SEVENTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
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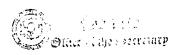
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SENATE P. S. RES No. 772

Introduced by Senator Paolo Benigno "Bam" A. Aquino IV

RESOLUTION

DIRECTING THE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ANTI-TAMBAY CAMPAIGN OF THE PHILIPPINE NATIONAL POLICE (PNP) WITH THE END IN VIEW OF PROTECTING ORDINARY FILIPINOS FROM UNJUST, DISCRIMINATORY, AND ABUSIVE POLICIES AND PRACTICES

WHEREAS, Article III, Section 1, of the 1987 Philippine Constitution states that, "No person shall be deprived of life, liberty, or property without due process of 2 law, nor shall any person be denied the equal protection of the laws;" 3

WHEREAS, on 13 June 2018, while giving a speech at the oath taking in Malacañang of newly promoted uniformed personnel, President Duterte made the following pronouncement: "My directive is 'pag mag-istambay-istambay sabihin niyo, 'Umuwi kayo. 'Pag 'di kayo umuwi, ihatid ko kayo doon sa opisina ni ano doon, Pasig'. Ako na ang bahala, ilagay mo lang diyan. Talian mo 'yung kamay pati binihulog mo diyan sa ano. Do not-you be strict. Part of confronting people just idling around. They are potential trouble for the public;"

WHEREAS, following the President's directive, ordering the police to be strict against "tambays" or those individuals who stand idly or loiter in public spaces, the Philippine National Police (PNP) initiated an "anti-tambay campaign" supposedly to address the problem of criminality in the country;

WHEREAS, as of 21 June 2018, the National Capital Region Police Office (NCRPO) reported 7,291 "tambays" have so far been arrested in Metro Manila, for alleged violations of various local ordinances;

WHEREAS, there is no law against vagrancy or loitering in public. The Anti-Vagrancy Law was repealed in 2012 with the passage of Republic Act No. 10158, or the Act Decriminalizing Vagrancy.

WHEREAS, PNP Chief Oscar Albayalde, alleged that individuals were being arrested not because they were "tambays" but because they were violating various local ordinances such as those imposing curfews or prohibiting drinking alcohol, smoking, or loitering shirtless in public spaces. Nevertheless, he referred to the ongoing crackdown as an "anti-tambay" drive;

WHEREAS, on 16 June 2018, many Filipinos expressed their concern on social media after a Facebook user, "Ttam Nanaramid," recounted how he and five other friends were invited to go to the police station while they were waiting outside the gate of a friend's house in Makati City. They were detained inside a cell of the PCP7 station for an hour. One of his companions said that a video of President Duterte's pronouncement against "tambays" was shown to them and was the only reason cited for their detention;

WHEREAS, another post also circulated in social media which showed CCTV footage of a shirtless man who was accosted in front of his house by roving police just a few seconds after he stepped out of the door on 17 June 2018, in Barangay Sta. Lucia, Novaliches, Quezon City. The man, Ariel Morco, was not arrested but was ordered to clean the bathroom of the police station;

WHEREAS, on 15 June 2018, Genesis "Tisoy" Argoncillo, a 25 year old resident of Sitio Cabuyao, Barangay Sauyo, Novaliches, Quezon City, was apprehended by police in front of a sari-sari store, where he was waiting for his cellphone load and watching videos on his phone. He was supposedly arrested for being shirtless in public. Tisoy was brought to the Quezon City Police District (QCPD) Station 4, where he underwent inquest proceedings the following day. Police documents showed that he was detained with the charge of alarm and scandal;

WHEREAS, Tisoy Argoncillo died on 19 June 2018, four days after he was arrested. According to the QCPD, Tisoy was rushed to the Novaliches District Hospital after he complained of difficulty in breathing, and died on the same day;

WHEREAS, the QCPD Station Commander initially claimed that Tisoy died from self-inflicted trauma. The police later claimed that he died from suffocation due to the severe congestion of prison cells. Tisoy's death certificate however revealed that he died due to multiple blunt force trauma to his neck, head, chest and upper extremities. QCPD Chief Supt. Esquivel now asserts that investigators have obtained statements from witnesses that Tisoy died after he was mauled by fellow inmates;

WHEREAS, while PNP Chief Albayalde has belatedly assured that the PNP would harmonize and clarify the policy and guidelines for the ongoing anti-tambay campaign, the reports of mistaken and seeming arbitrary arrests, and of abuse and neglect while in custody, makes urgent the need to assess how the said campaign is being operationalized, and the safety and welfare of the thousands already arrested and who continue to be arrested daily;

WHEREAS, there is a need to assess whether the PNP's anti-tambay campaign, as well as the local ordinances on which they are supposedly based, are consistent with national laws and the Constitution;

WHEREAS, with limited and congested spaces at home, many ordinary Filipinos in our grassroots communities look to neighborhood sari-sari stores, covered courts, and other public places as spaces for temporary rest, respite, and connection with other members of their community. Especially given the socio-cultural and economic context of our nation, a government campaign that expressly targets "tambays" is untenable, discriminatory and anti-poor;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines, to direct the Senate Committee on Public Order and Dangerous Drugs to conduct an inquiry, in aid of legislation, into the Anti-Tambay Campaign of the PNP, with the end in view of protecting ordinary Filipinos from unjust, discriminatory, and abusive policies and practices.

Adopted,

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