



# BEING LGBT IN ASIA: THE PHILIPPINES COUNTRY REPORT

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A Participatory Review and Analysis of  
the Legal and Social Environment for  
Lesbian, Gay, Bisexual and Transgender (LGBT)  
Persons and Civil Society



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# CONTENTS

ACKNOWLEDGEMENTS	3
ACRONYMS	4
EXECUTIVE SUMMARY	7
<hr/>	
<b>INTRODUCTION</b>	<b>14</b>
LAWS	21
OVERVIEW OF LGBT RIGHTS IN THE PHILIPPINES	21
POLICIES	24
CULTURAL AND SOCIAL ATTITUDES	25
RELIGION	26
EDUCATION	29
<b>PROTECTION OF THE RIGHTS OF LGBT PEOPLE: THE PHILIPPINES EXPERIENCE</b>	<b>29</b>
HEALTH	32
EMPLOYMENT	35
FAMILY AFFAIRS	38
RELIGION	42
MEDIA	43
POLITICS	47
<b>LGBT ORGANIZING AND CAPACITY IN THE PHILIPPINES</b>	<b>50</b>
STRENGTHS	55
GAPS AND LIMITATIONS	58
<hr/>	
BIBLIOGRAPHY	61
ANNEX 1: LIST OF PARTICIPATING LGBT ORGANIZATIONS	73
ANNEX 2: INDIGENOUS LGBT TERMS IN THE PHILIPPINES	77



# ACKNOWLEDGEMENTS

This report documents the presentations and discussions from the Philippine National LGBT Community Dialogue held in Manila on 29–30 June 2013 at the Linden Suites in Mandaluyong City. Additional information was gained from interviews with Dialogue participants and a desk review of published literature. Please note that due to constant changes in LGBT community advocacy and politics, there may be recent developments that have not been included in this report at the time of publication.

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Michael David C. Tan is the author of this report and was the Dialogue's rapporteur.

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The Philippine National LGBT Community Dialogue and national report was supported by UNDP and USAID through the regional 'Being LGBT' in Asia initiative. Covering eight countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – this joint learning initiative aims to understand the legal, political and social challenges faced by LGBT people, relevant laws and policies, and their access to justice and health services. The initiative will also review the needs of LGBT organizations, the space they operate in, their capacity to engage on human rights and policy dialogues, and the role of new technologies in supporting LGBT advocacy.



# ACRONYMS

ACWC	ASEAN Commission on the Protection and Promotion of the Rights of Women and Children
AIDS	Acquired Immune Deficiency Syndrome
ADB	Anti-Discrimination Bill
ADO	Anti-Discrimination Ordinance
AICHR	ASEAN Intergovernmental Commission on Human Rights
AO	Administrative Order
ARV	Antiretroviral Therapy
ASEAN	Association of South East Asian Nations
BuB	Bottom-up Budgeting
CAT	Convention Against Torture
CBCP	Catholic Bishops Conference of the Philippines
CBO	Community-Based Organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of all Forms of Racial Discrimination
CHED	Commission on Higher Education
CHR	Commission on Human Rights
COMELEC	Commission on Elections
CRPD	Convention on the Rights of Persons with Disabilities
CSC	Civil Service Commission
CSO	Civil Society Organization
DepEd	Department of Education
DILG	Department of Interior and Local Government
DOH	Department of Health
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
DTI	Philippine Department of Trade and Industry (DTI)
FBO	Faith-based Organization
FTM	Female-to-Male Transgender
GAD	Gender and Development
GALANG	Gay and Lesbian Activist Network for Gender Equality Inc.
GO	Government Organization
HAC	HIV/AIDS Committee
HB	House Bill
HIV	Human Immunodeficiency Virus
HR	Human resource(s)
HRT	Hormone Replacement Therapy
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

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ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDAHO	International Day Against Homophobia
IDU	Injecting Drug User
IEC	Information, Education and Communication
IGLHRC	International Gay and Lesbian Human Rights Commission
IRR	Implementing rules and regulations
KAP	Key Affected Population
LAC	Local AIDS Council
LGBT	Lesbian, Gay, Bisexual and Transgender
LGBTS	Lesbian, Gay, Bisexual, Transgender and Straight
LGU	Local Government Unit
LPRAT	Local Poverty Reduction Action Team
MARP	Most at Risk Population
MAAAI	Mindanao AIDS Advocates Association Inc.
MSM	Men who have Sex with Men
MTF	Male-to-Female Transgender
MTRCB	Movie and Television Review and Classification Board
NLRC	National Labor Relations Commission
NGO	Non-Government Organization
NCR	National Capital Region
OFW	Overseas Filipino Worker
OHCHR	United Nations Office of the High Commissioner for Human Rights
OPDAT	US Department of Justice Criminal Division, Office of Overseas Prosecutorial Development, Assistance and Training
PAP	Psychological Association of the Philippines
PDR	Pinoy Deaf Rainbow
PhilJA	Philippine Judicial Academy
PIP	Person in Prostitution
PLHIV	People Living with HIV
PNP	Philippine National Police
PNP HRAO	Philippine National Police (PNP) Human Rights Affairs Office (HRAO)
PCSO	Philippine Charity Sweepstakes Office
RA	Republic Act
RAAT	Regional AIDS Assistance Teams
R-Rights	Rainbow Rights Project Inc.
SB/SBN	Senate Bill/Senate Bill Number
SC	Supreme Court
SEC	Philippine Securities and Exchange Commission
SEO	Search Engine Optimization
SHC	Social Hygiene Clinic
SHINE	Social Health of Inter-Ethnic LGBT Networks for Empowerment (SHINE) SOCCSKSARGEN
SMS	Short Message Service
SOGI	Sexual Orientation and Gender Identity
SPA	Special Power of Attorney
STI	Sexually Transmitted Infections
SW	Sex Worker

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TESDA	Technical Education and Skills Development Authority
TCS	Treatment, Care and Support
TDoR	Transgender Day of Remembrance
Transman	A female-to-male transgender person
Transwoman	A male-to-female transgender person
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCRC	United Nations Convention on the Rights of the Child
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
VAWC	Violence Against Women and Children
VCT	Voluntary Counseling and Testing
WHO	World Health Organization





# EXECUTIVE SUMMARY

## **Being LGBT in Asia: The Third Philippine National LGBT Community Dialogue**

This report reviews the legal and social environment faced by lesbian, gay, bisexual and transgender (LGBT) people in the Philippines. It is a product of the Third Philippine National LGBT Community Dialogue ('the Dialogue') that was held 29–30 June 2013 in Manila. The Dialogue brought together 50 LGBT organizations representatives to discuss the human rights of LGBT people under eight themes: education, health, employment, family affairs, community, religion, media and politics. The event was jointly convened by UNDP and USAID.

This country report is a product of a broader initiative entitled 'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society'. Launched on Human Rights Day, 10 December 2012, "Being LGBT in Asia" is a first-of-its-kind Asia-wide learning effort undertaken with Asian grassroots LGBT organizations and community leaders alongside UNDP and USAID. With a focus on eight participating countries – Cambodia, China, Indonesia, Mongolia, Nepal, Philippines, Thailand and Vietnam – the effort examines LGBT lived experience from a development and rights perspective.

'Being LGBT in Asia' has a number of objectives. It encourages networking between LGBT people across the region, building a knowledge baseline, and developing an understanding of the capacity of LGBT organizations to engage in policy dialogue and community mobilization. Through this work, 'Being LGBT in Asia' promotes understanding of the inherent human rights of LGBT people and the stigma and discrimination faced by them regionally. It also outlines steps toward LGBT-inclusive development work for UNDP and the UN system; USAID and the US Government; and other development partners through reports like this and other social and multimedia products. Finally, 'Being LGBT in Asia' highlights the views of LGBT participants at community dialogues and links stakeholders who are working to enhance LGBT human rights across Asia.

This Dialogue provided the opportunity to discuss and evaluate the context, situation and response on human rights related to sexual orientation and gender identity (SOGI) in the Philippines, including enabling and hindering factors and the legal and social environments in which LGBT persons and rights advocates operate. The end result is a set of recommendations to improve LGBT rights, including through strengthening the knowledge and capacity of LGBT organizations.

## **Being LGBT in Asia: the Philippines Country Report**

*Being LGBT in Asia: the Philippines Country Report* provides an overview of LGBT rights in the Philippines including the effects of laws, policies, culture and social attitudes, and religion, based on research, consultation and the National LGBT Community Dialogue. This overview is followed by an examination of the Philippines experience of protecting the rights of LGBT people under eight different areas: education, health, employment, family affairs, religion, community, media and politics, using the same methodology as described above. Case studies illustrating success or challenges are included in the relevant areas. The next section examines the capacity of LGBT organizations in the Philippines. This was based on analysis of a participant survey as part of the Dialogue. The final section is a list of recommendations and action points generated by the Dialogue.

In the Philippines, the grouping 'Lesbian, Gay, Bisexual, and Transgender (LGBT)' includes a wide range of indigenous terms with various geographical and subcultural origins. This is defined further in Annex B.

## History and Overview of LGBT Rights in the Philippines

In reviewing the history of LGBT advocacy in the Philippines, reference was made to the early existence of transvestism and crossing gender in the 16<sup>th</sup> and 17<sup>th</sup> century with the *babaylan*, their disappearance under Spanish colonialism and the emergence of different gender identities and sexual orientations in the 1960s. From then, a gay culture rapidly evolved, although with stratification of identity and communities with the adoption of a Western notion of "gay" by some, mostly wealthier gay men, and the adoption of an indigenous identity.

Following the emergence of gay literature and academic studies, the 90s saw the first demonstrations of political activism with participation by LGBT communities and organizations in both LGBT-specific marches (pride marches) and mainstream demonstrations such as International Women's Day and the 1994 march protesting the Value Added Tax. The spread of HIV led to the establishment of key organizations in the early 1990s, at the same time as lesbian organizations were also founded. LGBT-related writing was found in mainstream and community publications and the end of the decade saw the first advocacy in the formal political realm with the formation of an LGBT lobby group and the filing of an anti-discrimination bill. The new millennium saw the expansion of LGBT organizations in both representation and activities, a rise in LGBT media, and the formation of the LGBT political party Ang Ladlad.

It was noted that challenges for the LGBT movement include the lack of an umbrella organization, lack of understanding within the LGBT community about SOGI concepts, and a lack of unity due in part because of class differences. This is within the context of continued social and political challenges for LGBT communities and individuals and a lack of studies on LGBT rights in the Philippines.

In reviewing LGBT rights in the Philippines, it was noted that the Philippines is signatory to many relevant international covenants promoting human rights, though LGBT rights are not always supported by the state. Same-sex activity is not criminalized and sexual orientation is mentioned in various laws. The most important issue in terms of law is considered the lack of an anti-discrimination bill. Numerous proposals have been made since the 90s without success. Proposed bills in 2013 relate to establishing an LGBT desk in police stations and to allowing same-sex couples to jointly own property. In the absence of national legislation, anti-discrimination ordinances at the level of local government units and cities have been recently passed. Transgender people are not allowed to legally change their identity, first name and sex (intersex people are allowed to do this).

At the level of policy, there are both pro and anti-LGBT policies in various offices, institutions and private establishments. Positive policies include ordinances against discrimination and gender-based violence and code of ethics that promote the respect of diversity and promoting LGBT wellbeing. Negative policy relates to the discharge from the military on the basis of sexual orientation and barring entry to nightclubs for cross-dressers.

Cultural and social attitudes towards LGBT people are complex, with signs of acceptance, particularly among the young, but questions of whether that acceptance is based on LGBT Filipinos conforming to stereotypes and occupational niches. At the same time, LGBT Filipinos are still being murdered with 28 LGBT-related killings in the first half of 2011. There is some LGBT representation on television and other electronic media.

Religion plays a major role in the lives of Filipinos with the strong influence of the Roman Catholic Church. This affects LGBT people, though a survey suggests Filipinos are generally accepting of LGBT people, even while the church opposes anti-discrimination policies and sometimes seeks to influence public policy in a negative way. Christian "ex-gay" movements have a presence in the Philippines. There are a number of churches established or

led by the LGBT community. There is a dearth of information on the influence of smaller religions on LGBT people, and on LGBT members of those churches.

## **Current Overview of the Protection of the Rights of LGBT People in the Philippines**

This report examines the protection of the rights of LGBT people in the Philippines under the broad categories of education, health, employment, family affairs, religion, media and politics, primarily based on the experiences of Dialogue participants and supplemented by case studies.

In educational institutions, it was found that LGBT people are subject to discrimination, bullying and abuse under the guise of “academic freedom” which allows educational institutions to create their own policies. LGBT issues are not included in curricula. However, the Department of Education in 2012 issued an order to protect children from violence, abuse and exploitation regardless of sexual orientation and gender identity. Positive case studies included pride events on campuses and the election of LGBT individuals to student councils.

Regarding health, HIV is the primary challenge that confronts gay men, other MSM, and transgender women. The national HIV response is developed although there are challenges such as a lack of resources, overemphasis on testing, and problems with access to HIV testing. Transgender people lack information on hormone replacement therapy. While the national psychology association has publicly expressed support for LGBT persons, there is the need to address the psychosocial health needs of LGBT Filipinos including through supportive service providers.

LGBT individuals face challenges in employment both on an individual level and as members of a community that is subject to discrimination and abuse. This can be compounded by the weak social status and position of the individuals involved. Examples of discrimination were given in both the recruitment of employees and during regular employment. It was noted that employers sometimes take advantage of LGBT employees. Sexual harassment of LGBT employees was reported. A concern was expressed about potential discrimination in the workplace based on HIV status. Employment is an area identified where LGBT organizations and parts of the community (such as overseas workers and sex workers) are not playing an active role. Case studies in this area included appealing to progressive global corporate practices to advance local policies for LGBT employees, and testing anti-discrimination ordinances in relation to employment issues.

Discussions of family affairs at the Dialogue relate to both LGBT persons as family members and LGBT persons with family (including partnerships and children). Examples were given of the need to protect LGBT youth from discrimination and abuse, and for different Philippines institutions to be SOGI-sensitive in order to support LGBT family members. In the Philippines, LGBT persons do not have the right to marry someone of the same sex. Adoption is allowed by a single LGBT person but not by two people who identify as a domestic couple. Participants at the Dialogue identified anti-discrimination legislation as a higher priority than advocacy for same-sex marriage.

The realm of religion for LGBT people in the Philippines was discussed above, noting the strong influence of the Roman Catholic Church, which can contribute to discrimination. At the same time, Dialogue participants are heartened by the growing number of LGBT-led churches. A case study described the gathering of faith-based organizations in June 2013 on HIV and stigma and discrimination.

Mainstream media is criticized in the way that it stereotypes gay men and limits representation of lesbians and transgender people; demonstrates transphobia and homophobia; and sensationalizes coverage of LGBT-related events. Dialogue participants see LGBT-run media as important and that Internet media has the strong potential to promote LGBT rights. They see a lack of a unified voice and priorities as problematic in promoting LGBT rights in the media. Case studies showed the Internet used as effective media for promoting HIV testing, the success of Outrage magazine, a comic book series that highlighted lesbophobia and discrimination, and an LGBT radio show.

