

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session



HOUSE RESOLUTION No. 62

Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and **KABATAAN Party-List Rep. RAOUL DANNIEL A. MANUEL**

RESOLUTION
CONDEMNING THE INTELLIGENCE MONITORING OF MEMBERS OF
THE ALLIANCE OF CONCERNED TEACHERS PHILIPPINES BY THE
PHILIPPINE NATIONAL POLICE AND DIRECTING THE HOUSE OF
REPRESENTATIVES COMMITTEE ON HUMAN RIGHTS TO CONDUCT
AN INQUIRY IN AID OF LEGISLATION INTO THE SAME

WHEREAS, Article III, Section 4 the 1987 Philippine Constitution provides that no law shall be passed abridging the freedom of speech, of expression, or of the press, or of the right of the people peaceably to assemble and petition the government for redress of grievances;

WHEREAS, Article III, Section 8 provides for the right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged;

WHEREAS, Section 27 of the *Magna Carta for Public School Teachers* or Republic Act 4670 provides for the freedom of public school teachers to organize, to freely and without previous authorization both to establish and join organizations of their choosing, whether local or national, to further and defend their interests;

WHEREAS, Article III, Section 3 of the Constitution also mandates government to hold inviolable the privacy of communication and correspondence, except in cases where lawful order of the court or when public safety or order requires otherwise, as prescribed by law;

WHEREAS, Section 2 of the *Data Privacy Act of 2012* or Republic Act 10173 provides for the policy of the State to protect the fundamental human right of privacy and of communication while ensuring free flow of information to promote innovation and growth. The State also recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected;

WHEREAS, on December 10, 2018, the Directorate for Intelligence (TDI) of the Philippine National Police (PNP) issued a memorandum with the subject “Inventory of All Public and Private School Teachers who are members of or aligned with Alliance of Concerned Teachers,” seeking to collate the names of members of ACT, their school name and school address for purpose of so called “Mid-Term Election 2019”;

WHEREAS, to comply with the said TDI Memorandum, several memoranda were issued by various PNP Regional Intelligence Divisions;

WHEREAS, ACT Teachers Party-List received several reports of profiling, surveillance and harassment by the PNP against members of ACT and its regional unions. Due to the memoranda, police officers have been doing school visit and asking School Heads to furnish them with the list of all ACT members on their schools—without showing any written order. Aside from the listing or inventory, the police officers are also asking for the personal information of those members, such as their addresses and dates of birth;

WHEREAS, based on its survey, ACT was able to collect about 20 verified incidents of harassment and profiling. Many reports from all over the country reached its national and local chapters, with many of those reporting declining to be named for fear of retaliation;

WHEREAS, ACT is the national organization of teachers and education support personnel with a long track record, starting from its establishment in June 26, 1982, of working for the economic and political well-being of teachers and other education workers as well as for genuine social transformation;

WHEREAS, ACT has 15 registered regional unions including 5 accredited as sole and exclusive negotiating agent of teachers in the Department of Education (DepEd);

WHEREAS, the order to single out ACT and its regional unions for mass intelligence gathering constitutes a grave violation of the right to organization, the freedom of expression, and the right to assembly;

WHEREAS, the acts of profiling and surveillance of the PNP without any lawful order is a form of harassment and violation of the right to privacy of the individual teachers;

WHEREAS, due to these, teachers are experiencing psychological distress, intimidation, and threat to life and security. These acts might be a prelude to extortion, trumped-up charges and abuse of power by police officials;

WHEREAS, worse, similar intelligence gathering operations of the police have preceded the targeting of thousands of individuals for extrajudicial killings, as the same have occurred under the PNP's bloody *tokhang* campaign purportedly against illegal drugs;

WHEREAS, Commission on Human Rights Spokesperson Jacqueline De Guia said that "The dignity and safety of teachers must be given utmost priority given their vital contribution in educating and honing the youth. Any violation against teachers diminishes their dignity and undermines their noble profession";

WHEREAS, the National Privacy Commission advised the PNP to respect the individual's right to privacy, saying "The *Data Privacy Act* recognizes the importance of public order and safety, and that processing of personal information is important for law enforcement purposes. This, however, is not without limits. There has to be legitimate purpose, and the processing of personal data, especially those of sensitive nature, should only be to the extent necessary for the purpose. This means collection should always be consistent with full respect of human rights and the Constitution, particularly the right to information privacy";

WHEREAS, the DepEd Central Office also cited the laws, saying in a press statement that "[s]hould any inter-agency request for personal information of individuals be received by DepEd, such request shall be evaluated based on existing laws and regulations, including the *Data Privacy Act*";

WHEREAS, red-tagging and illegal profiling against teachers, other education workers, their organizations, and schools continue up to the present, with the perpetrators—both state agents and unidentified persons backed and enabled by state agents—resorting to various forms of attack such as seminars and webinars, activities in the social media, and postering in public places, to name just a few.

NOW THEREFORE, BE IT RESOLVED that the House of Representatives condemn the intelligence monitoring and harassment by the Philippine National Police against members of Alliance of Concerned Teachers Philippines.

BE IT FURTHER RESOLVED that the House Committee on Human Rights conduct an inquiry in aid of legislation into the same.

Adopted,



Rep. FRANCE L. CASTRO
ACT Teachers Party-List



Rep. ARLENE D. BROSAS
GABRIELA Women's Party



Rep. RAOUL DANNIEL A. MANUEL
KABATAAN Party-List