



JUSTICE with PRIDE: LGBTQIA+ Community Legal Guidebook in the Philippines

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Cover image, Search Mindscape: Pride, provided by Justin Nuyda estate with permission of Ayni Nuyda.

Search Mindscape: Pride Justin Nuyda

Oil on Canvas 36 in x 48 in 2020

Completed in June 2020, *Pride* was one of the first major works Justin Nuyda created following a significant operation for his terminal illness—a quiet, triumphant return to the studio. Composed of radiant circular forms, the painting echoes a lifelong fascination with spherical motifs: from compact discs, shells, and pencil shavings to the delicate symmetry of butterfly wings.

Though abstract, *Pride* is deeply personal. It celebrates not just identity, but continuity—of color, of spirit, of survival. The concentric forms reflect Nuyda’s sensitivity to transformation, refracting light and presence. In this moment, he painted not only to mark Pride Month, but to honor life—his own, and the many forms it can take.

A lepidopterist as well as a painter, Nuyda had a special fascination with queer butterflies—species that exhibit traits of both male and female. To him, they embodied something rare, wondrous, and worthy of being regarded with reverence. That same quiet strength pulses beneath *Pride*.



REUTERS/Gleb Garanich

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SyCip Salazar Hernandez and Gatmaitan

SyCip Salazar Hernandez & Gatmaitan (SyCipLaw) is a premier full-service law firm in the Philippines. It operates offices in Makati City, the nation's business and financial hub, as well as in Cebu City, Davao City, and the Subic Bay Freeport Zone.

Celebrating its 80th year, the Firm offers comprehensive legal services across core areas of Philippine law, including corporate and commercial transactions, dispute resolution, banking and finance, taxation, employment, and intellectual property.

As part of its ongoing commitment to public service, SyCipLaw has provided pro bono legal research in support of this guide. The Firm is dedicated to enhancing access to justice and promoting legal literacy, particularly for historically underserved and marginalized communities.

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Mujer LGBT+ Organisation

Mujer LGBT+ Organisation is one of the leading human rights based LGBTQIA+ Organisations in the Philippines, with main focus on Mindanao. Registered and accredited under the Securities and Exchange Commission, Local Youth Development Council and City Government Legislative Body. Having our main office and community center in Zamboanga City with 10 years of experience in implementing grassroots programs designed for the LGBTQIA+ communities and victims of gender-based violence in Mindanao and Bangsamoro Autonomous Regions in Muslim Mindanao. Mujer LGBT+ Organisation has led programs on Sexual and Reproductive Health Rights, humanitarian assistance in times of disasters, providing paralegal support to LGBTQIA+ communities, engaged in policy lobbying, implementing human rights training, facilitated peace-building efforts, and has supported and established 36 LGBTQIA+ Organisations. Mujer LGBT+ Organisation is also sitting at the CIDG Region 9 as the Vice President, CSO member of the National Anti-Poverty Commission and one of the founding core member of PRIDE PH.

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Disclaimer

This report is offered for information purposes only. It is not legal advice. Readers are urged to seek advice from qualified legal counsel in relation to their specific circumstances.

We intend the report's contents to be correct and up to date as of April 2025, but we do not guarantee their accuracy or completeness, particularly as circumstances may change after publication. Mujer LGBT+ Organisation, SyCip Salazar Hernandez and Gatmaitan, and the Thomson Reuters Foundation, accept no liability or responsibility for actions taken or not taken or any losses arising from reliance on this report or any inaccuracies herein.

SyCip Salazar Hernandez and Gatmaitan generously provided pro bono research to Mujer LGBT+ Organisation. However, the contents of this report should not be taken to reflect the views of SyCip Salazar Hernandez and Gatmaitan or the lawyers who contributed.

Similarly, the Thomson Reuters Foundation is proud to support our TrustLaw member Mujer LGBT+ Organisation with their work on this report, including with publication and the pro bono connection that made the legal research possible. However, in accordance with the Thomson Reuters Trust Principles of independence and freedom from bias, we do not take a position on the contents of, or views expressed in, this report.

Foreword

A legal system that protects the rights of individuals, promotes equality and holds power to account is a core pillar of democracy. But increasingly, amidst a global shrinking of civic space, the law is being weaponised by governments and private actors, destabilising free, fair and informed societies and eroding civil liberties.

In the Philippines, despite being considered one of the most LGBTQIA+ friendly countries in the region, the absence of comprehensive national anti-discrimination laws and legal recognition for same-sex marriage is leaving many vulnerable. This has been sorely felt by civil society organisations advocating in this space, many of whom are experiencing increasing levels of reprisal through tactics like *'red-tagging'*, which subject them to harassment, surveillance and prosecution under the country's Anti-Terror and Human Security Acts.

The Thomson Reuters Foundation works to strengthen the resilience of civil society by raising awareness of emerging legal threats like these. Through TrustLaw, the Foundation's global pro bono legal network, we are empowering law firms to increase their free legal support to NGOs, Social Enterprises and Independent Media operating within this shrinking civic space.

This Guidebook is designed to be a practical tool, offering a summary of existing laws and protections, actionable steps for responding to discrimination, arbitrary arrest, or red-tagging, and best practices for safe advocacy. It is our sincere hope that it will empower the LGBTQIA+ community in the Philippines to better understand their rights, protect themselves and to confidently seek justice.

This work would not have been possible without the expertise and research of the dedicated lawyers from SyCip Salazar Hernandez & Gatmaitan. Their contributions have been essential to the development of the Guidebook, and we are extremely grateful for their commitment to this project.