In the political realm, the LGBT political party Ang Ladlad has been unsuccessful to date in winning a seat in Congress. Because of this, the representation of LGBT issues is often made by heterosexual allies. Individual LGBT politicians, rather than one party, are seen as a way to promote LGBT rights. LGBT Filipinos need to be involved in the development of LGBT-related laws, ordinances and policies. Some local successes include anti-discrimination ordinances and a Gay Rights Desk at a Local Government Unit.

## Recommendations and Actions

The 2013 Philippine National LGBT Community Dialogue allowed leaders from various LGBT organizations from all over the country to provide recommendations related to LGBT human rights. The three primary recommendations for the LGBT community in the Philippines are:

1. To develop a common conceptual framework and approach for SOGI advocacy
2. To include minorities within the LGBT community in this process, including people with disabilities, seniors and indigenous peoples
3. To conduct further research on issues of concern and the needs of the Filipino LGBT community covering the thematic areas (i.e. education, health, employment, family affairs, community, religion, media, and political affairs). If there is existing research, this should be made available to LGBT Filipinos.

51 specific recommendations, including sub-recommendations and action points, were made in eight thematic areas.

### **The 2013 Philippine National LGBT Community Dialogue recommends that the LGBT community in the Philippines:**

#### *Education*

1. Develop monitoring mechanisms to review existing education-related materials and ensure they are SOGI-sensitive. Specific activities include:
  - a. Reviewing existing curricula in both formal and non-formal education
  - b. Reviewing existing education-related policies.
2. Partner with educational institutions to:
  - a. Provide SOGI sensitivity training to faculty and staff
  - b. Include human rights awareness and/or approaches in school policies
  - c. Include SOGI issues in existing gender studies courses
  - d. Include SOGI in existing gender audits that use the Magna Carta for Women
  - e. Develop a Safe Schools Policy.
3. Develop awareness-raising campaigns specifically targeting educational institutions to promote respect for diversity through popular education tools like documentaries and billboards.
4. Strengthen the LGBT community in educational establishments by:
  - a. Supporting students to form LGBT groups
  - b. Researching the experiences of LGBT students in Islamic schools
  - c. Developing SOGI trainings for LGBT people.

#### *Health*

5. Review, amend or repeal existing laws and policies on health, such as the Philippine National Insurance Act, to make them more SOGI-inclusive.
6. Amend the existing health curriculum to make it more inclusive of LGBT issues.

7. Include topics beyond HIV when discussing the health-related issues of the members of the LGBT community, including attention to the health needs of women/lesbians, as well as of transgender people (in particular information on hormone replacement therapy (HRT)).
8. Highlight the health needs of other members of the LGBT community, including:
  - a. Intersex people
  - b. Elderly LGBT people
  - c. People with disabilities (e.g. interpreters for deaf LGBT people)
  - d. Indigenous LGBT people
  - e. MSM in prisons
  - f. Individuals who provide services to LGBT people (to avoid their burn out).
9. Partner with:
  - a. Health professionals to offer SOGI-sensitive services to LGBT Filipinos
  - b. Health organizations (e.g. Philippine Pediatric Society, Philippine Medical Association, Philippine Obstetrics and Gynecology Society) to develop agreements to ensure that their members become SOGI-sensitive.
10. Include SOGI in the conduct of any health-related surveys and research, and make existing studies and research available to LGBT Filipinos to create local recommendations.
11. Ensure health security for those with HIV who require a sustainable supply of ARVs.

### **Employment**

12. Push for new legislation focusing on LGBT people in the workplace that addresses issues such as non-discrimination in hiring and job retention and security.
13. Audit existing employment-related policies in relation to LGBT issues, and then follow up with relevant agencies (e.g. the Department of Labor and Employment (DOLE)) on their compliance with LGBT-friendly agreements to which they are signatory or a part of.
14. Work with existing government projects to include LGBT people, for example, the inclusion of SOGI issues in poverty-reduction discussions (e.g. the Department of Social Welfare and Development (DSWD)) at the national level.
15. Provide support to LGBT people in the workplace, including:
  - a. Psychosocial support for LGBT people to increase their participation and productivity in the workforce
  - b. Paralegal support to victims of employment-related discrimination.
16. Strengthen LGBT communities in the workforce by forming a group of LGBT workers to join labor unions.
17. Make existing studies available that deal with the impact of LGBT-friendly policies on the workforce, and how discriminatory policies affect the performance of workers.
18. Conduct awareness-raising campaigns targeting the workforce to promote respect for diversity in the workforce through popular education tools like documentaries and billboards.
19. Pushing for SOGI sensitivity while partnering with:
  - a. Sectors that are pro-LGBT
  - b. Human Resource (HR) departments of private companies
  - c. Labor unions.
20. Include LGBT people with disabilities, LGBT migrant workers, and those involved in sex work in employment-related discussions and initiatives.
21. Organize, support and encourage LGBT entrepreneurs and business owners.

### **Family Affairs**

22. Review, amend and repeal existing laws and policies that criminalize or make diverse sexual orientation and gender identity fraudulent or illegitimate, including provisions in the Revised Penal Code, Family Code, existing case laws and jurisprudence.
23. Push for SOGI inclusion in the implementation of laws and policies, as well as programs, including:
  - a. Violence Against Women and Children (VAWC)
  - b. Family-concerned institutions (e.g. DSWD)
  - c. Non-government organizations (NGOs) and civil society organizations (CSOs) working for women and children.
24. Provide support to LGBT persons with issues with their immediate families by:
  - a. Creating a strong statement on reparative therapies
  - b. Providing legal services
  - c. Educating families to not harm LGBT family members.
25. Develop awareness-raising campaigns targeting parents and families of LGBT people to promote respect for diversity through effective popular education tools like documentaries and billboards.
26. Make alternative options available to protect LGBT relationships such as Special Power of Attorneys (SPAs) and living wills.
27. Defend the legitimacy of same-sex relationships.
28. Partner with professional organizations (e.g. the Psychological Association of the Philippines) to ensure that their members comply with their organizations' non-discriminatory policies.

### **Religion**

29. Make available more materials on queer theology
30. Increase support for LGBT-friendly churches
31. Include non-religious/spiritual people in LGBT discussions.

### **Community**

32. Develop a database of support organizations so that LGBT Filipinos will become familiar with LGBT-related efforts. This database will also develop knowledge sharing among Filipino LGBT advocates to promote good practices.
33. Engage communities to get them involved in LGBT-related issues, particularly:
  - a. Increasing LGBT engagements with Local Government Units and Government Organizations
  - b. Promoting grassroots organizing (i.e. at the level of barangays).
34. Include LGBT people in existing initiatives such as gender anti-discrimination programs of Local Government Units.
35. Address issues faced by the transgender community including the "no cross-dressing" policy of some establishments.
36. Create a call to depathologize diverse sexual orientations and gender identities.
37. Consider the diverse contexts of various LGBT communities when developing programs.

### **Media**

38. Strengthen the LGBT community's capabilities by:
  - a. Developing a physical or online library that contains LGBT-related information to help with information dissemination

- b. Democratizing access to media by providing LGBT organizations with media contacts
  - c. Providing media engagement training for LGBT organizations
  - d. Conducting LGBT-specific writing workshops
  - e. Teaching LGBT Filipinos the concept of speaking for oneself or a specific group they represent, rather than on behalf of all LGBT Filipinos.
39. Engage mainstream media by:
- a. Developing an agreed-upon LGBT advocacy plan
  - b. Establishing a media watchdog to promote SOGI sensitivity among media practitioners
  - c. Reporting anti-LGBT shows to the Movie and Television Review and Classification Board (MTRCB).
40. Conduct an awareness-raising campaign targeting the media to promote respect for diversity through popular education tools like documentaries and billboards.
41. Strengthen LGBT media practitioners by:
- a. Supporting LGBT media outlets and practitioners
  - b. Creating a network of LGBT media practitioners.
42. Take advantage of new media (in the Philippines, the use of the internet and social networking is relatively new) by providing trainings on how to use them to promote LGBT rights.

### Politics

43. Increase political education for the LGBT community through the establishment of a database that includes:
- a. Copies of successful anti-discrimination ordinances
  - b. Local legislation relevant to LGBT issues
  - c. Legal gender recognition
  - d. Sharing of good practices.
44. Identify an agreed-upon political conceptual framework for the LGBT movement.
45. Create a technical working group to advocate a national, as well as a regional and international human rights agenda.
46. Review the current political state of LGBT Filipinos, including:
- a. Conducting a heteronormativity audit of laws and policies<sup>1</sup>
  - b. Monitoring and promoting the implementation of Philippines' agreements to conventions and international rights covenants, particularly the Universal Periodic Review and its role in ASEAN countries to integrate and strengthen regional human rights mechanisms, such as the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Protection and Promotion of the Rights of Women and Children (ACWC).
47. Empower grassroots organizations around the country to broaden their human rights work involving LGBT people.
48. Enact policies against SOGI-based discrimination.
49. Encourage LGBT Filipinos to view political representation not only through political parties.
50. Urge LGBT Filipinos to run for public office.
51. Create a list of non-closeted LGBT politicians and LGBT allies for helping future pro-LGBT initiatives.

<sup>1</sup> The heteronormativity audit aims to highlight how social protection policies fail to take sexuality into account. The specific objectives of the audit are: to identify and analyze the sexuality content of social protection policies; to ensure that this analysis is rooted in the experiences of LGBT people, and that their voices and concerns are captured in the analysis; to share and communicate the findings of this audit with an eye towards influencing the conduct of donors and national and sub-national decision-makers; to draw policy lessons that can inform future advocacy and policy development; and to stimulate others to replicate this analysis in their own settings. Anne Marie Lim & Charisse M. Jordan, "Policy Audit: Social protection Policies and Urban Poor LBTs in the Philippines", Institute of Development Studies, August 2013. Available from <http://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2892/ERB21%20Final%20Online.pdf?sequence=4>.



# INTRODUCTION

Lesbian, gay, bisexual and transgender (LGBT) people all over the world continue to face challenges. Examples include a lack of employment opportunities (Sears & Mallory, 2011), and prejudice when accessing health care (Winter, 2012), housing (Grant, Mottet & Tanis, 2011) and education (Burns, 2011). In other instances, “corrective rapes” are committed against lesbians (Brown, 2012), while the killing of members of the LGBT community continues in different countries despite increasing calls for equality and freedom from all forms of discriminations and oppression. Transgender Europe reported in 2012 that 1,083 transgender people became victims of homicide from 2008 to 2012.

In 2011, the UN Human Rights Council (HRC) adopted resolution 17/19, which paved the way for the United Nations Office of the High Commissioner for Human Rights (OHCHR) to issue the first UN report on human rights and sexual orientation and gender identity (SOGI). In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented including inequities in employment, access to health treatment, care, and support (TCS) and education, as well as criminalization, physical violence and murder (OHCHR, 2011). High Commissioner Navi Pillay challenged UN member states to help write a new chapter in UN history by ending the discrimination faced by LGBT people.

This call was echoed in a speech delivered in December 2011 by former US Secretary of State Hillary Clinton on LGBT rights on International Human Rights Day. As Clinton emphasized, LGBT people are an “invisible minority” who are arrested, beaten, terrorized and even executed. Many “are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse”. In 2009, for instance, a bill was introduced in Uganda that called for life in prison for homosexual offences. After much delay, sadly, in December 2013 the Uganda Anti-Homosexuality Act 2014 was passed by parliament and signed into law by the President in February 2014. Same-sex relations and marriage can be penalized by life imprisonment; even the ‘promotion’ of homosexuality is punishable by jail.



Meanwhile, in June 2013, a law was passed in Russia with a clause banning “the propagandizing of non-traditional sexual relations among minors”; with prescribed fines for providing information about homosexuality to people under 18 ranging from 4000 rubles (US\$121) for an individual to 1 million for organizations (BBC, 2013). To date, 83 countries and territories still criminalize LGBT behavior; seven countries have a death penalty for same-sex relations; fewer than 50 countries punish anti-gay discrimination in full or in part; and only 19 countries ban discrimination based on gender identity (USAID, n.d.).

On 6 December 2011, US President Barack Obama issued a Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons. This memorandum directed all agencies engaged abroad to ensure that US diplomacy and foreign assistance promote and protect the human rights of LGBT persons.

On 7 March 2012, UN Secretary-General Ban Ki-moon delivered a message during a Human Rights Council meeting on violence and discrimination based on SOGI. He noted the pattern of violence and discrimination directed at people just because they are LGBT. He said, “This is a monumental tragedy for those affected – and a stain on our collective conscience. It is also a violation of international law.” More importantly, the Secretary-General stressed that “the time has come” to take action.



## A HISTORY OF LGBT ADVOCACY IN THE PHILIPPINES

### *Early Days*

Gender non-conformity in the Philippines pre-dates the arrival of the Spaniards in 1521. Reportedly, from Spanish accounts of encounters between *conquistadores* and the archipelago’s original inhabitants, crossing gender and transvestism were cultural, exemplified by the *babaylan*. Also called *bayoguin*, *bayok*, *agi-ngin*, *asog*, *bido*, *binabae* (Garcia, 2004), *balian*, *balean*, *babay* and *balayan* (Melencio, 2013), the *babaylan* was a spiritual leader, akin to a religious functionary, ancient priestess or shaman in the English-speaking world.

While the word *babaylan* is said to connote a woman, there were also male *babaylans* – for example the *asog* of the Bisayan society during the 17<sup>th</sup> century – who not only put on women’s clothing but also pretended to be women so that the spirits listened to their prayers. These men, however, did not only wear the customary clothes of women as well as assumed the demeanor of women, but were also granted social and symbolic recognition as “somewhat-women”. Some were even “married” to men, with whom they had sexual relations (Garcia, 2004). While they were accepted and even revered by pre-colonial societies, to the Spanish, the *babaylans* were not only bewildering but also threatening because of their powerful positions. The *babaylan* eventually disappeared with the Spanish colonization of the Philippines. From then, the history of the Philippines went largely quiet about the Filipinos who do not conform to conventional sexual orientation or gender identity.

References to gender expression were noted in the evolution of some words in the Filipino language. As an example, an old word used to refer to effeminate men is *syoki*, believed to be derived from the Hokkien (Minnan) words *syo* and *ki* to mean “with weak spirit”. It therefore infers that effeminate men are weak (Tan, 1995). In the past, the term used to identify mainly cross-dressing effeminate men was *bakla*, while the female counterpart was *tomboy*.

