2. *Declaration of Policy.* - It is hereby declared that the State values the dignity of lesbians, gays, bisexuals, and transgenders (LGBT) and guarantees full respect for human rights. The State also recognizes the need to protect them from violence and threats to their personal safety and security.

Towards this end, the State shall exert efforts to address violence committed against LGBT members in keeping with the fundamental freedoms guaranteed under the Constitution and the Provisions of the Universal Declaration of Human Rights, and other international human rights instruments of which the Philippines is a party.

SECTION 3. *Definitions.* - For the purposes of this Act, a Hate Crime is any offense motivated by bias, prejudice, or hate based on sex, sexual orientation, or any other similar factor. It includes damaging the honor or the reputation of the victim, or a group of persons to which the victim belongs, on account of their actual or supposed sexual identity.

Sexual orientation refers to the choice of or the focus given by a person to another as the object of affection and/ or sexual energies, such other person not necessarily belonging to the opposite sex, as in the case of homosexuals. The terms lesbian, gay, bisexual, and transgender shall be construed in their ordinary and accepted signification.

SECTION 4. *Special Aggravating Circumstance.* – Any person who shall commit a Crime Against Persons or Against Chastity as enumerated in the Revised Penal Code against a member of the LGBT community shall suffer the maximum penalty imposed by the Code if it is proven that the act complained of is in the nature of a hate crime.

SECTION 5. *Separability Clause.* - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 6. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least *two* (2) newspapers of general circulation.

Approved,