We would also like to extend our gratitude to the team at Mujer LGBT+ Organisation, particularly Rhadem Musawah, whose valuable insights were instrumental in shaping this resource, as well as the British Embassy Manila for their support in publishing and disseminating it.

Carolina Henriquez-Schmitz

Director, Access to Law,
Thomson Reuters Foundation

Preface by the British Embassy Manila

As the British Ambassador to the Philippines, I am honoured to present this legal guidebook dedicated to the LGBTQIA+ community in the Philippines.

This guidebook aims to empower individuals and organisations by providing clear, accessible information on the rights and evolving LGBTQIA+ legal landscape in the Philippines. It is developed with the needs of the LGBTQIA+ people at its heart. And it is made particularly for those who face multiple forms of marginalisation and discrimination – from harassment to red-tagging or arbitrary arrest.

Thus, the guidebook supports the community's continued strides towards dignity, respect, and equal opportunities, reflecting the shared values of human rights and inclusion that both our nations uphold.

This guidebook comes at a critical time – across the world, we see an increasing rollback on gender equality and resurging anti-rights rhetoric, and a rescinding diversity. As the UK, we want to reaffirm our unwavering commitment to supporting, advancing, and championing the rights of LGBTQIA+ individuals globally.

I wish to extend my warmest congratulations to the brilliant teams behind Mujer LGBT+ Organisation, Thomson Reuters Foundation, TrustLaw, and SyCip Salazar Hernandez and Gatmaitan for successfully putting together this guidebook.

It is my hope that this resource will serve as a valuable tool for advocacy, education, and empowerment in the continuing journey toward equality for all Filipinos, regardless of their sexual orientation or gender identity.

Laure Beaufigli

His Majesty's Ambassador

Message from the Executive Director of Mujer LGBT+ Organisation

For over a decade, the Mujer LGBT+ Organisation has stood resilient at the frontlines of the struggle for equality, dignity, and protection of LGBTQIA+ people in Mindanao. We are not merely advocates—we are members of the community. We carry the lived realities of discrimination, violence, and exclusion. And because we dared to speak up, organize, and demand justice, we have also endured threats, harassment, and even red-tagging.

Yet through it all, we never wavered.

We persisted. We raised our voices louder. We built safe spaces where silence once prevailed. We organized where others told us it was impossible. And we made ourselves visible in systems that have long ignored us.

Through these difficult but defining experiences, we realized a crucial gap in our work: while many of us are passionate advocates, we often lack access to legal knowledge that can help us protect ourselves and our communities. That gap is what inspired the creation of this Legal Guidebook.

This guidebook is more than just a compilation of laws and comprehensive understanding of day to day struggles of every LGBTQIA+ Organisations and community members—it is our key to survive and our strength to fight. It is something that grassroots LGBTQIA+ advocates can call their friend in navigating the legal system, asserting their rights, and defending their work in the face of adversity. It is built on our collective struggles, shaped by our hard-won lessons, and fueled by our vision of justice.

Let this guidebook be a symbol of solidarity, empowerment, and hope. May it serve not only as a resource but also as a reminder: that our fight is valid, our rights are real, and our voices—no matter how often silenced—will always find their way forward.

Mx. Alvin Toni Gee Fernandez

Executive Director of Mujer LGBT+ Organisation



Part 1: Introduction

Purpose of the Guide

This guidebook aims to equip LGBTQIA+ individuals, Organisations, and allies with practical tools to stay safe while advocating for equality and justice. It focuses on exercising of rights when facing harassment, red-tagging, preventive detention, and unequal treatment, and offers actionable steps to navigate these situations.

What You Will Find Here

Your Rights: A summary of laws and LGBTQIA+ protections that exist in the Philippines.

Practical Steps: What to do if you experience red-tagging, arbitrary arrest, or discrimination.

Best Practices: Tips to stay safe while advocating for LGBTQIA+ rights.

The goal is to ensure that every individual—regardless of gender identity or sexual orientation—has the knowledge to assert their rights, engage effectively with law enforcement and state institutions, and seek justice in instances of discrimination or coercive actions. This guide is also an advocacy tool, enabling LGBTQIA+ Organisations and allies to educate their communities, empower individuals, and advocate for systemic change.

Context and Background

The LGBTQIA+ community in the Philippines exists within a complex socio-legal framework. While the country is often recognized for its cultural acceptance of LGBTQIA+ individuals, significant legal and institutional barriers persist. The lack of comprehensive national anti-discrimination legislation leaves many vulnerable to discrimination in workplaces, educational institutions, healthcare settings, and public spaces. This gap is not addressed by local ordinances that, while progressive in some areas, create a fragmented patchwork of protections that fail to provide consistent safeguards nationwide.

The challenges facing LGBTQIA+ individuals are made worse by practices like “red-tagging,” where individuals and Organisations are unjustly labeled as insurgents or terrorists. This tactic subjects them to harassment, surveillance, and even criminal charges under laws such as the Anti-Terror Act and the Human Security Act. Advocacy Organisations, activists, and community leaders are particularly vulnerable, often finding themselves targeted for their work in promoting LGBTQIA+ rights.

Additionally, access to healthcare remains a significant hurdle. LGBTQIA+ individuals frequently encounter discrimination when seeking medical services, ranging from substandard treatment to outright refusal of care. These issues are particularly pronounced for marginalized individuals, such as those from low-income backgrounds or living with HIV/AIDS, who face compounded barriers.

This guidebook seeks to respond to these challenges by outlining legal protections available for individuals and Organisations to protect their rights and seek justice.