To better understand the LGBT community in the Philippines, understanding concepts of gender is necessary. According to Tan (n.d.), these concepts are biologically based and related to roles in reproduction. As such, in the Philippines, definitions used particularly for gays and lesbians “keep

going back to a biological dichotomy of a male and female... Both 'tomboy' and 'bakla' center on 'inversion', in the sense of a male taking on female mannerisms, way of dressing and of a female taking on male" (Tan, n.d.). Tan stated that, generally, "one could not be *bakla*, or gay, if he was not effeminate, and one could not be *tomboy*, or lesbian, unless she was masculine." This way, a *bakla* was a "girl", and as "girls", they will not have sex with other *bakla* (also considered as "girls"), as this was considered "tantamount to lesbianism". The tomboy, meanwhile, is "constructed as a man trapped in a woman's body" (Tan, 2001). For many years, the *bakla* have organized themselves usually as neighborhood organizations with low-income members, though they functioned mainly to provide entertainment (Tan, 2001). One such community association was Sining Kayumanggi Royal Family, established in 1968 to hold parties including beauty pageants (Tan, 2001). The presence of the *bakla* persisted into the 1970s, when many *bakla* entered niche industries like fashion and entertainment. Also at that time, gay men called *Kakasarian* formed a group that had members who were middle-class professionals. Though it aimed to champion gay rights, this group folded after less than a year, supposedly because *bakla* themselves did not see the need to fight for gay rights (Tan, 2001). The emergence of the discourse on the "third sex" at that time also included lesbians (Garcia, 2008).

### ***From the 1960s Onwards***

It can be argued that the 1960s may be when the conceptual history of Philippine gay culture started. It was then when *swardspeak/gayspeak/baklese* emerged. This is said to be the "subcultural lingo' of urban gay men that uses elements from Tagalog, English, Spanish and Japanese, as well as celebrities' names and trademark brands" (Ricordeau, 2009). Also at that time, homosexuality-related writings that were Philippine-centric were published, including those from Victor Ganmboa and Henry Feenstra, and Lee Sechrest and Luis Flores (Garcia, 2008).

In the Philippines, prevailing LGBT concepts have been greatly influenced by international media as well as local reinterpretations of LGBT people who spent time overseas. The 1980s, for instance, saw gay men who were exposed to the Western notion of "gay" starting to have relationships with other gay men, instead of with heterosexual-identifying men, as the *bakla* used to do (Tan, 2001). Since many of these gay men belonged to the middle- or upper middle-class, this marked what Tan described as the "Philippine society's class stratification being reproduced in the gay scene" (Tan, 2001).

Toward the end of the 1980s and into the early 1990s, numerous LGBT-related developments occurred to mark the growing awareness of LGBT Filipinos. Particularly helping to increase gay awareness were the release in 1994 of *Ladlad*, an anthology of Philippine gay writing edited by Danton Remoto and J. Neil Garcia, and Margarita Go-Singco Holmes's *A Different Love: Being Gay in the Philippines* in 1993. Studies by the likes of Michael L. Tan also saw publication, providing insights into emerging communities of gay men.

An important turning point for lesbian activism in the Philippines was when a lesbian contingent, called Lesbian Collective, joined the International Women's Day march in March 1992 (Mohideen, 1996). This was the first demonstration attended by an organized sector of the LGBT community in the Philippines.

On 26 June 1994, ProGay Philippines, then headed by Oscar Atadero and backed by the Metropolitan Community Church (MCC) under the leadership of Pastor Richard Mickley, led a march at the Quezon City Memorial Circle. While the Pride March in 1994 was held in remembrance of the

Stonewall Riots, it also coincided with a bigger march against the imposition of the Value Added Tax (VAT) in the Philippines. As such, it symbolized not only the solidarity of the LGBT community but also LGBT participation in mainstream social and economic issues. With this march, the Philippines gained the distinction of being the first country in Asia and the Pacific to host a Pride-related parade.

Prior to the march in 1994, various LGBT organizations were already formed in the country, so the 1990s are the probable marker of the emergence of the LGBT movement in the Philippines. ProGay Philippines was founded in 1993, while MCC was established in 1992. University of the Philippines (UP) Babaylan, the oldest LGBT student organization in the Philippines, was established in 1992.

The spread of HIV helped galvanize the gay community in Western countries. This similarly occurred in the Philippines with the establishment of two Metro Manila-based NGOs that responded to HIV, “The Library Foundation” or TLF in 1990 and Katlo in 1992, with most of the members of these organizations self-identifying as “gay” and consciously working to build a gay community (Tan, 1995). TLF received funding from USAID to start the first HIV/AIDS prevention programme for men who have sex with men (MSM) in the country. The work of TLF brought MSM to the attention of the government so that when the Philippine National AIDS Council (PNAC)<sup>2</sup> was established in 1995, it allocated one seat for MSM. TLF eventually became the TLF Sexuality, Health and Rights Educators Collective Inc. (TLF SHARE Collective).

Pride March, as it is now known, started in 1996 with the first march organized by ReachOut Foundation International, a reproductive health service organization. In 1999, Task Force Pride (TFP) was established as a network of LGBT groups that oversees the annual Pride March.

Notable lesbian organizations that emerged in the 1990s included Metro Manila-based CLIC (Cannot Live In a Closet), Lesbian Advocates Philippines (LeAP!), and Baguio City-based Lesbond. Tan earlier noted that in the 1990s, compared with gay men’s groups, the lesbian movement had a “comparatively low profile... and yet it (was) able to move with such unity” (Tan, 2001).

The 1990s also saw the mainstreaming of LGBT-related writing, with LGBT people writing in the mainstream media. An anthology of lesbian writing (called *Tibok*) was released in 1998, while a lesbian primer was released by CLIC in 1999. The first LGBT newspaper in the Philippines was called *ManilaOUT*.

A glimpse of the plight of members of the LGBT community in southern Philippines was provided in 1997 with the release of an ethnographic study that focused on the experience of 40 *parloristas* (gay males or transwomen working in beauty parlors) from Sulu in Mindanao. This study highlighted the evolving notions of SOGI, said to be both informed by Western concepts and yet affected by local sensibilities (Johnson, 1997).

The first political party to consult the LGBT community was party-list organization Akbayan Citizens’ Action Party. In 1998, after talks with LGBT Filipinos, it included an LGBT agenda in its platform for governance. The Akbayan consultation helped create the first LGBT lobby group, Lesbian and Gay Legislative Advocacy Network (LAGABLAB), in 1999. It was LAGABLAB that expressed the LGBT community’s discontent with the Lesbian and Gay Rights Act of 1999, a bill filed by former Representative Bellaflor J. Angara-Castillo in the Lower House, after it failed to include LAGABLAB’s

<sup>2</sup> PNAC was created as an advisory body to the office of the President on all matters related to HIV in the Philippines. See <http://www.pnac.org.ph>

proposed revisions.<sup>3</sup> It was also with LAGABLAB's help that the Anti-Discrimination Bill (ADB) of 2000, which prohibited discrimination on the basis on sexual orientation, was filed through Senator Miriam Defensor-Santiago in the Upper House, and Akbayan Rep. Loretta Ann P. Rosales in the Lower House.

There were attempts to unify the LGBT community in the 1990s. In 1996, Womyn Supporting Womyn Centre coordinated the First National Lesbian Rights Conference. In 1997, UP Babaylan organized the first Gay and Lesbian Youth Conference. The First National Convention of Lesbian and Gay Leaders was also held that year.

Tan (2001) earlier noted that there are many *bakla* groups formed in the Philippines, some of them with national memberships, such as the organizations of hairdressers and parlor workers. The Hairdressers and Cosmetologists Association of the Philippines (HACAP), for instance, has at least 15,000 *bakla* members. These organizations are, however, not politically inclined.

### ***The New Millennium***

In the 2000s, more LGBT organizations were formed to serve specific needs, including sexual health (particularly HIV), psychosocial support, representation in sports events, religious and spiritual needs, and political representation. However, the efforts of these organizations started to overlap with each other.

Various forms of media for and by LGBT people, and programs from mainstream media specifically targeting the LGBT community, also started to surface in the 2000s. Print media included the monthly gay magazines *GP (Generation Pink)* and *Icon*, and *Ketchup Magazine*, a lesbian magazine. A television show entitled *Out!* ran in 2004. The likes of Holmes, Remoto, and Tan also wrote for broadsheets, touching on LGBT-related issues. *Outrage Magazine* was established in 2007 as the first Web-based publication for LGBT Filipinos. A column appeared in *Mr and Ms*, a nationally circulated weekly magazine with 150,000 copies. Oscar Atadero started in in 1994 and Malu Marin joined him in 1995. The column ran for 13 years until 2008.

A major organization formed this century was the LGBT political party Ang Ladlad, which was founded by Remoto (one of the editors of the *Ladlad* anthology) on 21 September 2003. It intended to represent LGBT Filipinos by winning a seat in the Philippine Congress through the party-list system.<sup>4</sup>

By mid-2013, the number of LGBT organizations from all over the Philippines that included human rights advocacy in their platforms numbered approximately 100 (see Annex 1). The bisexual community remains under-represented in the LGBT community in the Philippines, not only because of the stigmatization of bisexuals by both heterosexual and homosexual communities, but also because of the conflicting perceptions among Filipinos on who is bisexual<sup>5</sup> (Tan, 1996). Also, there

3 In fact, it is said that the bill took a charter for disabled people and did a “search and replace”, inappropriately replacing references to disability with sexual orientation.

4 Based on Republic Act 7941, which was signed into law on 3 March 1995, Filipino voters have two votes for congressional representation. The first is to elect a district representative, while the second is to elect a party-list representative. Twenty percent of the 260 seats in the House of Representatives are reserved for party-list groups, so every two percent of total party-list votes cast gets a seat in the House, with each party allowed a maximum of three seats.

5 According to Tan, the *bakla* does not believe in the existence of *silahis* (the word loosely used to refer to bisexual men), while the average man and woman believe he exists by “virtue of gender dogma. He is *silahis* because he be *bakla*, either because he has children, or because he is not effeminate, or both. Affirming that someone is *silahis* then

are no known organizations for intersex Filipinos, senior LGBT people, and LGBT persons with disabilities (aside from Deaf LGBT people).

A popular type of LGBT group in the Philippines is the “clan”. A “clan” is an informal group of MSM whose members stay connected via mobile technologies like short message service (SMS) and through online social networks. Despite having numerous members, clans are often excluded in LGBT-related planning.

There remains no umbrella LGBT organization in the Philippines. Therefore, organizations tend to work independently of each other. Due to these divisions, there remains no prioritization of efforts, with organizations focusing on what they consider as important for them.

Even with growing awareness of and about the LGBT community, various studies still highlight how LGBT Filipinos continue to face challenges. To start with, many LGBT Filipinos continue to lack information about numerous concepts on sexual orientation and gender identity, which are considered to be largely Western-influenced. This is worth highlighting because many LGBT Filipinos are unfamiliar with the distinctions of the sectors included in the “LGBT” acronym. For instance, in a study that touched on the identities of Filipino MSM, Health Information Action Network reported that “transgender” is not widely used as a category in the Philippines, and is questioned even by those who seem to fit the definition. This is particularly apparent in areas outside Metro Manila, where there remain confusion on what the category really means (HAIN, 2013a). Tan and Castro noted that “local terms are not always clearly defined, with ‘*bakla*’ for example tending to be used to describe any male who is effeminate” (Tan & Castro, 2000).

The absence of a united front is also a problem. It has been noted that within the gay community, there are subcultures based on age, professions, class, and even ethnicity, with each of these subcultures at times further subdivided (Tan & Castro, 2000). In the Philippines, therefore, it is “dangerous to think of a monolithic gay culture. It would be safe to speak of several cultures, divided by age, class and ethnicity, and combinations thereof” (Tan & Castro, 2000).

As early as 1995, Tan noted how social class affects the very formation of the LGBT community in the Philippines, mainly because an “apolitical upper class, and the low-income groups preoccupied with hand-to-mouth survival” lead to “petty-bourgeois gay groups... continu[ing] to play the lead role in the organizing of Filipino gay communities” (Tan, 1995a).

There have been numerous studies focused on the ongoing difficulties of LGBT Filipinos. In 2010, Isis International documented the discrimination faced by LGBT persons in employment, particularly transgender Filipino women who are denied the right to express their gender identity in the workplace (Alegre, 2006). In 2009, Rubio and Green reported that Filipino gay men experience greater anxiety associated with less conformity to a prescriptive “male” role. Also in 2009, in a survey done by Concordia *et al.*, homosexual respondents reported the need to work harder to prove their qualifications to their employers, and that they are penalized more for the same mistakes, and receive less priority for promotions compared to their heterosexual coworkers. A newer study among young same-sex attracted Filipino men found that their odds for suicide ideation (if not actual suicide) was higher compared to their heterosexual counterparts (Manalastas, 2013).

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becomes a leap of faith.” Tan also noted that bisexual women do not figure as prominently in current discourses. Michael L. Tan, “Silahis: Looking for the Invisible Bisexual Male”, *Bisexualities and AIDS: International Perspectives*, Peter Aggleton – Ed, London, England: Taylor and Francis, 1996.

According to Ocampo (2011), official recognition of LGBT-related discrimination has a “direct bearing on any future test case, as they can provide the factual basis, for the protection sought by the litigant and support the claim that LGBT (people) are discriminated as a class.”

Unfortunately, there remain limited studies done about LGBT rights in the Philippines. Due to this, the discrimination faced by LGBT Filipinos is often highlighted by anecdotal and documented cases. For instance, the submission of various civil society organizations (CSOs) on the situations of LGBT persons in the Philippines for the 13th Session of the UN Universal Periodic Review for the Philippines in 2011 noted numerous discriminatory acts experienced by LGBT Filipinos. This report contains the story of an effeminate gay man who was not allowed to donate blood because of an existing Department of Health (DOH) memorandum forbidding homosexuals to donate blood. It also tells the story of a transwoman<sup>6</sup> who was forced by the head of the Department of Foreign Affairs (DFA) to appear masculine before her passport could be renewed.

Thus, the plight of LGBT Filipinos continues to be challenging, even if there are instances of success and hope for the LGBT community.

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6 A male-to-female transgender person



# OVERVIEW OF LGBT RIGHTS IN THE PHILIPPINES

As a member of the UN, the Philippines is signatory to various international covenants promoting human rights. These include the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture (CAT), the United Nations Convention on the Rights of the Child (UNCRC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and the Convention on the Rights of Persons with Disabilities (CRPD). Thus, and as stated in the 1987 Philippine Constitution (Article 2 Section 11, and Article 3 Section 1), the Philippines has committed itself to upholding the dignity, equality and human rights of all persons.

However, the Permanent Representative of the Philippines to the UN did not support the June 2011 Joint Statement at the UN Human Rights Council urging States to end violence, criminal sanctions and related human rights violations based on SOGI; and the Joint Statement and the December 2010 UN General Assembly resolution that included protection for LGBT people from extrajudicial executions and other unlawful killings based on sexual orientation (R-Rights & PLHCW, 2011). This is evidence that LGBT people are not always supported by the State.