REUTERS/Erik De Castro

Part 2: Laws and Policies That Protect LGBTQIA+ Rights in the Philippines

The Philippine Constitution Guarantees the Right to Dignity and Equality

The 1987 Constitution serves as the cornerstone of all Philippine laws and provides key protections that affirm the dignity and equality of all individuals, including LGBTQIA+ persons. These provisions establish a robust foundation for challenging discriminatory practices and promoting human rights:

- **Article II, Section 11:** “The State values the dignity of every human person and guarantees full respect for human rights.” This clause underscores the government’s duty to uphold and safeguard the intrinsic value of every individual.
- **Article XIII, Section 1:** “The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.” This principle mandates legislative and institutional action to address systemic inequities, including those affecting LGBTQIA+ individuals.

These constitutional guarantees not only affirm the universality of human rights but also provide a legal framework for demanding accountability and justice in cases of discrimination.

International Laws and Treaties Require the Philippines to Uphold LGBTQIA+ Rights

The Philippines' obligations under international law significantly reinforce protections for LGBTQIA+ individuals. These commitments, integrated into the national legal framework through the doctrine of customary international law and ratified treaties, underscore the universal application of human rights:

- **Universal Declaration of Human Rights (UDHR):** Recognized as part of customary international law (Razon, Jr. v. Tagitis, G.R. No. 182498, December 3, 2009), the UDHR affirms fundamental rights to dignity, equality, and freedom from discrimination, forming a moral and legal compass for all nations.
- **International Covenant on Civil and Political Rights (ICCPR):** Guarantees protection against arbitrary arrest, detention, and discrimination, emphasizing civil liberties and personal freedoms that apply to all individuals, including LGBTQIA+ persons.
- **International Covenant on Economic, Social and Cultural Rights (ICESCR):** Ensures equal access to healthcare, education, employment, and social services without discrimination, fostering a more equitable society.
- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):** Specifically addresses the rights of women, including LGBTQIA+ women, ensuring protection from violence and fostering gender equality in public and private life.
- **Convention on the Rights of the Child (CRC):** Mandates the protection of LGBTQIA+ minors from abuse, neglect, and systemic discrimination, supporting their right to a safe and nurturing environment.
- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:** Requires State Parties to take effective legislative, administrative or other measures to prevent acts of torture in connection with a person's arrest and detention; return, expulsion, and extradition; and interrogation.
- **Optional Protocol to the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT):** Establishes a system of regular examination of the treatment of the persons deprived of their liberty in places of detention and regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.
- **Convention on the Rights of Persons with Disabilities (CRPD):** Specifically recognizes that women and girls with disabilities are subject to multiple forms of discrimination, and addresses this by requiring measures to ensure development, advancement, and empowerment of women.

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families:** Mandates the protection of all migrant workers and their families, without distinction based on sex or other status, by establishing legal and administrative standards that State Parties must adhere to eliminate exploitation.

Together, these treaties serve as a framework for holding the Philippine government accountable for its human rights obligations and ensuring that LGBTQIA+ individuals enjoy protections consistent with international standards.

Protections in Specific Areas under National Laws

While the Philippines has yet to pass a comprehensive Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Equality Bill, several existing laws address LGBTQIA+ rights in specific areas. These laws provide critical protections in education, public safety, healthcare, and employment:

- **Anti-Bullying Act (RA No. 10627):** Mandates schools to adopt measures preventing and addressing bullying, including harassment based on sexual orientation or gender identity. This law empowers students and advocates to demand accountability from educational institutions.
- **Safe Spaces Act (RA No. 11313):** Prohibits gender-based harassment in workplaces, schools, public spaces, and online platforms. Implementing rules obligate employers, educational institutions, and local governments to take swift action against violations.
- **Philippine HIV and AIDS Policy Act (RA No. 11166):** Ensures equal access to healthcare services and protects against employment discrimination for individuals living with HIV, many of whom belong to the LGBTQIA+ community.
- **Magna Carta for Women (RA No. 9710):** Protects women, including LGBTQIA+ women, from violence and ensures access to programs promoting gender equality and empowerment.
- **Anti-Violence Against Women and Their Children Act (RA No. 9262):** Provides protection to individuals, including those in same-sex relationships, from domestic abuse and violence.
- **Magna Carta for Disabled Persons (RA No. 7277):** Ensures that people with disabilities, including LGBTQIA+ individuals, are free from discrimination in employment, education, and public accommodations.
- **Anti-Terrorism Act (RA No. 11479):** While controversial, this law explicitly excludes peaceful advocacy, protests, and dissent from acts of terrorism, thereby protecting LGBTQIA+ activists engaged in lawful advocacy.

- **Mental Health Act (RA No. 11036):** Ensures that mental health services are responsive to gender and other special needs of the individuals being served, and that mental health institutions and workers are trained to deliver gender-sensitive mental health services.

These national laws, though piecemeal, collectively represent significant strides in addressing systemic discrimination and fostering inclusivity.

Specific Protections under Local Ordinances

Across the Philippines, Local Government Units (LGUs) have adopted ordinances that combat SOGIE-based discrimination within their jurisdictions. These ordinances address gaps in national laws by focusing on local contexts and community-specific needs, including but not limited to the following:

- **Quezon City Gender-Fair Ordinance (SP-2357, S-2014):** Prohibits discrimination in employment, education, public accommodations, and access to government services, setting a gold standard for local anti-discrimination policies.
- **Batangas City Gender-Fair Ordinance (No. 12, s. 2016):** Implements comprehensive anti-discrimination measures, covering public and private sectors.
- **Municipality of Panglima Sugala Comprehensive Anti-Discrimination Ordinance (No. PS-001, s. 2023):** Prohibits SOGIE-based discrimination in public spaces, educational and health institutions, and workplaces. Holds government officials accountable for failing to act on discrimination complaints within a reasonable time.
- **Naga City ANTI SOGIE Discrimination Ordinance (No. 24, s. 2019):** Protects LGBTQIA+ residents from SOGIE-based discrimination, bias, prejudice, and violence in the workplace, schools, commercial establishments, and private or public service deliveries. Incorporates SOGIE concerns with the functions of existing barangay violence against women and children (VAWC) desk.
- **Cebu City Anti-Discrimination Ordinance (No. 2339, s. 2012):** Prohibits SOGIE-based discrimination in public and commercial establishments as well as in the delivery of public or commercial services. Institutionalizes anti-discrimination programs in the city.
- **Davao City Anti-Discrimination Ordinance (No. 0417, s. 2012):** Prohibits SOGIE-based discrimination in employment, education, shelter, and delivery of basic goods and services. Creates the Anti-Discrimination Mediation and Conciliation Board to act as the main arbiter of SOGIE-based discrimination complaints.
- **Zamboanga City Comprehensive Anti-Discrimination Ordinance (No. 543, s. 2020):** Prohibits SOGIE-based discrimination in the delivery of programs and services, educational institutions, accreditation of Organisations, hospitals, and other public and private establishments. Mandates the creation of Anti-Discrimination Desk in all barangays, governmental offices or agencies, and private establishments and Organisations.

Additionally, many LGUs have enacted Gender and Development Codes to institutionalize gender-responsive policies. For example, the Batangas City Gender and Development Code of 2019 promotes inclusivity in local governance, ensuring that LGBTQIA+ individuals have equitable access to public services.

Moreover, at least 62 LGUs have localized the Safe Spaces Act, enhancing its implementation at the grassroots level and ensuring comprehensive protection.

Notable Supreme Court Decisions and Rules

Judicial rulings and procedural rules help reinforce LGBTQIA+ rights and support critical legal remedies:

- **Deduro v. Vinoya, G.R. No. 254753, July 4, 2023:** Established the applicability of the Writ of Amparo to protect individuals facing threats, including red-tagging and other forms of harassment.
- **Calleja v. Executive Secretary, G.R. Nos. 252578, et al., December 7, 2021:** Clarified that peaceful protests and advocacy efforts are excluded from the scope of terrorism under the Anti-Terrorism Act, safeguarding activists engaged in lawful expressions of dissent.
- **Republic v. Cagandahan, G.R. No. 166676, September 12, 2008:** Declared that where the person is biologically or naturally intersex, the determining factor in their gender classification would be what the individual, having reached the age of majority, with good reason thinks of their sex.
- Procedural innovations, such as the Rule on the Writ of Amparo (A.M. No. 07-9-12-SC), provide immediate protective measures for individuals whose life, liberty, or security is at risk.

Administrative Regulations Clarify and Support the Implementation of National Laws

- **Implementing Rules and Regulations of the Safe Spaces Act:** Outlines specific procedures for addressing harassment in workplaces, schools, and public spaces.
- **Implementing Rules and Regulations of the Anti-Terrorism Act:** Defines procedural safeguards and exclusions for individuals accused under the law.
- **Department of Interior and Local Government and the Philippine Commission on Women (DILG-PCW) Joint Memorandum Circular (2020):** Provides guidance for LGUs on effectively implementing the Safe Spaces Act, ensuring responsive and localized enforcement mechanisms.

- **Civil Service Commission (CSC) Resolution No. 2100064 (2021):** Provides administrative disciplinary rules on sexual harassment cases in all national or local government agencies, state/local colleges and universities, and Government Owned and Controlled Corporations with original charters.
- **CSC Resolution No. 1701009 (2017):** Prohibits discrimination against a person employed and in the selection of employees by reason of their sex, sexual orientation, and gender identity.
- **CSC Resolution No. 2400766 (2024):** Officials and employees who are transgender may be allowed to dress consistent with their preferred gender expression. Further, if grooming requirements will not affect the performance of duties of the official and/or employee, the agency shall not compel them to comply with a dress code policy that will prohibit them to conform to their sexual orientation, gender identity, gender expression and sex characteristics. These regulations operationalize laws, translating broad principles into actionable steps for institutions and individuals.

Significant Gaps Remain in the Legal Framework, Despite Existing Protections

While these laws and policies represent progress, significant challenges persist.

The absence of a national anti-discrimination statute leaves LGBTQIA+ individuals vulnerable, particularly in areas without protective local ordinances.

Current anti-discrimination legislation, whether local or national, still fails to address the struggles and challenges of certain marginalized groups. The fight for anti-discrimination is not an isolated struggle. It cuts across social classes and sectors. Since overlapping lines of discrimination may be difficult to pinpoint and address through current laws and regulations, many groups are still left fighting for anti-discrimination policies and protections within their own sectors.

For instance, specific legislation addressing rights of transgender men and women are not yet available. Among many other basic rights, essential healthcare services remain inaccessible and not all are given the authority to decide for their partners or loved ones in critical health emergencies. There are laws and regulations protecting employees from discrimination in formal economies. However, there remains little to no protection for employees working in informal economies.

Variability in the application and monitoring of laws and ordinances creates gaps in protection and justice, resulting in inconsistent enforcement.

The absence of widespread awareness among the general public, public officials, and even among LGBTQIA+ individuals reduces the effectiveness of existing protections.

These challenges highlight the urgent need for advocacy, education, and legislative action to close existing gaps and ensure that protections are uniformly applied.



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Part 3: Navigating Interactions with Law Enforcement

Rights During Peaceful Assembly

Participating in lawful protests is a protected right under Philippine law. The following outlines the rights of individuals and the guidelines for engaging with law enforcement:

- **Constitutional Protections:**

Article III, Section 4 of the 1987 Constitution guarantees that “no law shall be passed abridging the right of the people peaceably to assemble and petition the government for redress of grievances.”