## LAWS

Non-commercial private same-sex activity between consenting adults is not criminalized in the Philippines. The age of consent is set at 18, although contact with minors (those under 18) is considered an offense if the minor consents to the act for money, gain, or any forms of remuneration, or as the result of an influence of any adult person. While same-sex relationships are

not recognized, the Supreme Court (SC) has invalidated government regulations that infringed on the sexual relations of consenting adults, stating that these violated the privacy rights and personal dignity of individuals<sup>7</sup> (Ocampo, 2011). This means that consenting adults cannot be prevented from engaging in sex in “hotels/motels” regardless of their sexual orientation or gender identity. This Supreme Court decision means that LGBT people have a legitimate claim on their right to privacy.

There are a number of laws that mention sexual orientation (i.e. Magna Carta of Women<sup>8</sup>, Magna Carta for Public Social Workers<sup>9</sup>) or address same-sex relations (i.e. the Anti-Rape Law of 1997 that covers same-sex relations in defining sexual assault). For example, Article 46 of the Family Code that went into effect in 1987 mentions homosexuality/lesbianism as a ground for annulling marriages, along with alcoholism and drug addiction. Another law that affects the LGBT Filipinos, the Republic Act (RA) 9262 (Anti-Violence Against Women and Their Children Act) punishes violence in intimate relations including those where both parties are women (R-Rights & PLHCW, 2011). The RA 9262 portrays LGBT people negatively because their sexual orientation and gender identity is associated as “socially bad or psychologically detrimental”, similar to how alcoholism and drug addiction are portrayed by the law.

There are laws that have reportedly been used by unscrupulous law enforcers to extort from and harass LGBT people. These include the “grave scandal” prohibition in Article 200 of the Revised Penal Code, as well as RA 9208 (Anti-Trafficking in Persons Act of 2003). In Metro Manila, venues like bathhouses are frequented by men who have sex with men (MSM). When raids happen, the MSM who are at these venues are threatened with being charged with “grave scandal” of the said law. Many MSM pay the extortion demanded by law enforcers and officers for fear of being “outed” to peers and family members (IGLGHRC, 2011). The persecution that LGBT Filipinos experience was highlighted in 2009, when an immigration judge in the United States granted the political asylum application of Philip Belarmino<sup>10</sup>, a 43-year-old gay Filipino. After being placed in deportation proceedings for overstaying his visa, this immigration judge determined that Belarmino would suffer persecution on the basis of his “membership in a particular social group” (being a homosexual in the Philippines) and granted him asylum.

The absence of a comprehensive anti-discrimination law in the Philippines is apparent even if anti-discrimination bills (ADBs) have been filed in both the Lower and Upper Houses of Congress since the 1990s. So far, there are no intentions to pass national anti-discrimination laws that exclusively seek to protect LGBT people. Instead, the protection of LGBT people from discrimination is included in proposed laws against discrimination based on race, ethnicity and religion. Politicians are known to block these proposed laws because of their inclusion of LGBT people (Manila Bulletin, 2012).

7 For instance, *City of Manila vs. Perfecto Laguio and Malate Tourist Development Corporation* (G.R. No. 118127). Available from [http://www.lawphil.net/judjuris/juri2005/apr2005/gr\\_118127\\_2005.html](http://www.lawphil.net/judjuris/juri2005/apr2005/gr_118127_2005.html).

8 The Philippine Magna Carta of Women seeks to intensify the State’s efforts to “fulfill its duties under international and domestic law to recognize, respect, protect, fulfill, and promote all human rights and fundamental freedoms of women, especially marginalized women... without distinction or discrimination on account of class, age, sex, gender, language, ethnicity, religion, ideology, disability, education, and status.” Republic Act 9710 (Philippine Magna Carta of Women). Available from [http://www.lawphil.net/statutes/repacts/ra2009/ra\\_9710\\_2009.html](http://www.lawphil.net/statutes/repacts/ra2009/ra_9710_2009.html)

9 Section 17 states that public social workers shall be protected “from discrimination by reason of sex, sexual orientation, age, political or religious beliefs, civil status, physical characteristics/disability, or ethnicity.” Republic Act 9443 (Magna Carta for Public Social Workers). Available from <http://philippinelaw.info/statutes/ra9433-magna-carta-for-public-social-workers.html>

10 In his testimony, Belarmino recalled being repeatedly raped, and that he failed to report the rapes to the police for fear that they would extort money from him or even rape him themselves. After the immigration judge granted asylum to him, his case was not appealed by the U.S. Government. Rodel Rodis, “Gay Filipino gets asylum in historic US case”, INQUIRER.net, 6 June 2009. Available from <http://globalnation.inquirer.net/columns/columns/view/20090604-208817/Gay-Filipino-gets-asylum-in-historic-US-case>.



There were times when an ADB was approved, though only in one of the Houses of the Philippine legislature. For instance, in January 2004, the Lower House approved House Bill (HB) 6416, but it failed to find a sponsor in the Upper House. In 2006, as many as four ADBs were submitted in Congress. In the Senate, these included Senate Bill No. (SBN) 165 by Senator (Sen.) Loi Estrada, SBN 1641 by Sen. Miriam Defensor-Santiago, and SBN 1738 by Sen. Ramon Revilla Jr.. SBN 1738's counterpart bill, HB 634, was filed by Akbayan Representatives Rosales, Mario Aguja and Risa Hontiveros-Baraquel. These bills failed to pass.

On 25 September 2013, 24 LGBT organizations joined a consultation to develop an ADB. The gathering was headed by TLF SHARE Collective in cooperation with the Office of Sen. Bam Aquino. In the Lower House, Dinagat Rep. Kaka Bag-ao and Ifugao Rep. Teddy Baguilat are the authors of the 2013 measures that protect LGBT rights. More recently, in October 2013, two pro-LGBT bills were filed in Congress. Rep. Sol Aragones filed HB 2572 to amend RA 8551 (Philippine National Police Reform and Reorganization Act of 1998).<sup>11</sup> The bill seeks to establish an LGBT desk in police stations to attend to cases involving members of the LGBT community. Meanwhile, Albay Rep. Edcel Lagman Jr. filed HB 3179 to govern property ownership by cohabiting same-sex couples. The bill would allow same-sex couples to decide whether to co-own the properties they acquire while living together, or to maintain single exclusive ownership.

In the absence of national legislation, some ordinances in local government units (LGUs)<sup>12</sup> mandate protection from discrimination on the basis of SOGI. Quezon City passed an ordinance banning employment-related discrimination in 2003, while anti-discrimination ordinances (ADOs) were passed in the cities of Angeles, Cebu, Bacolod and Davao. ADOs seem an achievable advocacy target for LGBT groups, with an important symbolic effect though since the first one was enacted only late in 2012 (in Cebu), it is hard to gauge practical results.

Other laws affecting LGBT Filipinos include RA 9048 (Clerical Error Law of 2001) that makes it illegal for transsexual persons in the Philippines to change their first name and sex in their birth certificates<sup>13</sup>, and the Supreme Court (SC) decision that denied the rights of transgender people to legally change their identity.<sup>14</sup> The SC nonetheless decided in favor of the changing of name and

11 RA 8551 created Women's and Children's Desks in all police stations throughout the country to attend to cases involving crimes against women and children.

"LGBT desk in every police station pushed", Philippines Today, 5 October 2013. Available from <http://www.philippinestoday.net/archives/9165>

12 Local Government Units in the Philippines are considered any administrative unit lower than the regional level. They include LGUs at the level of the province, city, municipality or 'barangay', the smallest political unit, of less than 1000 inhabitants, into which cities and municipalities are divided. See: [http://en.wikipedia.org/wiki/Local\\_government\\_in\\_the\\_Philippines](http://en.wikipedia.org/wiki/Local_government_in_the_Philippines)

13 RA 9048 specifically states that "no correction must involve the change of nationality, age, status or sex of the petitioner." Republic Act 9048 (An Act Authorizing the City or Municipal Civil Registrar or The Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register Without Need of a Judicial Order). Available from [http://www.lawphil.net/statutes/repacts/ra2001/ra\\_9048\\_2001.html](http://www.lawphil.net/statutes/repacts/ra2001/ra_9048_2001.html).

14 In 2002, Mely Silverio, a post-op transsexual woman, filed a legal petition to change her name, as well as her sex from "male" to "female". While the trial court decided in her favor in 2003, the Office of the Solicitor General (OSG) appealed the decision. In 2006, the Court of Appeals reversed the decision of the lower court. Silverio appealed the decision to the Supreme Court (SC), which in 2007 ruled against Silverio, thereby ending the possibility of changing one's sex by petitioning the courts. For the SC, "considering that there is no law legally recognizing sex reassignment, the determination of a person's sex made at the time of his or her birth, if not attended by error, is immutable." The Silverio decision also produced the court's definition of male and female when it said that: "Female is the sex that produces ova or bears young and male is the sex that has organs to produce spermatozoa for fertilizing ova." *Rommel Jacinto Dantes Silverio versus Republic of the Philippines* (G.R. No. 174689). Available from <http://sc.judiciary.gov.ph/jurisprudence/2007/october2007/174689.htm>.

sex of intersex persons.<sup>15</sup> The participation of LGBT political parties in elections was also decided by the SC, when it allowed Ang Ladlad to join in the 2010 elections.<sup>16</sup>

Worth highlighting is the confusion of Philippine courts regarding concepts of sexual orientation and gender identity. For example, the SC used the terms “LGBTs” and “homosexuals” as interchangeable even if not all LGBT people are homosexuals. The Court also “seems to view ‘lesbians, gay, bisexuals, and transgender’ as categories of sexual orientations... unaware of their gender identity aspects”<sup>17</sup> (Ocampo, 2011).

There are also policies that may be considered pro-LGBT but that contradict other policies. For instance, Section 59 of RA 8551 (Philippine National Police Reform and Reorganization Act of 1998) requires the National Police Commission (NAPOLCOM) to “formulate a gender sensitivity program... to include but not [be] limited to the establishment of equal opportunities for women in the PNP, the prevention of sexual harassment in the workplace, and the prohibition of discrimination on the basis of gender or sexual orientation.” Surprisingly, released in 2005 was NAPOLCOM Memorandum Circular No. 2005-002 that states that a police officer can be discharged for sexual perversion, including “latent and overt homosexuality”, with this memorandum placing homosexuality under “neurological and psychiatric disorders” that make a person unsuitable for service (Ocampo, 2011).



## POLICIES

Policies that promote the rights of LGBT people include the Civil Service Commission’s (CSC) Office Memorandum 29-2010 that forbids discrimination against LGBT people who are applying for civil service examinations (Ocampo, 2011). The CSC also has the Revised Policies on Merit Promotion Plan that inhibits discrimination in the selection of employees based on various criteria including gender (Ocampo, 2011). However, such policies remain few, or are not widely known.

An issue affecting LGBT Filipinos is the expectation to act in “acceptable” manners, which is usually limited to acting according to socially defined masculine versus feminine behaviors. This expectation usually affects policies. For instance, in 2009, the Armed Forces of the Philippines (AFP) stated that the Philippines has zero tolerance for discrimination within the military ranks (IGLHRC, 2009). However, the AFP Code of Ethics has provisions that can be used to discriminate against lesbian and gay members of the military. For instance, Article 5 (Military Professionalism) Section 4.3 (Unethical Acts) of the AFP Code of Ethics states: “Military personnel shall likewise be recommended for discharge/separation for reason of unsuitability due to all acts or omissions which deviate from established and accepted ethical and moral standards of behavior and performance as set

- 15 In 2003, Jeffrey Cagandahan, an intersex person, filed for a petition to change his sex from female to male, claiming he developed male characteristics while growing up because of a condition called Congenital Adrenal Hyperplasia. The lower trial court ruled in his favor in 2005, but the OSG used the Silverio argument when it appealed the decision. The SC sided with Cagandahan, stating in September 2008 that “in the absence of a law on the matter, the Court will not dictate on respondent concerning a matter so innately private as one’s sexuality and lifestyle preferences.” Republic of the Philippines versus Jennifer B. Cagandahan (G.R. No. 166676). Available from [http://sc.judiciary.gov.ph/jurisprudence/2008/sepember2008/166676.htm#\\_ftnref12](http://sc.judiciary.gov.ph/jurisprudence/2008/sepember2008/166676.htm#_ftnref12)
- 16 The SC stated that “laws of general application should equally apply to LGBTs”. However, it added that this finding in a case involving election law did not “imply that any other law distinguishing between heterosexuals and homosexuals under different circumstances would similarly fail”. Ang Ladlad LGBT Party versus Commission on Elections (G.R. No. 190582). Available from <http://sc.judiciary.gov.ph/jurisprudence/2010/april2010/190582.htm>.
- 17 Sexual orientation refers to one’s attraction to men, women, both or neither, whereas gender identity refers to one’s sense of oneself as male, female, or transgender. American Psychological Association, “Answers to Your Questions About Transgender Individuals and Gender Identity”, 2006. Available from <http://www.lgbt.ucla.edu/documents/APAGenderIdentity.pdf>.

forth in the AFP Code of Ethics. The following are examples: Fornication, Adultery, Concubinage, Homosexuality, Lesbianism, and Pedophilia.”

Several private establishments also implement discriminatory policies without legal sanctions. In 2000, a complaint was filed by the Gay Movement for Human Rights in the Philippines on behalf of Jonathan Agudaña, who was not allowed to enter a club in Cebu City for wearing women’s clothes. The club defended itself by saying that it does not discriminate against gay people, but it does not allow cross-dressing in its premises. The case was dismissed in 2001 (Sasot, 2012a) and was not taken seriously. More recent cases involved Inday Garutay and BB Gandanghari who were restricted from entering a restaurant in Metro Manila in 2006 and 2009, respectively, also because of a “no cross-dressing” policy, another example of discrimination. The case resolution released by the Commission on Human Rights on 11 January 2001 stated that the club “engaged in a legitimate business endeavor, has all the prerogative to adopt rules and regulations to ensure the protection and satisfaction of customers. Adoption of a dress code falls under this prerogative” (IGLHRC, 2001).

There have been positive changes, such as the anti-discrimination ordinances in some Local Government Units. The anti-gender-based violence ordinance of Quezon City was also extended to LGBT people in October 2012. Similarly, in 2011, the Psychological Association of the Philippines (PAP) aligned itself with “global initiatives to remove the stigma of mental illness that has long been associated with diverse sexualities and to promote the wellbeing of LGBT people.” The PAP Code of Ethics (2010) calls for Filipino psychologists to “respect the diversity among persons and peoples”.



## CULTURAL AND SOCIAL ATTITUDES

The Pew Research Center conducted a survey from 2 March to 1 May 2013 in 39 countries with 37,653 respondents. This survey showed that 73 percent of the Filipino respondents said that homosexuality should be accepted by society with an even higher percentage (78%) of younger respondents in the 18–29 age group (Pew Research Center, 2013).