- **Public Assembly Act of 1985:**

A public assembly with a permit cannot be dispersed unless it becomes violent or is held without the required permit.¹

Law enforcement agencies must not interfere with peaceful assemblies but may station personnel at least 100 meters away to ensure public safety.²

Officers are required to exercise maximum tolerance, defined as the highest degree of restraint during public assemblies or their dispersal.³

Guidelines for Engaging with Law Enforcement During Public Assemblies

- **Obtain Necessary Permits:**

A written permit is required to organize and hold public assemblies in public places unless the assembly is held in a designated freedom park, on private property (with the owner's consent), or on campuses of government-operated educational institutions (subject to institutional rules).⁴

- **Ensure Compliance with Permit Terms:**

Organizers must:

- Inform participants of their responsibilities under the permit.
- Maintain order within the ranks to prevent disruptions.
- Coordinate with local officials and law enforcement to ensure peaceful conduct.
- Adhere to the time limits specified in the permit.

- **Work with Law Enforcement:**

Respectfully remind law enforcement of their duty to protect the right to peaceful assembly. Key expectations include:

- Officers must wear complete uniforms with prominently displayed nameplates.
- Officers must not carry firearms but may be equipped with batons, shields, helmets, and other protective gear.
- The use of tear gas, water cannons, or anti-riot devices is prohibited unless there is actual violence or deliberate property destruction.⁵

- **Know Law Enforcement's Protocol for Dispersal:**

| 2 Batas Pambansa Blg. 880 (1985), Section 9.

| 3 Batas Pambansa Blg. 880 (1985), Section 10(a).

| 4 Batas Pambansa Blg. 880 (1985), Section 4.

| 5 Batas Pambansa Blg. 880 (1985), Section 10.

Dispersal can only occur if:⁶

- Violence is imminent, and organizers are warned to prevent disturbances.
- Participants fail to stop violent actions despite warnings.
- Warnings are given audibly and reasonable time is allowed before dispersal.
- Arrests during assemblies are prohibited unless participants violate specific laws during the assembly.

Some Practical and Preventive Measures When Dealing with Law Enforcement

- Stay Calm and Composed
 - » **Maintain a calm demeanor:** Avoid raising your voice or making sudden movements.
 - » **Control your emotions:** Stay polite and composed, even if you feel stressed or anxious.
- Communicate Clearly and Respectfully
 - » **Use polite language:** Address officers as “sir” or “ma’am” and use phrases like “please” and “thank you.”
 - » **Be clear and concise:** Answer questions directly without volunteering additional information.
- Assert Your Rights Firmly
 - » **State your rights calmly:** If you choose to exercise your rights, do so in a calm and clear manner. For example, “I do not consent to a search.”
 - » **Ask for clarification:** If you do not understand something, politely ask the officer to explain.
- Document the Interaction
 - » **Take mental notes:** Remember details such as the officer’s name, badge number, patrol car number, and the time and location of the interaction.
 - » **Record if possible:** Politely ask the officer’s consent to record the interaction. If they decline, do not insist as doing so might be viewed as a violation of the Anti-Wiretapping Law.⁷

6 Batas Pambansa Blg. 880 (1985), Section 11.

7 Republic Act No. 4200 (1965), Section 1 provides that “[i]t shall be unlawful for any person, not being authorized by all the parties to any private communication or spoken word, to tap any wire or cable, or by using any other device or arrangement, to secretly overhear, intercept, or record such communication or spoken word by using a device commonly known as a dictaphone or dictagraph or dictaphone or walkie-talkie or tape recorder, or however otherwise described.”

- Follow Instructions
 - » **Comply with lawful orders:** Follow the officer's instructions, even if you plan to contest them later.
 - » **Avoid physical resistance:** Never physically resist an officer, as this can escalate the situation.

Red-Tagging

Red-tagging happens when the government or its agents label individuals or groups as members or supporters of communist rebel groups, like the New People's Army (NPA). This often targets activists, journalists, teachers, students, labor leaders, and human rights advocates.

- **Being red-tagged can put a person's safety and freedom at risk. It can lead to:**
 - Surveillance – Authorities may monitor your activities.
 - Harassment – Online attacks, threats, or intimidation.
 - Arrests on False Charges – Accusations of illegal activities without proof.
 - Violence – Red-tagged individuals have faced physical attacks or even death.
- **Guidelines for Engaging with Law Enforcement when Red-Tagged:**
 - You have the right to express your opinions and organize peacefully.⁸
 - Document incidents of red-tagging and report them to human rights groups.
 - If you are being harassed, contact a lawyer or human rights Organisations.
 - Work with trusted groups that can support and protect you.
- **Remedies when Red-Tagged**

The Supreme Court has ruled that red-tagging threatens a person's right to life, liberty, and security. Freedom of speech and association is also protected by the Philippine Constitution. If you or someone you know has been red-tagged, here are the legal actions you can take:

- File a Case for Libel or Slander (Defamation):⁹
 - » If someone falsely accuses you in public (in writing or verbally), first serve a demand letter on the person or entity responsible for red-tagging you to retract their libelous statement.

⁸ Section 4, Article III of the Philippine Constitution (1987) provides that "[n]o 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."

⁹ Revised Penal Code, Article 353.

- » If the demand letter is not heeded, you may file a case under the Revised Penal Code:
 - Libel (Written Defamation) – If the false accusations are written (e.g., social media posts, news articles), the person responsible may face imprisonment (6 months to 4 years) and/or a fine between ₱40,000 to ₱1.2 million.
 - Slander (Spoken Defamation) – If the accusations were said verbally, the punishment depends on how serious the statement is:
 - Serious slander: Jail time (4 months to 2 years)
 - Less serious slander: A fine of up to ₱20,000 or jail time (1 to 30 days)
- Sue for Damages (Civil Case for Defamation)¹⁰
 - » Red-tagging may result in the violation of your constitutional rights, such as your right to free speech and association. In this case, you can file a separate civil case for damages under Article 32 of the Civil Code.
 - » Under Article 32 of the Civil Code, you can claim monetary compensation, which may include moral and exemplary damages, even if the aggressor is not criminally convicted. It suffices that you prove that the act of a public officer or employee, or any private individual, resulted in the impairment or violation of your constitutional rights.¹¹
 - » If red-tagging harms your reputation or causes you distress, you can file a separate civil case for monetary compensation.
 - » Under Article 33 of the Civil Code, you can still claim actual, moral, or exemplary damages even if the aggressor is not criminally convicted.
 - » What do you need to prove?
 - Someone publicly accused you of a crime, vice, or defect
 - The accusation was shared with others
 - People knew it was about you
 - The person acted maliciously
- Seek Protection with a Writ of Amparo¹²
 - » If red-tagging leads to threats, surveillance, or harassment, you can ask the court for a Writ of Amparo. It is a legal protection order that prevents the government or other parties from harming you.

| 10 Civil Code, Articles 32 & 33.

| 11 Civil Code, Article 32. See also *Vinzons-Chato v. Fortune Tobacco Corp.*, G.R. No. 141309, June 19, 2007.

| 12 A.M. No. 07-9-12-SC (September 25, 2007). The Rule on the Writ of Amparo.

- You can file for a Writ of Amparo if you are being followed, threatened, or fear for your safety.
- The court can issue orders to stop the harassment and even require the government to explain its actions.
- The Supreme Court has ruled that red-tagging is a threat to life, liberty, and security which entitles a person to seek this remedy.

Practical and Preventive Measures To Mitigate the Risks of Red-tagging:

- » Avoid engaging with hecklers who can maliciously red-tag your responses.
- » Document any occurrence of red-tagging.
- » Report red-tagging to proper authorities (i.e. Commission on Human Rights, Department of Interior and Local Government, etc.)

Enforced Disappearances

Enforced disappearance occurs if the following elements are present:

- 01.** There is an arrest, detention, abduction, or any form of deprivation of liberty
- 02.** Such deprivation of liberty was carried out by, or with the authorization, support or acquiescence of the State or a political Organisation
- 03.** Such deprivation of liberty was followed by the State or political Organisation's refusal to acknowledge or give information on the fate or whereabouts of the person arrested, detained, or abducted
- 04.** The intention for such refusal is to remove subject person from the protection of the law for a prolonged period of time

You may seek protection with a Writ of Amparo if this happens to any of the following people:

- 01.** Your spouse
- 02.** Your child
- 03.** Your parents
- 04.** Your relative within the 4th civil degree of consanguinity or affinity
- 05.** Anyone, with you as concerned citizen

A Writ of Amparo would require the public official or private entity acting on behalf of the public official to explain the disappearance before the court, including lawful defenses, steps taken or to be taken to determine the whereabouts of the aggrieved party, and all other relevant information in their possession pertaining to the disappearance.

Online Harassment¹³

Gender-based online sexual harassment refers to an online conduct targeted at a particular person that causes or likely to cause another mental, emotional or psychological distress, and fear of personal safety, sexual harassment acts including unwanted sexual remarks and comments, threats, uploading or sharing of one's photos without consent, video and audio recordings, cyberstalking and online identity theft.

It includes acts that use information and communications technology in terrorizing and intimidating victims through:

- (a) Physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages;
- (b) Invasion of the victim's privacy through cyberstalking and incessant messaging;
- (c) Uploading and sharing without the consent of the victim any form of media that contains photos, voice, or video with sexual content;
- (d) Any unauthorized recording and sharing of any of the victim's photos, videos or any information online;
- (e) Impersonating identities of victims online or posting lies about victims to harm their reputation; or
- (f) Filing false abuse reports to online platforms to silence victims.

If you experience gender-based online sexual harassment, you may file a complaint with the Department of Justice Office of Cybercrime, in accordance with the guidelines that they released in collaboration with the PNP Anti-Cybercrime Group and NBI Cybercrime Division.¹⁴

¹³ Republic Act No. 11313, Section 3(e),

¹⁴ See DOJ hoists clearer procedures in handling online harassment cases. *Department of Justice*. Retrieved from https://www.doj.gov.ph/news_article.html?newsid=Qj05e9PK_lgegxiJQliJXGJCP-NjwJ3eZVuOxb13_kE (last accessed May 30, 2025).

Discrimination in Public Spaces¹⁵

Gender-based sexual harassment on streets and public spaces is committed through any unwanted and uninvited sexual actions or remarks against any person regardless of the motive for committing such action or remarks.

Gender-based streets and public spaces sexual harassment include, among others:¹⁶

- (a) Catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic, and sexist slurs;
- (b) Persistent uninvited comments or gestures on a person's appearance;
- (c) Relentless requests for personal details;
- (d) Statement of sexual comments and suggestions;
- (e) Public masturbation or flashing of private parts, groping, making offensive body gestures at someone, and other similar lewd sexual actions;
- (f) Any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety. This may include cursing, leering and intrusive gazing, and taunting;
- (g) Persistent telling of sexual jokes, use of sexual names; and
- (h) Stalking.