LGBT Filipinos questioned the results of this survey, however, claiming that LGBT Filipinos are tolerated only if they fit stereotypes.<sup>18</sup> For Tan (2001), “‘acceptance’ is conditional as long as the *bakla* remain confined to certain occupational niches and fulfill certain stereotypes.” Garcia (2004) added that “when visitors to the Philippines remark that Filipinos openly tolerate and/or accept homosexuality, they invariably have in mind effeminate, cross-dressing men (*bakla*) swishing down streets and squealing on television programme with flaming impunity. To equate Philippine society’s tolerance for public displays of transvestism<sup>19</sup> with wholesale approval of homosexual behavior is naive, if not downright foolish.”

The worsening plight of LGBT Filipinos may also be seen in the number of LGBT-related crimes in the country. In the first half of 2011 alone, the now-defunct Philippine LGBT Hate Crime Watch

18 In response to the results of the Pew Research Center’s 2013 survey that cited the Philippines as the 10th most gay-friendly country in the world, Jonas Bagas of the TLF SHARE Collective noted: “Filipinos mistake acceptance of the so-called gay humor for ‘gay-friendliness’, a ‘friendliness’ that conveniently vanishes the moment LGBTs demand for equality.”

Patricia Denise Chiu, “Pinoy are gay friendly? Only on paper, says LGBT activist”, GMA News, 11 June 2013. Available from <http://www.gmanetwork.com/news/story/312328/news/nation/pinoy-are-gay-friendly-only-on-paper-says-lgbt-activist>.

19 Merriam-Webster Dictionary defines a transvestite as a person, especially a male, who adopts the dress and often the behavior typical of the opposite sex, especially for purposes of emotional or sexual gratification. Merriam-Webster, 2013. Available from <http://www.merriam-webster.com/dictionary/transvestite>.

documented 28 LGBT-related killings (Ubalde, 2011). While noting the data, the Philippines' Commission on Human Rights (CHR) pledged to document LGBT-related hate crimes (Tubeza, 2013).

The belief in the predatory nature of LGBT people is also an issue in the Philippines. The "gay panic defense" is occasionally mentioned in cases involving gay men. In June 2011, TV director Ricky Rivero was stabbed 17 times after he allegedly attempted to sexually abuse the man who stabbed him and left him for dead.<sup>20</sup> In Bacolod City in May 2012, Dr. Andres Gumban Jr. was murdered, with the killing recorded on video by the suspects who alleged that the victim attempted to have sex with them.<sup>21</sup> Meanwhile, some lesbians are charged with kidnapping by the families of their partners. For instance, in 2000, Zorayda Jumaani was accused of kidnapping a former beauty queen in Davao City, despite her claims that they were engaged in a lesbian relationship.<sup>22</sup>

One of the recent examples of the supposed acceptance of LGBT people in the Philippines was the presence of the television soap opera *My Husband's Lover*<sup>23</sup>, which tells the story of a woman whose husband has indiscretions with a male lover. Widely popular<sup>24</sup>, the show was cited for showing a non-stereotypical image of homosexuality.<sup>25</sup> This popularity was tempered by calls from the Catholic Bishops Conference of the Philippines (CBCP) Episcopal Commission on Youth (ECY), which expressed discomfort with the show.<sup>26</sup> The CBCP's call resulted in the closer scrutiny of the show by the Movie and Television Review and Classification Board (MTRCB)<sup>27</sup> (Marfori, 2013).



## RELIGION

The Pew Research Center (2013) noted the strong relationship between the increased level of a country's religiosity with negative opinions about homosexuality. In the survey's "religiosity scale", a score of "3" was considered as the "most religious", and the Philippines got almost 2.5. However, surprisingly, over 70 percent of the survey's Filipino respondents are said to be accepting of LGBT people. As such, Filipinos are "considerably more tolerant of homosexuality" than the country's "relatively high levels of religiosity would suggest" (Pew Research Center, 2013).

- 20 "Hans Ivan Ruiz alleges sexual abuse; Ricky Rivero denies accusations", Manila Bulletin, 5 July 2011. Available from <http://manila-bulletin.net/blog/2011/07/05/hans-ivan-ruiz-alleges-sexual-abuse-ricky-rivero-denies-accusations/>.
- 21 Barbara Mijares, "Cell phone pinang-record ng pagpatay sa doktor sa Bacolod", ABS-CBN News, 15 May 2012. Available from [http://www.abs-cbnnews.com/video/nation/regions/05/15/12/cell-phone-video-shows-teen-bacolod-city-docs-murder?utm\\_source=twitterfeed&utm\\_medium=twitter](http://www.abs-cbnnews.com/video/nation/regions/05/15/12/cell-phone-video-shows-teen-bacolod-city-docs-murder?utm_source=twitterfeed&utm_medium=twitter).
- 22 Chris Fabian, "Davao beauty queen's mom drops kidnap raps vs. lesbian", The Philippine Star, 7 April 2000. Available from <http://www.philstar.com/headlines/87462/davao-beauty-queens-mom-drops-kidnap-raps-vs-lesbian>.
- 23 *My Husband's Lover* is a program by GMA Network that ran from June to October 2013.
- 24 For the June 10 to 12 period, in Urban Luzon, *My Husband's Lover* scored an average household rating of 20.5 percent versus rival network ABS-CBN's program that rated 16.6 percent. In Mega Manila, the show posted 22.2 percent against the 15.9 percent of its rival program. GMA-7, "My Husband's Lover beats rival program in Mega Manila and Urban Luzon (Press Statement from GMA-7)", PEP: Philippine Entertainment Portal, 14 June 2013. Available from <http://www.pep.ph/guide/guide/12075/my-husband39s-lover-registered-222-percent-rating-in-mega-manila-during-its-pilot-episode>.
- 25 Writing in GMA News, former Ang Ladlad party-list nominee Atty. Raymond Alikpala noted that *My Husband's Lover* "deserves congratulations for daring to go down this road less travelled... Homosexual characters have long been television staples, but they have been limited to supporting roles... and comic relief." Raymond Alikpala, "My Husband's Lover, where gays are not clichés", GMA News, 14 June 2013. Available from <http://www.gmanetwork.com/news/story/312925/lifestyle/reviews/my-husband-s-lover-where-gays-are-not-clich-eacute-s>.
- 26 According to CBCP Episcopal Commission on Youth executive secretary Fr. Kunegundo Garganta, "dapat pag-aralang mabuti... ang tema ng kanilang palabas na nakabatay sa moralidad na pinapahalagahan ng lipunan (close consideration should be given... to themes of shows that deal with morality that the society values)." Arnel Pelaco, "Mga TV networks, hinimok na maging sensitibo sa kanilang mga palabas", Veritas 846, 23 June 2014. Available from <http://veritas846.ph/mga-tv-networks-hinimok-na-maging-sensitibo-sa-kanilang-mga-palabas/>.
- 27 MTRCB provides television and movie ratings in the Philippines.

While the 1987 Philippine Constitution guarantees freedom of religion, and the separation of Church and State, the effects of religion on the treatment of LGBT Filipinos continue to be apparent. Over 80 percent of the Philippine population is Roman Catholic, with an additional nine percent belonging to Protestant churches. Only eight percent comprise non-Christian faiths (Library of Congress - Federal Research Division, 2006). Therefore, the teachings of the Roman Catholic Church pervade. The position of the Roman Catholic Church on LGBT persons is to love the sinner yet hate the sin.<sup>28,29</sup> The church opposes efforts to provide legal protection for LGBT Filipinos. In August 2013, CBCO Executive Fr. Melvin Castro stressed that the Church's position on homosexuality is to fully embrace gays and lesbians, but same-sex relationships and same-sex unions are unacceptable. At the same time, the Media Office of the Catholic Bishops Conference of the Philippines note that the "church won't tolerate same-sex marriage"; it believes that being LGBT is a choice and that it could be changed.<sup>30</sup>

On occasion, religion is mentioned in the drafting of laws and policies. In 2009, when Ang Ladlad was refused accreditation by the COMELEC to run in the May 2010 elections, it stated that the LGBT party-list "tolerates immorality which offends religious beliefs".<sup>31</sup> The COMELEC also specifically cited verses in the Bible and in the Koran to justify its refusal to accredit Ang Ladlad. Some Protestant churches, such as the Iglesia Ni Cristo<sup>32</sup>, are considered more fundamentalist and condemn homosexual acts and identities within their congregations.

There also exist Christian "ex-gay movements" offering "reparative therapies"<sup>33</sup> in the Philippines. This practice – the idea that one can change one's sexual orientation through therapy – is widely denounced by LGBT communities that stress that sexual orientation cannot be changed, and fear psychological damage for those undergoing such "therapy." Courage Philippines, for instance, attempts to provide "spiritual support for men and women with same-sex attractions" so they can "live chaste lives in accordance with the Roman Catholic Church's teaching on homosexuality".<sup>34</sup> Most LGBT communities believe that a sexual life is healthy and normal (as it is for heterosexual people) and that if you are homosexual, you should not have to abstain from sex in order to conform with the belief that sex between people of the same gender is wrong.

28 Based on "Catechism of the Catholic Church 2357", the Roman Catholic Church teaches: "Basing itself on sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that homosexual acts are intrinsically disordered. They are contrary to the natural law... Under no circumstances can they be approved."

Robert H. Brom, "Homosexuality", Catholic Answers, 10 August 2004. Available from <http://www.catholic.com/tracts/homosexuality>.

29 In August 2013, CBCP executive Fr. Melvin Castro stressed that the Church's position on homosexuality is to fully embrace gays and lesbians, but same-sex relationships and same-sex unions are unacceptable. "We accept them, even if they have same-sex attraction but we cannot accept if they will have same-sex relationships or same-sex unions," he said.

Media Office of Catholic Bishops Conference of the Philippines, "Church won't tolerate same-sex marriage—CBCP exec", CBCP News, 2 August 2013. Available from <http://www.cbcpnews.com/cbcpnews/?p=20212>.

30 In an interview, CBCP lawyer Jo Imbong said the LGBT people should not be considered as the same as other minority groups because "these people are disadvantaged not by their own choice. But the third sex, they choose this." Niña Calleja, "CBCP wants anti-discrimination bill cleansed of provisions on gay rights", Philippine Daily Inquirer, 7 December 2011. Available from <http://newsinfo.inquirer.net/106981/cbcp-wants-anti-discrimination-bill-cleansed-of-provisions-on-gay-rights>.

31 See supra note 10.

32 In response to a query about same-sex unions, the editor of StudyIglesiaNiCristo.com stated: "God does not allow homosexual unions." StudyIglesiaNiCristo.com, "On homosexual relationship (An unholy union)", n.d. Available from <http://studyiglesianicristo.com/Questions/interesting-questions-a123.html>.

33 Reparative therapies, also known as conversion therapies, involve treatments that aim to change one's sexual orientation from homosexual to heterosexual. In the Philippines, treatments do not necessarily attempt to change one's orientation, but homosexuals are directed not to engage in same-sex sexual activities.

34 Courage Philippines's vision and mission. Available from <http://couragephilippines.blogspot.com/2012/06/powerful-ex-gay-testimony-danny-wallace.html>.

There are now religious denominations established and/or headed by members of the LGBT community in the Philippines. These include the Metropolitan Community Church, which has chapters in the cities of Makati, Quezon and Baguio; The Order of St. Aelred; and Ekklesia Tou Theou (Church of God). One of their functions is to conduct same-sex marriages or commitment ceremonies (Tan, 2012).

As the largest non-Christian minority faith, Islam is generally understood to teach that homosexual acts are sinful and punishable by God (Ally, 2008). There are references in the Qur'an that are cited to oppose same-sex behavior, including the story of prophet Lot, especially Chapter 26:165–166.<sup>35</sup> According to Kugle (2010), for many Muslims, "dealing with homosexuality or transgender issues is a matter of sin and heresy, not difference and diversity."

However, in the Philippines, other religions like Islam are not as vocal as the Roman Catholic Church when dealing with LGBT people. Thus, there remain limited and often only anecdotal reports available about the discrimination experienced by LGBT persons of these faiths.<sup>36</sup> In Mindanao, the LGBT communities try to find their place in an often-hostile environment. Based on anecdotal reports in the Muslim community, LGBT people are treated with less dignity because they are perceived to promote "non-Islamic" ways in society, including prostitution. There are also stories of religiously inspired hate crimes with a pattern of the targeted killings of Muslim gay men and male-to-female transgender people. These reports need to be validated and documented.

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35 The story of Lot is linked to the destruction of Sodom and Gomorrah.

36 For instance, interviewed for this report, transgender filmmaker Brigitte Salvatore talked about the difficulty of growing up in a Muslim community, especially when some people always treat the LGBT people as lesser members of the society. "There are also hate crimes I've personally heard of, where transwomen or gay people have been a target for summary killings. Some of them believe that the LGBTs, especially transgender people, will always go to hell – I personally think that it's a form of stereotype, that no matter what or how good you do as a person, you will always be labeled as condemned," she said.



# PROTECTION OF THE RIGHTS OF LGBT PEOPLE: THE PHILIPPINES EXPERIENCE

This section looks at the protection of the rights of LGBT people in the Philippines under the broad categories of education, health, employment, family affairs, religion, media and politics. It gives examples from the media and other sources, and captures discussions among participants at the Dialogue. Case studies are also given to illustrate advances and challenges in LGBT issues under these categories.



## EDUCATION

Broadly speaking, education in the Philippines falls under two categories: formal and non-formal. Formal education includes elementary and primary education, secondary education, and higher education for degree programs. Non-formal education involves non-degree technical or vocational programs. Irrespective of the category to which they belong, all educational institutions in the Philippines are guaranteed academic freedom by the 1987 Philippine Constitution.<sup>37</sup> This academic freedom “includes the right of the school or college to decide for itself, its aims and objectives, and how best to attain them free from outside coercion or interference.”<sup>38</sup>

Academic freedom is often used by educational institutions to justify policies against gender non-conforming students. For instance in March 2012, Infant Jesus Academy, a Catholic school in the

<sup>37</sup> Section 5(2), Article XIV of the 1987 Philippine Constitution

<sup>38</sup> Writing for “Cebu Daily News”, Judge Gabriel T. Ingles said that according to present jurisprudence, “academic freedom encompasses the independence of an academic institution to determine for itself (1) who may teach (2) what may be taught (3) how it shall teach, and (4) who may be admitted to study.” Gabriel T. Ingles, “Academic freedom”, Cebu Daily News, 17 March 2008. Available from <http://globalnation.inquirer.net/cebudailynews/opinion/view/20080317-125255/Academic-freedom>

Metro Manila suburb of Marikina, withheld the diplomas of six high school boys who uploaded Facebook photos that appeared to show them kissing one another.<sup>39</sup>

For the participants of the 2013 Philippine National LGBT Community Dialogue, the implementation of academic freedom affects the experiences of many LGBT Filipinos in educational institutions. For instance, in 2011, Hender Gercio, a transgender student of the University of the Philippines in Diliman, Quezon City protested when her French teacher refused to address her as a female because the teacher said it is against her religious beliefs.<sup>40</sup> After a dialogue, the school sided with the French teacher who supposedly did not violate any of the university rules (i.e. academic freedom, code of ethics).<sup>41</sup> The refusal to recognize someone's chosen gender identity can be harmful to their self-esteem, interfering with their educational progress.