- **Remedies when misgendered or discriminated against in public spaces:**¹⁷

- If the incident happened inside an establishment, ask for assistance from the personnel of said establishment, including obtaining a copy of the CCTV footage
- If the incident happened in a public utility vehicle:
 - » File a complaint with the LTO and LTFRB for suspension or revocation of license of the perpetrators and transportation operators
 - » File a civil case in court against the owner or operator of the vehicle for breach of contract of carriage and for negligence in the selection and supervision of employees
- If the incident happened in the streets or in any of the above places mentioned, ask for assistance from local police authorities

| 15 Republic Act No. 11313, Section 4.

| 16 Republic Act No. 11313, Section 4.

| 17 See Republic Act No. 11313, Article I.



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Part 4: Arrest and Preventive Detention

Protections Against Unlawful Arrest

- **Rights of Detained Persons:**

Arrested individuals must be informed of their core rights, including:¹⁸

- The nature and cause of their arrest.
- The right to remain silent.
- The right to competent and independent counsel of their choice. If a person cannot afford legal counsel, law enforcement must immediately contact the Public Attorney's Office (PAO) or the Integrated Bar of the Philippines (IBP) for free legal assistance.

| 18 See Article III, Section 12 to 22 of the Philippine Constitution. See also Rules of Court, Rule 115.

Additional rights Detained Persons include:¹⁹

- Informed of the cause of their detention in the presence of legal counsel.
- Allowed to communicate and confer privately with legal counsel at any time.
- Permitted to communicate and be visited by family members or nearest relatives.
- Granted access to a physician of their choice.

Accountability for Rights Violations:²⁰

- Any law enforcement agent or military personnel who violates the rights of a detainee faces imprisonment of up to 10 years.
- If the violator is not identified, the head of the law enforcement or military unit having custody over the detainee at the time of the violation will be held accountable.

Prohibition of Torture:²¹

- The use of torture, as well as cruel, inhumane, or degrading treatment, is strictly prohibited. Evidence obtained through such means is inadmissible in any judicial or administrative proceeding.

Special Considerations for Vulnerable Persons:²²

- Due regard for the welfare of individuals who are elderly, pregnant, have disabilities, or are women and children during detention, investigation, or interrogation is required and must be respected by law enforcement.

The Anti-Terrorism Act of 2020 includes explicit safeguards to protect the rights of individuals, especially peaceful protesters and advocates:

- **Exclusions for Peaceful Advocacy:**

The Act explicitly states that terrorism does not include “advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person’s life, or to create a serious risk to public safety.” This provision ensures that legitimate peaceful activities cannot be criminalized as terrorism.²³

| 19 See Rules of Court, Rule 115. See also Republic Act No. 7438 (1992), Section 2.

| 20 Republic Act No. 7438 (1992), Section 4.

| 21 Republic Act No. 9745 (2009), Section 6.

| 22 Republic Act No. 11479 (2020), Section 51.

| 23 Republic Act No. 11479 (2020), Section 4.

Understanding Preventive Detention Under Philippine Law

Preventive detention refers to the legal confinement of an individual before trial, under specific conditions outlined by law. The following explains the circumstances under which preventive detention is justified:

- **Under the Rules of Court:**

Preventive detention is permissible when the crime involves a capital offense punishable by *reclusión perpetua* (20 years and 1 day to 40 years) or life imprisonment.

A person charged with a capital offense cannot be admitted to bail if the evidence of guilt is strong. Such individuals may be held in preventive imprisonment to ensure public safety and the integrity of the judicial process.

- **Under the Anti-Terrorism Act of 2020:**

A person suspected of committing acts defined and penalized under Sections 4 to 12 of the Act may be detained for up to 14 calendar days, as authorized in writing by the Anti-Terrorism Council.

This detention may be extended for an additional 10 calendar days if it is established that:²⁴

- Further detention is necessary to preserve evidence or complete the investigation.
- Continued detention is required to prevent the commission of another act of terrorism.
- The investigation is being conducted properly and without delay.



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Part 5: Healthcare Rights and Protections

The State is mandated to provide healthcare and social services to all people under the Constitution. These should be provided without discrimination, even for LGBTQIA+ individuals. Unfortunately, there are no national laws providing specific protection against discrimination in medical settings.

However, some local ordinances (like from Quezon City local government) prohibit discrimination based on SOGIE in hospitals and clinics. The protections under these ordinances typically include the following:²⁵

- Right to equal treatment – No one should deny you medical services based on your SOGIE.
- Right to privacy – Doctors cannot disclose your gender identity, HIV status, or personal health info without your consent.
- Right to informed consent – You must be properly informed about medical procedures before they happen.

- **What to do in case you experience discrimination in medical settings:**
 - Stay calm and document everything.
 - Write down what happened, the date, time, and names of people involved. If possible, get witnesses or record the incident.
 - Speak to a higher authority.
 - Report to the hospital's Patient Relations Office or Management. Ask for their official policy on discrimination and patient rights.
 - File a formal complaint.²⁶
 - » Local Health Office: Report to your city or municipal health department.
 - » Commission on Human Rights (CHR): If serious, file a complaint here.
 - » DOH (Department of Health): If discrimination involves a government hospital.
 - Seek legal support.

Right to Care

The Right to Care Act²⁷ is a proposed law in the Philippines designed to empower LGBTQIA+ couples by allowing them to make medical decisions for each other, similar to the rights enjoyed by heterosexual married couples. Key provisions include:

- **Healthcare Proxy Designation:** LGBTQIA+ individuals can officially designate their partners as “healthcare agents,” granting them the authority to make medical decisions on their behalf. This includes consenting to or refusing medical treatments and accessing pertinent medical records.²⁸
- The Department of Health (DOH) will oversee the implementation of this program, ensuring a standardized process for LGBTQIA+ couples to register and exercise their rights as healthcare proxies.