The participants of the national dialogue raised other examples of barriers experienced by LGBT Filipinos in educational institutions, including the gender-insensitivity of the existing curriculum; a culture of bullying<sup>42,43</sup>; and the existence of anti-LGBT policies, e.g. required haircuts and masculinity tests conducted by some schools (McElhill, 2006). There were even instances when LGBT people were made to sign "contracts" to ensure they did not express their sexual orientation or gender identity,<sup>44</sup> an imposition on one's sense of self not required by those whose SOGI conforms to society's expectations.

Despite these examples of challenges in the education sector, there is progress. In May 2012, the Department of Education (DepEd) issued DepEd Order No. 40 (The DepEd Child Protection Policy), which seeks to guarantee the protection of children in schools from any form of violence, abuse or exploitation regardless of SOGI. Unfortunately, no monitoring is done on its implementation and hence whether it is helping LGBT children in schools.

The participants of the national dialogue also reported barriers outside of educational institutions that similarly affect the lives of LGBT Filipinos in the education sector. These include the lack of technology used to spread LGBT-related information, a lack of sense of community of LGBT people,

39 The school deemed the actions of the students as inappropriate because it bans "any conduct inside or outside the campus which brings the student, his/her family and the school in disrepute." Jack Arthur Smith, "Boys banned from graduation over Facebook kiss", *Gay Star News*, 1 April 2012. Available from <http://www.gaystarnews.com/article/boys-banned-graduation-over-facebook-kiss010412>.

40 In her letter to the chairperson of the Department of European Languages of the College of Arts and Letters of University of the Philippines-Diliman, Gercio recalled how her French teacher, Dominique Del Corro, said: "I am a Christian, and this is against my religious beliefs." Hender Gercio, "Homophobia and transphobia in UP Diliman", letter to the Department of European Languages, College of Arts and Letters, University of the Philippines-Diliman, 7 February 2011. Available from <http://upbabaylan.blogspot.com/2011/02/stop-gender-discrimination-in-up.html>.

41 The All-UP Workers Union has a collective negotiation agreement with the UP administration, with one of the provisions the guarantee against non-discrimination of academic rank-and-file based on sexual orientation. This provision only covers UP faculty and staff, and does not extend to UP students. Celeste Ann Castillo Llaneta, "Rainbow Connections: Making UP safe for LGBTs", *UP Forum*, 16 May 2012. Available from <http://www1.up.edu.ph/rainbow-connections-making-up-safe-for-lgbts/>

42 In March 2013, when a second-year high school student in the town of Batangas killed himself, one of the reasons cited was the supposed bullying that worsened the student's depression. The victim's classmates were said to have accused the deceased of being gay. Kim Arveen Patria, "Teen kills self in Batangas over bullying", *Yahoo! News*, 22 March 2013. Available from <http://ph.news.yahoo.com/teen-kills-self-in-batangas-over-bullying-103134550.html>.

43 In 2011, Kabataan party-list Representative Raymond Palatino filed House Resolution 1333, which sought a congressional probe into the discrimination faced by LGBT people. "Youth lawmaker seeks probe on LGBT discrimination in schools", *Kabataan Party-list*, 31 May 2011. Available from <http://kabataanparty-list.com/blog/youth-lawmaker-seeks-probe-on-lgbt-discrimination-in-schools/>

44 Heart Diño, the first openly transgender chairperson of the university student council of UP-Diliman, recalled being told to sign a "Gentleman's Policy", a contract that prohibited GBTs "from screaming or putting on make-up". As she recalled, "we were subject to expulsion if we violated it." Mae E. Hernandez, "Heart to Heart", *Outrage Magazine*, 9 September 2012. Available from <http://outragemag.com/heart-to-heart/>.



and the seeming apathy of LGBT people. These may explain the small number of LGBT organizations in educational institutions.<sup>45</sup>

To deal with LGBT-related discrimination in educational institutions, the participants recommended the development of an encompassing approach that highlights education as a commodity of public interest. This way, LGBT people can argue that as a public issue, education should be made available to everyone including LGBT people.<sup>46</sup> However, because of the Constitutional guarantee for academic freedom of educational institutions, there is no guarantee that this will work.<sup>47</sup>

The participants also recommended focusing on the development and enactment of policies that demonstrate awareness of SOGI and human rights policies. SOGI inclusion, for instance, was deemed necessary in reviewing existing curricula, education-related policies, and subjects offered in both formal and non-formal education. Meanwhile, SOGI trainings should be provided not only to the faculty and staff of educational institutions, but also to LGBT students.

There are existing programs in select educational institutions and establishments that touch on gender equality, such as the gender audits done by schools using the Magna Carta for Women, as well as the teaching of gender studies as a subject by some schools. For the participants of the national dialogue, including SOGI in these programs may benefit LGBT people.

Similarly noted during the national dialogue is the neglect of certain members of the LGBT community, such as those in Islamic schools, as well as LGBT people who do not have access to education.<sup>48</sup> Mechanisms need to be developed to include them in dialogue.



CASE  
STUDY  
#1

## PRIDE MARCH, CAMPUS STYLE

### *Celebrating Pride in educational institutions*

In 2007, state-run University of the Philippines-Diliman (UP-Diliman) in Quezon City started the UP Pride Week, which culminates with the annual UP Pride March. Headed by the UP Babaylan with the University Student Council's Gender Committee, the week-long celebration aims to raise gender awareness around the campus. It has become a platform for LGBT students to air their positions on various LGBT-related social issues, such as the passage of the Anti-Discrimination Bill.

This student-led Pride celebration has grown through the years, and is now supported by various LGBT-friendly organizations like Akei, UP Center for Women's Studies, and UPD College of Engineering. It is also no longer limited only within the confines of UP-Diliman, with non-student-led LGBT organizations participating in it. In 2011, Metropolitan Community Church joined the march after it earned the ire of a local bishop for conducting same-sex weddings. Amnesty International Philippines is also a regular presence.

45 The known LGBT organizations in educational institutions in the Philippines are in state universities, including: UP Babaylan of the University of the Philippines-Diliman; UPLB Babaylan of the University of the Philippines-Los Baños; and Kabaro of the Polytechnic University of the Philippines.

46 During the 2013 Philippine LGBT National Dialogue, TLF SHARE Collective's Bagas noted that if "our approach is per school, mahihirapan tayo (we'll have a hard time)."

47 Also during the national dialogue, Anne Lim of the Gay and Lesbian Activist Network for Gender Equality Inc. (GALANG) noted that school policies are often dictated by school heads who do not always follow government-approved policies. For instance, public schools in the Philippines are not mandated to have uniforms, but there are principals who decide to have their students wear gendered uniforms, whereas unisex uniforms would be more comfortable for transgender students unless they were allowed to wear the uniform of their chosen gender. To deal with these school heads, Lim recommended a school-to-school approach.

48 For GALANG's Anne Lim, many LGBT leaders forget that there are LGBT Filipinos who are unable to access education because of their being LGBT.

In 2011, the Los Baños campus of UP (UPLB) started its own Pride celebration. Headed by the UPLB Babaylan with the help of ProGay Philippines, it aimed to serve as an eye-opener for the university students on the existence of an LGBT community in the university.

Pride weeks, marches and events create solidarity among LGBT individuals, increase self-esteem, open discussion and raise awareness of relevant LGBT and SOGI issues. They can also be used for advocacy on particular LGBT-related issues or challenges.

CASE STUDY #2

**MAKING A MILESTONE**

The election of the first openly transgender chairperson of the university student council of the University of the Philippines-Diliman

In 2012, students of UP-Diliman elected Heart Diño as the first openly transgender chairperson of the university student council (USC). Born Gabriel Paolo Diño, the then 22-year-old Diño finished a bachelor of science degree in mathematics, magna cum laude, and – at the time of her winning – was an MS Applied Mathematics major. Before winning the top post in the state university’s council, she was a councilor who headed the USC committee on gender, as well as a leader of the UP Babaylan.

Diño’s victory was not without controversy. A UP Diliman organization, for instance, accused her of using her gender identity as a gimmick to bolster her campaign. More opted to vote for her, nonetheless, with her party’s platform focused on students’ empowerment through greater transparency, promotion of equality and non-discrimination, and elimination of fraternity-related violence.

In the same election, Alex Castro, a bisexual woman, was elected as vice chair of the UP-Diliman USC; while another transgender student, film major Pat Bringas, also won a council seat. In 2013, Castro was elected as the USC chairperson.

The visibility and success in student politics of individuals who do not conform to conventional sexual orientation and gender identity can create role models for other individuals who suffer low esteem. It can break negative stereotypes or create positive stereotypes of student leaders and organizers. They can also use their positions of power to advocate on LGBT-related issues and challenges.



**HEALTH**

In 2011, during the plenary meeting of the Philippine National AIDS Council (PNAC), the Secretary of the Department of Health, Enrique Ona, reportedly suggested that parents rein in their homosexual children and have them tested for HIV (Silverio, 2011). He was criticized not only for singling out members of the LGBT community when dealing with HIV, but also because under RA 8504 (Philippine AIDS Prevention and Control Act of 1998), HIV testing is voluntary and mandatory testing is illegal.

The issue of HIV particularly affects men who have sex with men and transgender persons who are vulnerable to HIV infection not only because of the epidemiology of the disease but because of social and legal issues – human rights issues – that make them more vulnerable to infection, such

as repressive legal environments and a lack of protective and enabling laws and supportive judicial and policy actions.<sup>49</sup>

In the Philippines, a situation is described that concurs with this picture. In February 2013, Health Action Information Network reported that “the stigma and discrimination faced by gender variant males in all levels of society introduce health and social risks for Filipino MSM and transgender persons. Opportunities are missed on the basis of their being *bakla*, and they constantly encounter various forms of violence... This is the overarching context of the HIV situation among MSM and transgenders in the Philippines” (HAIN 2013a). In the meantime, it is reported that many MSM are unable to access existing HIV antibody tests, which considering their increased vulnerability to infection, could be classified as a deprivation of their right to health and information.

In the Philippines, government health institutions are the primary mechanisms for the delivery of HIV prevention services. However, they often lack resources, so that “the limitations and challenges are often augmented by public-NGO/community partnerships” (HAIN, 2013b). There is therefore recognition of the importance of LGBT organizations that offer HIV-related services. Nonetheless, for the participants of the national dialogue, the current responses on HIV remain incomplete because too much emphasis is placed on testing. There is an apparent lack of information on what people can do after testing, particularly if they test HIV-positive.<sup>50</sup> For example, the current responses also fail to include deaf LGBT people because there are no Filipino language interpreters who can offer counseling service at HIV testing centers.<sup>51</sup>

Other members of the LGBT community see HIV as largely an MSM issue so that focusing on this is unfair. During the national dialogue, transgender (particularly transmen<sup>52</sup>) and lesbian participants cited other health-related concerns, such as the lack of information on hormone replacement therapy (HRT)<sup>53</sup>, with many transgender Filipinos unaware of the implications of their self-medication (Mendoza, 2012).

It was also noted that dealing with the psychosocial health needs of the LGBT Filipinos is also limited because of the lack of service providers who respect SOGI. For example, there is an apparent lack of psychosocial counselors who have the skills to respond to the needs of LGBT persons. Most of the psychosocial support provided relates to pre-test and post-test counseling. In responding to the psychosocial health and emotional needs of LGBT Filipinos, very few trained counselors can address LGBT-related depression, anger, suicidal tendencies, self-acceptance and family relationship issues. However, there are some positive developments. The position of the Psychological Association of the Philippines (PAP) on LGBT people is now aligned with international bodies, including the American Psychiatric Association, American Psychological Association and British Psychological Society. For the PAP, lesbian, gay and bisexual orientations are normal variants

49 While there is not space for a full explanation of how HIV affects MSM and transgender people, many reports in recent years provide an overview of the situation in Asia, such as UNDP (2012) “Legal environments, human rights and HIV responses among men who have sex with men and transgender people in Asia and the Pacific: An agenda for action.”

50 During the 2013 Philippine LGBT National Dialogue, Amnesty International Philippines’ Ron de Vera said: “We don’t get information after the testing, when people already test positive. This needs to be integrated in the AIDS response.”

51 In September 2012, deaf MSM complained that when one of them tested HIV-positive, his status was disclosed without his approval. His deaf friends were also pressured to get tested. Michael David dela Cruz Tan, “A long way to go”, *Outrage Magazine*, 16 September 2012. Available from <http://outragemag.com/a-long-way-to-go/>.

52 Female-to-male transgender persons

53 Men and women produce hormones, though biologically, women produce more estrogen while men produce more testosterone. Some transgender and transsexual people use hormones during the anatomical and psychological transition to another sex and gender. HRT replaces the hormones naturally occurring in their bodies with those of the other sex. Some intersex people also receive HRT. “Transgender Health”, *Remedy’s Health Communities*, 1 August 2001. Available from <http://www.healthcommunities.com/transgender-health/hormone-therapy.shtml>

of human sexuality (PAP, 2011). The PAP Code of Ethics (2010) also calls upon Filipino psychologists to “respect the diversity among persons and peoples.”

To deal with the health-related issues of LGBT Filipinos, various recommendations were given by the participants of the national dialogue. For one, LGBT organizations offering health-related services should partner with medical and/or health professionals to improve their services. Secondly, LGBT leaders should communicate with the Department of Health to include SOGI in its programmes and services. The inclusion of SOGI was also recommended for health-related surveys and research, as well as in the review, amendment or repeal of existing laws and policies on health, such as the Philippine National Insurance Act. Lastly, it was recommended that health-related efforts should include members of the LGBT community who remain largely ignored, including intersex Filipinos, MSM in prisons, elderly LGBT people, indigenous LGBT people, and LGBT people with disabilities.

CASE  
STUDY  
#3

### LGBT INCLUSION

#### *Inclusion of LGBT Programming in Psychology in the Philippines*

Psychologist organizations have sponsored pro-LGBT efforts in recent years in the Philippines. Since 2010, the Pambansang Samahan sa Sikolohiyang Pilipino (PSSP), the national organization for advancing psychology in the Philippines, has included dedicated LGBT programming in its national conference. Quoted in *Outrage Magazine*, Eric Manalastas, assistant professor at the Department of Psychology of UP-Diliman and convenor of LGBT programming at PSSP’s 2012 conference, said that “in the past, LGBT concerns were always relegated to the vague ‘gender’ or ‘sexuality’ conference themes... so having the discursive space dedicated to LGBT psychology is a step forward.”

In May 2013, with support from the Arcus Foundation, Filipino psychologists and counsellors participated in a national training workshop on how to conduct public education and advocacy sessions. The workshop was the first of its kind in the Philippines. In June 2013, the Psychological Association of the Philippines (PAP) gathered Filipino LGBT psychologists and scholars in a national writers’ workshop in preparation for the publication of LGBT research studies.

CASE  
STUDY  
#4

### FORMING PARTNERSHIPS

#### *Community-based Organization Taps Professional Services for Health-Related Needs*

LGBT people are targeted for exploitation and abuse because of social stigma and their weak status and social positions. In order to support them in areas such as health and psychological support, partnerships beyond specifically LGBT organizations are useful both in providing direct services and in providing a role model for non-discrimination and active support.

When the Mindanao AIDS Advocates Association Inc. (MAAAI) was formed in 2008, its intention was simply to form a Mindanao-focused support group for people living with HIV (PLHIV) in Davao City. By mid-2013, when Davao City has recorded a total of 570 HIV cases since 1992 and seen the emergence of MSM as a key affected population, MAAAI’s initiatives started diversifying. In addition to advocacy and capacity building to help spread information about HIV and AIDS in Davao City, MAAAI now also partners with branches of the local government unit (LGU), such as the Local AIDS Council (LAC), the Department of Social Welfare and Development (DSWD) and the Department of Labor and Employment (DOLE).

One of the organization’s bigger successes is its partnership with private yet civic-minded organizations, such as the association of psychologists in Davao City, which now provides free counseling for PLHIV and their families in Davao City.

Interviewed by Outrage Magazine, Borda said that the support from “good-hearted people and organizations locally . . . helps a lot in the carrying out our efforts.”

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## EMPLOYMENT

LGBT individuals face challenges in employment both on an individual level and as members of a community that is subject to discrimination and abuse. This can be compounded by the weak social status and position of the individuals involved.

In the Philippines, the governing law between employers and employees is known as the Labor Code of the Philippines, also known as Presidential Decree 442. While several articles of the Code have been amended, its main policy is the protection of workers.<sup>54</sup> However, LGBT people in the Philippines encounter discriminatory practices that affect their employment status. Ocampo (2011) noted that there are no statistics to show the extent of employment-related SOGI discrimination in the Philippines. Government agencies that should be involved in issues of SOGI discrimination do not report on LGBT discrimination. As such, “SOGI discrimination is a category of workplace discrimination that has not become part of mainstream policy dialogues.”

For many LGBT people, discrimination starts even before they are employed. For instance, there are cases of male-to-female transgender women being told by recruitment officers that they will only be hired if they presented themselves as males by cutting their hair short, dressing in men’s clothes, and acting in stereotypically masculine ways.<sup>55</sup> For those already employed, there are cases of dismissals of LGBT employees solely because of their SOGI.<sup>56</sup> In the case of lesbian employees, LeAPI, (2004) reported that “discrimination can occur in the process of hiring, in the assigning of wages, in the granting of benefits and promotions, and the retention of . . . employees.”

Participants of the national dialogue also reported instances when LGBT people are specifically hired in order for them to be abused. For instance, there are allegedly some call centers that hire LGBT people because they are unable to legally marry. These companies force LGBT employees to take the graveyard shifts because they do not have families to go home to. LGBT people also forfeit the legal benefits that those who can marry enjoy, such as taking maternity leave.<sup>57</sup> Lesbians who are masculine in appearance are also reportedly hired to do male jobs even if they are given the same lower wages as heterosexual females.<sup>58</sup>

54 The Labor Code of the Philippines was passed in 1974. Chapter 1, Article 3 of the Preliminary Title section of the Code states: “The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers.” Presidential Decree No. 442, Labor Code of the Philippines, As Amended - Preliminary Title, 1974. Available from <http://www.labor.ph/labor-code-philippines/preliminary-title>.

55 Submission of the Civil Society Organizations (CSOs) Coalition Report on the situation of Lesbian, Gay, Bisexual and Transgender (LGBT) persons in the Philippines for the 13th Session of the UN Universal Periodic Review For the Philippines (21 May – 1 June 2011). Available from [http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS13\\_UPR\\_PHL\\_S13\\_2012\\_JointSubmission13\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/session13/PH/JS13_UPR_PHL_S13_2012_JointSubmission13_E.pdf).

56 In 2008, for instance, after working for four months in a call center, a 26-year-old transwoman was told by her supervisor not to return for work ever again because the company was unwilling to stake its “good reputation” by hiring a “ladyboy”.

Patrick King Pascual, “Discrimination in focus”, Outrage Magazine, 18 November 2012. Available from <http://outragemag.com/a-closer-look-at-lgbt-discrimination/>.

57 As raised by Ging Cristobal, Project Coordinator for Asia Program of IGLHRC, during the 2013 Philippine National LGBT Community Dialogue.

58 As raised during the ProGay LGBT Leadership Conference 2005 by Julie Palaganas of the Baguio-based group Lesbians for National Democracy (LesBond). ProGay Philippines, “ProGay LGBT Leadership Conference in Quezon City a great

LGBT Filipinos also experience sexual harassment in the workplace. In the Philippines, discrimination occurs widely because of LGBT people are associated with certain professions (i.e. transgender people are perceived to be prostitutes). Bemz Benedito, who headed Ang Ladlad in 2013, was sexually harassed while working as a researcher at the Institute of Philippine Culture at the Ateneo de Manila University and felt that it was based on her being a transgender female. In 2006, Ruvic Rea, a transwoman who served as a *barangay* (village) captain in Quezon Province, had a case filed against her of acts of lasciviousness by two city councilors who alleged her establishment (bar) was a front for prostitution and that Rea was a pimp. Rea eventually won her case against the politicians; in Benedito's case, the accused apologized.

Meanwhile, even though there are no employment-related policies that specifically reference sexual orientation and gender identity, there are existing policies on HIV. The Republic Act 8504 of the Philippine AIDS Prevention and Control Act of 1998 specifically prohibits compulsory HIV testing as a precondition to employment.<sup>59</sup> However, there are instances when HIV-positive employees cease working for companies that require them to undergo medical examinations that will force them to disclose their HIV status.<sup>60</sup> Also, Filipinos who work abroad are often required to prove that they are HIV-negative (ILO, 2009).

To deal with employment-related issues, the main recommendation raised by the participants of the national dialogue is to push for the enactment of a law, such as an anti-discrimination bill, that will ensure LGBT people are protected from discrimination, including in the workforce.

Other recommendations included:

- LGBT people need to establish a group that will monitor, and then provide paralegal support to LGBT people who experience employment-related discrimination.
- Forming a group of LGBT workers (like a union) should be considered to unify LGBT people in the workforce.
- Entrepreneurship and business ownership should be encouraged among LGBT people as this could help empower members of the LGBT community.
- Partnerships with agencies should be formed that could promote the rights of LGBT people, including labor unions and the human resource (HR) departments of companies, including multinational companies that have policies supportive of LGBT rights.

A key issue raised during the national dialogue was the absence of representatives from within the LGBT community to address these employment-related issues. For instance, while it is recognized that existing employment-related policies should be reviewed to ascertain if they are pro- or anti-LGBT, no LGBT organization is currently doing this. Similarly, no LGBT organization checks if agencies such as the Department of Labor and Employment comply with LGBT-friendly policies/agreements to which they are signatory or a part. There are also sectors from within the LGBT community that continue to not be represented in employment-related discussions. These include

success!"; 7 November 2005. Available from <http://progayconference.blogspot.com/>.

59 Article 3, Section 16 states: "Compulsory HIV testing as a precondition to employment, admission to educational institutions, the exercise of freedom of abode, entry or continued stay in the country, or the right to travel, the provision of medical service or any other kind of service, or the continued enjoyment of said undertakings shall be deemed unlawful."  
Republic Act No. 8504 (Philippine AIDS Prevention and Control Act of 1998). Available from [http://www.lawphil.net/statutes/repacts/ra1998/ra\\_8504\\_1998.html](http://www.lawphil.net/statutes/repacts/ra1998/ra_8504_1998.html).

60 In an interview for this report, one HIV-positive MSM said he resigns from jobs the moment the HR department of companies ask him to submit a medical clearance. This is because he is not sure how the company will react if they find out he is HIV-positive.

LGBT overseas Filipino workers (OFWs), those involved in sex work, LGBT people with disabilities, and LGBT people belonging to indigenous communities. According to the national dialogue’s participants, they should be included in any planned efforts.

CASE  
STUDY  
#5

## POLICY COORDINATION

### *Aligning local with global corporate practices*

Appealing to IBM’s global offices resulted in a win for anti-discrimination at the local level, removing a policy discriminating against transgender employees.

Writing in *Outrage Magazine* in 2012, transgender activist Sass Rogando Sasot recalled that IBM Global Services used to have a policy against cross-dressing. This policy was also used against transwomen who were barred from using female restrooms because they are considered as “biologically male”.

Although IBM Global Services is not the only multinational company with an explicitly anti-LGBT policy, according to Sasot, “what makes IBM interesting is that it’s a company globally renowned and celebrated for its gender diversity policy which includes freedom of gender expression. This points out that (the) progressive policy of multinational companies doesn’t always get applied in the countries outside the country of their headquarters.”

Sasot (with the help of MJ Yap of LeAP!) reported the discriminatory policy of the local office to Silvy Vluggen, the LGBT programme manager for global workforce diversity of IBM. Both Sasot and Vluggen were at the International Business Equality Index workshop during the International Conference on LGBT Human Rights of Outgames 2009 in Copenhagen, Denmark.

The international office of IBM took a closer look at local policies. Eventually, the anti-cross-dressing policy of IBM Global Services in the Philippines was removed between July and August 2009.

CASE  
STUDY  
#6

## CONFRONTING DISCRIMINATION THROUGH LEGAL MEANS

### *Testing Quezon City’s City Ordinance SP-1309, which Prohibits All Discriminatory Acts against Homosexuals*

In 2003, City Ordinance SP-1309 was passed in Quezon City. It prohibits “all discriminatory acts against homosexuals in the matter of hiring, treatment, promotion or dismissal in any office in Quezon City, whether in the government or private sector.” It also punishes those who violate the law with up to six months imprisonment and/or a fine of P5000.

In 2005, Marlon Lacsamana cited the ordinance when he filed a criminal case against Miriam College. Then 29 years old, Lacsamana participated in a “symbolic wedding” with his partner of five years. Less than a week after this, the school terminated his employment. Lacsamana claimed that he later learned that he was fired because of his same-sex marriage, which Miriam College considers as immoral.

After Lacsamana filed a criminal complaint against the executives of Miriam College before the Quezon City Prosecutor’s Office, the college’s office of external affairs claimed that Lacsamana was not terminated but his employment was instead terminated after his one-year fixed term contract expired. Lacsamana argued that he worked with the college for close to one year, and under labor laws, he was eligible to become a regular employee. Lacsamana added that no complaint or unsatisfactory performance evaluation was brought to his attention during his employment. Lacsamana also filed a complaint before the National Labor Relations Commission (NLRC) for illegal dismissal.

Over six months after Lacsamana filed the case, the prosecutor’s office has dismissed it because the case remains pending before the NLRC.

In the Philippines, there are no available official statistics on LGBT entrepreneurship; however, there are listings of LGBT businesses that can be found on the Internet. As examples of LGBT businesses, there are spas/bathhouses, gay bars, and LGBT-friendly cafes in the Philippines such as Xroads (Bar/Café); Fahrenheit (gay spa/bath house), the Bed (in Malate area district), O Bar (gay bar – with male dancers); and Adonis & Gigolo (Male-Strip Bar). It is thought that LGBT businesses outside of Metro Manila are limited. There have been no specific studies conducted on LGBT businesses.

While there may be a few LGBT-owned businesses in the Philippines, ownership may not be fully exclusive, as they may partner with foreign nationals. There are no available official records on this from the Philippine Securities and Exchange Commission (SEC) and the Philippine Department of Trade and Industry (DTI) as they do not have a category that identifies an establishment exclusively catering to the LGBT community. While in some countries LGBT business associations exist, such as the USA's National Gay & Lesbian Chamber of Commerce, there is no evidence of this in the Philippines nor of LGBT outreach by other business organizations or chambers of commerce.



## FAMILY AFFAIRS

For the participants of the 2013 Philippine National LGBT Community Dialogue, there are two umbrella topics to consider when the family affairs of LGBT Filipinos are discussed: LGBT persons as family members (including LGBT children, and adult LGBT family members); and LGBT persons with family (including LGBT relationships/partnerships and LGBT as parents).

### ***LGBT Persons as Family Members***

In the Philippines, various laws protect the rights of children<sup>61</sup>, such as RA 7610 (Special Protection of Children against Abuse, Exploitation and Discrimination Act), which was enacted in 1992, and RA 9208 (Anti-Trafficking in Persons Act of 2003). Article 1, Section 2 of RA 7610 specifically states that the policy of the State is to “provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions, prejudicial [to] their development.” The existing laws do not reference sexual orientation or gender identity.

However, it is reported that the guardians of LGBT youths can fail to protect them or may abuse them, and that there is under-reporting of discrimination encountered by LGBT youths. The situation does not become easier when LGBT children reach legal age. For instance, in January 2012, a 19-year-old gay Filipino suffered severe burns when his father poured boiling water on him because of his sexuality.<sup>62</sup>

Anecdotal reports highlight how the State fails to respond to LGBT youths. On 18 January 2010, in GMA Network's documentary programme *i-Witness (The GMA Documentaries)*, Kara David interviewed underage gay boys in Cebu City who work as sex workers. One of them started offering

61 As defined under Article 1, Sec. 3 (Definition of Terms), children are people “under 18 years of age, or those over 10 but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition”. Republic Act 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act). Available from <http://www.chanrobles.com/republicactno7610.html#UibXrDZkNwA>.

62 Nineteen-year-old Edmund Padilla suffered severe burns after his father, Erano, allegedly scalded him with boiling water. While detained, the father told authorities that he did what he did after Edmund turned out to be the third of his children to be gay. “Edmund Padilla, gay Filipino teen, scalded with boiling water by father Erano”, Huffington Post, 5 January 2012. Available from [http://www.huffingtonpost.com/2012/01/05/edmund-padilla-gay-filipino-teen-scalded\\_n\\_1187046.html](http://www.huffingtonpost.com/2012/01/05/edmund-padilla-gay-filipino-teen-scalded_n_1187046.html).



sexual services when he was only 10 years old, after his father abused him when he discovered his son was gay by putting him in a sack and violently hitting him. No government efforts address the plight of these prostituted gay boys (now identified as human trafficking).

As noted by the participants of the national dialogue, emerging laws are not sensitive to SOGI. As an example, HB 5496 (Anti-Bullying Act of 2012) was approved in 2012 to require all elementary and secondary schools to adopt anti-bullying policies. However, the same bill failed to take into consideration that the schools do the bullying, i.e. the bullying does not take place on an individual but an institutional level. One example is where some schools have policies banning transgender students from accessing educational facilities or enrolling for studies.

Similarly noted by the participants was the inability of law enforcers to deal with cases involving LGBT people. Currently, the Philippine National Police (PNP) has a Women's and Children's Desk; the Department of Social Welfare and Development (DSWD) has been assisting women and children through centers that provide substitute home care; while the Department of Health (DOH) and the Women's Crisis Centre jointly piloted a crisis and healing center for victims of violence against women. These women and children's centers are reported to often not be SOGI-sensitive. For example, as interviewed for this report, Angie Umbac of Rainbow Rights Inc. cited at least one case when the Philippine National Police was uncertain on how to deal with the case of a gay man who was raped. This was because the PNP's Women's and Children's Desk only handle cases involving biological females.