Prior to this proposed national legislation, Quezon City launched the “Right to Care Card” program in June 2023. This initiative allows LGBTQIA+ couples in the city to make medical decisions for each other through a Special Power of Attorney (SPA). The program addresses the challenges faced by LGBTQIA+ couples in medical emergencies, where traditionally, only legal spouses or immediate family members could make such decisions.

²⁶ See Quezon City Ordinance No. SP-2357, S-2014, November 28, 2014, Section V.

²⁷ House Bill No. 11005. See also ‘Right To Care Act’: Bill allowing queer couples to make medical decisions for their partners filed. *ABS CBN News*. Retrieved from <https://www.abs-cbn.com/lifestyle/health-wellness/2024/11/5/bill-allowing-queer-couples-to-make-medical-decisions-for-their-partners-filed-1441> (last accessed May 30, 2025).

²⁸ House Bill No. 11005, Section 5.

Steps to Participate in the Program:

- Registration: Interested LGBTQIA+ couples can register for the program through the designated local government office, such as the Gender and Development (GAD) Council Office in Quezon City.
- Documentation: Couples need to complete necessary forms, including the SPA contract, which must be notarized to grant the healthcare proxy rights.
- Issuance of Right to Care Card: Upon completion and verification of the documents, couples are issued a Right to Care Card, which serves as proof of their authority to make medical decisions for each other.

Insurance

If you have life insurance, you can name your same-sex partner as your beneficiary, just like married couples or family members do. The Insurance Commission confirmed that insurance companies must allow this, as long as there's no legal restriction (like naming someone involved in a crime against you).²⁹

- **Who Can Be Named as a Beneficiary?**

- Your same-sex partner
- Your common-law partner (if you're not legally married)
- Friends or anyone you want to financially protect

- **What Should You Do?**

- If you have insurance, check your policy and update your beneficiary details if needed.
- If an insurance company refuses to allow your same-sex partner as a beneficiary, report them to the Insurance Commission.

Keep a copy of this circular as proof of your rights.



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Part 6: Resources and Assistance

If you experience discrimination, harassment, or denial of services, there are Organisations and government agencies that can help you:

Organisation	Contact Information	Focus Area / When to Contact
Commission on Human Rights (CHR)	Public Assistance: 0936-068-0982 0920-506-1194	Human Rights Violations such as unlawful arrest and illegal detention
Department of Social Welfare and Development (DSWD)	8931-8101 to 07	Social welfare assistance or reports of child abuse and other violations of children's rights

PNP Women and Children Protection Desk	National Emergency Hotline: 911 Aleng Pulis Hotline: 0919-777-7377 PNP Women and Children Protection Center 24/7 AVAWCD Office: 8532-6690	Reports on Violence against Women and Children (VAWC), domestic violence, abuse of children, sexual offenses, cybercrime, protective custody, and referral services
Public Attorney's Office (PAO)	8929-9436 local 106, 107, or 159	Legal advice and consultation
Integrated Bar of the Philippines	8634-4696 8634-4697 0919-095-5859	Legal advice and consultation
Philippine Commission on Women	Inter-Agency Council on Violence Against Women and Their Children Secretariat email: iacvawc@pcw.gov.ph 8735-1654 loc.123, 124 0917-867-1907 0945-455-8121	Reports on Violence against Women and Children (VAWC)
National Bureau of Investigation	8523-8231 to 38	Reports on crimes in general.
Department of Justice	8523-8481 to 98	Complaints for violation of crimes, request for legal assistance, and legal queries.
Free Legal Assistance Group	email: flag.metromanila@gmail.com	Human rights violations
National Union of Peoples' Lawyers	(02) 8920-6660 nupl2007@nupl.net	Human rights violations
Balay Alternative Legal Advocates for Development of Mindanaw	(082) 880-3216	Legal advice and consultation
Philippine Alliance of Human Rights Advocates	pahra.secretariat@gmail.com	Human rights violations

Part 7: Conclusion

Significant gaps still exist in the Philippine legal framework for the protection of LGBTQIA+ rights. Specific problem areas include: (i) the lack of a comprehensive and operative framework that is national in scope; (ii) non-incorporation of intersectionality such as the case for transgender individuals; (iii) variability in the application and monitoring of local laws; and (iv) the absence of widespread awareness of the rights and protections afforded to LGBTQIA+ individuals.

In the face of systemic challenges and gaps in the Philippines' legal framework, understanding one's rights is a powerful tool for self-advocacy and community empowerment. This guidebook aims to bridge the knowledge gap, ensuring that LGBTQIA+ individuals and their allies are well-equipped to respond to discrimination, seek justice, and advocate for meaningful change. Through this guidebook, readers can not only protect themselves but also contribute to the broader movement for LGBTQIA+ rights and equality in the Philippines.

This guidebook is a tool to help interested individuals understand the rights of LGBTQIA+ persons and take prefatory action when faced with harassment, discrimination, or threats to your safety. We encourage it to be used to protect oneself by learning the steps to assert rights and navigate difficult situations. Share it with friends, family, and members of your community so they, too, can stay informed and prepared. This guidebook can serve as a resource for education, training, and providing support to those at risk. By putting the information in this guidebook into action, you help create stronger, safer, and more empowered LGBTQIA+ communities.



Born from a decade of shared struggle, solidarity, and relentless advocacy, this book is the fruit of a powerful collective—honoring the members of Mujer LGBT+ and fellow LGBTQIA+ advocates in Mindanao, whose lived experiences and courageous resistance formed the very foundation of these pages.

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