Whether the incidents above are addressed through legislation that does not specifically mention SOGI but is inclusively implemented to protect LGBT persons, or through legislation and policy that specifically tries to address the multiple layers of discrimination and abuse faced by LGBT persons, it is evident that something must be done to protect LGBT family members.

### ***LGBT Persons with Family***

Family relationships in the Philippines are governed by the Family Code of the Philippines, which went into effect in 1987. The Code specifically states that marriage is between a man and a woman.<sup>63</sup> In the past, lawmakers filed bills to define men and women who get married according to their genetic and/or birth sex.<sup>64</sup>

There are also local government officials looking at banning same-sex commitment ceremonies. In 2011, for instance, a Baguio City councilor proposed a resolution "denouncing and prohibiting the conduct of same-sex marriage or ceremonies or same-sex unions in the city of Baguio".<sup>65</sup> Baguio City Mayor Mauricio Domogan supported this proposed ordinance (ABS-CBNNews.com, 2011).

63 Before 1987, there was another Code that did not specify that marriage had to be between a male and female. Article 1 of the 1987 Philippine Family Code, however, defines marriage as a "special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life." Also, Article 2 of the Code stipulates that the contracting parties in marriage must be a male and a female. Executive Order No. 209 - The Family Code of the Philippines. Available from <http://www.chanrobles.com/executiveorderno209.htm#UicayTZkNwA>.

64 For example, in 1998, former Sen. Marcelo Fernan filed SBN 897 and SBN 898, respectively, to append the word "biological" to the word pairs "man"/"woman" and "male"/"female" in the definitions of who can marry as stated in the Philippine Family Code. Meanwhile, in 2004, Rep. Rozzano Rufino Biazon filed HB 1245 to amend the country's Family Code to limit marriage to "natural born males and natural born females". Biazon's father, former Sen. Rodolfo Biazon, filed SBN 1575, the Senate counterpart of HB 1245.

65 The resolution filed by Philian Weygan was in reaction to the private ceremonial same-sex commitment ceremony held on 25 June 2011 by the Metropolitan Community Church-Baguio City. ProGay Metro Baguio & MCC-Metro Baguio, "Philippines: Activists Demand Anti-Discrimination Ordinance after Baguio City Proposes Prohibition of Same-Sex Marriage", International Gay & Lesbian Human Rights Commission, 27 July 2011. Available from <http://www.iglhrc.com>.

President Benigno Simeon Aquino III, expressly said that while he believes LGBT people should not be discriminated against, he does not support same-sex marriage.<sup>66</sup> While Aquino eventually claimed that adults should be able to do as they want, as long as they do not harm others, he nonetheless stressed that he has mixed feelings allowing LGBT people to adopt.<sup>67</sup>

Without the right to marry, LGBT Filipinos are treated unequally in a whole host of ways in comparison to heterosexual married couples. There remain “no clear rights for either spouse in same-sex and transgender-heterosexual partnerships regarding hospital and prison visitations, making medical and burial decisions, transfer of joint properties, custody of children, insurance benefits, and other privileges accorded to married and unmarried opposite-sex couples.” Similarly, “government-managed social security and health insurance are not awarded to the surviving spouse of a deceased same-sex partner” (R-Rights & PLCHW, 2011).

One of the newer moves for legislation relating to same-sex relationships is HB 2352 (*My Husband's Lover Bill*). Filed by Albay Rep. Edcel Lagman Jr. in August 2013, it seeks to amend Article 333 of the Revised Penal Code (Crimes Against Chastity) by broadening the scope of what constitutes adultery. Currently, the Code only covers opposite-sex relationships<sup>68</sup>.

Despite the pronouncement of Pres. Aquino about his reservations in allowing LGBT people to adopt, the Department of Social Welfare and Development (DSWD), the agency overseeing adoptions, allows adoption by a single LGBT person, though not by two persons of the same sex who identify as a domestic couple (R-Rights & PLCHW, 2011).

As noted by some of the participants of the national dialogue, there are approaches used by people in same-sex relationships to legalize documents pertaining to their relationships, as well as for children under their care. For instance, a woman in a lesbian relationship can adopt the child of her partner. However, adoption removes the rights of one of the mothers over the child, the mother who has not officially adopted the child. Also, because LGBT persons in relationships are not recognized as next of kin, they do not have property rights. To deal with this, there are LGBT couples who register as business partners so that properties gained by the couple become jointly owned.

Also recommended for LGBT Filipinos in same-sex relationships are living wills, which are directives given by individuals on actions to be taken regarding their health in case they are unable to make the decisions themselves. A Special Power of Attorney (SPA), which authorizes someone to act on someone else's behalf (Ang, 2009), is also recommended. Nonetheless, there is no guarantee that these will be honored, particularly when it comes to the custody of children.

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org/content/philippines-activists-demand-anti-discrimination-ordinance-after-baguio-city-proposes.

- 66 Interviewed in 2010 by “The Philippine Star”, and as quoted in the sponsorship speech of Akbayan Rep. Kaka Bag-ao for the ADB in 2011, Pres. Aquino said: “Gays shouldn't be discriminated against in terms of occupation and other aspects. I am not prepared to support it (gay marriage).” Kaka Bag-ao, “Fulfilling the promise of basic fairness”, sponsorship speech for HB 515 – Anti-Discrimination Bill, 11 October 2011. Available from <http://attykaka.wordpress.com/2011/10/11/sponsorship-speech-for-hb-515-anti-discrimination-bill/>.
- 67 As quoted, Pres. Aquino said: “Adults should be able to do whatever you want as long as you don't harm anybody else... But if the next step happens to be, we want the right to adopt, then I would be in a dilemma... My priority would be looking after the child, who has a very tender and impressionable mind.” Agence France-Presse, “PNoy sympathizes with gay rights, but not gay adoption”, InterAksyon.com, 21 September 2011. Available from <http://interaksyon.com/article/13506/pnoy-sympathizes-with-gay-rights-but-not-gay-adoption>.
- 68 Rep. Lagman explained the rationale behind the bill by citing one of the Ten Commandments in the Old Testament. He said: “‘Thou shall not commit adultery’ carries a moral imperative not only for men and women but also for the LGBT community.” Lira Dalangin-Fernandez, “Albay congressman files ‘My Husband's Lover’ bill”, InterAksyon.com, 8 August 2013. Available from <http://www.interaksyon.com/article/68202/albay-congressman-files-my-husbands-lover-bill>.

Homosexuality can be used as a ground to annul marriages in the Philippines, and custodial rulings usually award the children of such unions to the non-homosexual parent (R-Rights & PLHCW, 2011). The supposed immorality of LGBT relationships, however, does not automatically compel the courts to deprive LGBT parents of custody of a child. In 2005, a husband petitioned the court for custody of his child with an estranged wife he claimed was immoral because she had a lesbian relationship. In its decision, however, the Supreme Court stated that “sexual preference or moral laxity alone does not prove parental neglect or incompetence.”<sup>69</sup>

The participants of the national dialogue underscored the need to amend existing anti-LGBT laws, such as the use of homosexuality in annulling marriages; and to include SOGI in the implementation of laws, such as with RA 9262 (Violence Against Women and Their Children). There is also a need to include SOGI in the drafting and implementation of policies of family-concerned institutions, such as the DSWD; or those that work for women and children, including NGOs and CSOs.

There are other family-related issues that are not widely discussed, such as the discrimination experienced by the children of LGBT parents, and reparative therapies that are often instigated by families of LGBT people. To deal with these, the participants recommended conducting campaigns to promote respect for diversity, developing programs to educate families to not hurt LGBT family members, and partnering with organizations like the PAP to punish Filipino psychologists who provide reparative therapies.

LGBT Filipinos are divided on the timeliness of pushing for the legal recognition of same-sex marriage in the Philippines. What the participants of the national dialogue highlighted, instead, was the need to first push for the passage of some form of legal protection for LGBT people, such as the Anti-Discrimination Bill.



CASE  
STUDY  
#7

## INFORMING THE JUDICIARY

### *LGBT Community's Partnership with the Philippine Judicial Academy*

In August 2012, the Philippine Judicial Academy (PhilJA) partnered with the US Department of Justice Criminal Division, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) to conduct focus groups that involved judges, court personnel, and representatives from the LGBT community in the Philippines. This activity aimed to gather information from LGBT participants about the LGBT community to address gaps in laws, programs, and resources.

The activity was considered a good opportunity for the judges to demonstrate leadership roles in defending the dignity and equality of LGBT people before the law. Also, it could instill gender sensitivity among judges nationwide to have better appreciation of SOGI in future rulings.

The discussions among the focus group participants focused on the need to resolve past jurisprudence that affects the LGBT community. Mentioned during the gathering was the Supreme Court decision on Rommel Jacinto Dantes Silverio versus Republic of the Philippines<sup>70</sup>, which denied the right of transgender people to change their gender in their government-issued documents. The gathering similarly became an opportunity for LGBT Filipinos to highlight the need for more LGBT-inclusive rulings in the future, including those that affect LGBT families. As Atty Claire Padilla of EnGendeRights Inc. noted

69 Joycelyn Pablo-Gualberto vs. Crisanto Rafaelito Gualberto (G.R. No. 154994). Available from <http://www.chanrobles.com/scdecisions/jurisprudence2005/jun2005/154994.php>

70 See supra note 8.

during the discussions, judges can start becoming fairer to LGBT parents by ruling strictly on a legal basis and not making moral judgments against homosexuality.

The output from this activity will serve as the basis for the training curriculum of the Awareness Enhancement Seminar on LGBT for selected judges in the Philippines.



## RELIGION<sup>71</sup>

This section looks at how religion in the Philippines affects LGBT people. As a secular country, the Philippines is supposed to honor the separation of the State and the Church. Article 3, Section 5 of the 1987 Philippines Constitution states: “No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.” The Philippines is also party to the International Covenant on Civil and Political Rights (ICCPR), and is therefore obliged to comply with the articles that allow the right to religion, and prohibit discrimination based on the same.<sup>72</sup> However, the segregation of the State and the Church is not always practised. In fact, the Philippines has a law to protect “religious feelings” (Article 133 of the Revised Penal Code). This has been used by the Roman Catholic Church to persecute those who protested against it.<sup>73</sup>

With over 80 percent of the population of the Philippines belonging to the Roman Catholic Church, this church continues to affect the lives of LGBT Filipinos. For instance, it is common to see lawmakers cite religious texts to support discrimination.<sup>74,75</sup> At times, lawmakers are also church leaders. For instance, in 2006, the chairperson of the Committee on Human Rights of the House of Representatives, former Rep. Bienvenido Abante, is a Baptist pastor. He was against the passage of an anti-discrimination law.<sup>76</sup>

The participants of the national dialogue considered as an improvement the growing number of LGBT-led churches, including MCC, The Order of St. Aelred, LGBTS Christian Church, and Ekklesia Tou Theou (Church of God). Other Protestant churches, such as the United Church of Christ in the Philippines-Cosmopolitan Church, also tend to be more LGBT-accepting. The participants, nonetheless, cautioned against placing too much emphasis on Judeo-Christian religions and on

- 71 In the Community Dialogue, discussion of religion was considered controversial, as some participants are not religious. The discussion was categorized as religion and spirituality and was combined with a discussion on community in order to encourage discussion. However, for the purpose of this report, issues of ‘community’ have been moved down to the section of ‘organizational capacity’. Recommendations relating to ‘community’ are included as a separate section in the executive summary. As the discussion and recommendations relate only to formal religion, the word ‘spirituality’ has been dropped from the heading.
- 72 Article 18 of ICCPR states: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”  
International Covenant on Civil and Political Rights, 16 December 1966. Available from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.
- 73 In September 2010, reproductive health advocate Carlos Celdran protested inside Manila Cathedral. Monsignor Nestor Cerbo filed a complaint of violation of Article 133 of the Revised Penal Code. In January 2013, the Metropolitan Trial Court found Celdran guilty of offending religious feelings. He was sentenced to jail for a term between two months and 21 days to one year, one month and 11 days. Tetch Torres, “RH advocate Carlos Celdran guilty of offending Church”, INQUIRER.net, 28 January 2013. Available from <http://newsinfo.inquirer.net/348415/rh-advocate-carlos-celdran-guilty-of-offending-church>.
- 74 See supra note 19.
- 75 See supra note 56.
- 76 Former Rep. Abante said that the enactment of an ADB would invite the wrath of God and would mean “death to the most cherished Filipino values of Godliness and moral rectitude.” “Bill to invite wrath of God”, LAGABLAB, 22 November 2006. Available from <http://lagablab.wordpress.com/2006/11/22/abante-speech/>

Islam, because there are LGBT people belonging to other faiths and those who do not have religious affiliations.

To help LGBT Filipinos practice their religions, the participants of the national dialogue recommended making available materials on queer theology, as well as increasing support for LGBT-friendly churches. However, considering that there are LGBT Filipinos who are non-religious, the participants also noted the need to give them consideration.

CASE  
STUDY  
#8

## WHEN FAITH HEALS

### *A Gathering of Faith-based Organizations to Address HIV*

In June 2013, faith-based organizations gathered with advocacy groups at a forum to end the pattern of stigma and discrimination associated with HIV. Participants included the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Council Of Churches, the National Council of Churches in the Philippines, United Church of Christ in the Philippines-Cosmopolitan Church, International Religious Leaders Living with and Personally Affected by HIV/AIDS, and the Lesbian, Gay, Bisexual, Transgender and Straight (LGBTs) Christian Church from Quezon City. During the gathering, Dr Gideon B. Byamugisha stressed the need for churches to discuss issues they may not find comfortable so they can deal with HIV. These issues include such taboo topics as sex, LGBT relationships and MSM. Byamugisha is the first religious leader in Africa to publicly disclose his HIV-positive status to break the stigma associated with being HIV-positive. These faith-based organizations are now looking at specific efforts they can do to respond to HIV.



## MEDIA

Section 4 of Article 3 (Bill of Rights) of the 1987 Philippine Constitution states that “no law shall be passed abridging the freedom of speech, of expression, or of the press...” The government is therefore largely respectful of the freedom of the press to report on issues as they please. While the participants of the national dialogue acknowledged the importance of the media in promoting LGBT-related issues, they also recognized the negative effects of religion on how these issues are handled, in that they provide an overall context in society that views homosexuality as negative. In 2004, after an entertainment programme provided media coverage on the wedding ceremony of two women, the Republic of the Philippines Movie and Television Review and Classification Board (MTRCB) released a memorandum that warned against the positive depictions of same-sex relationships.<sup>77</sup>

The lack of SOGI awareness in mainstream media is highlighted in various instances. Transphobia is common with media practitioners refusing to address transgender people according to how they self-identify. In 2012, “Mabuhay”, Philippine Airlines’ (PAL) monthly inflight magazine, seemingly ridiculed the decision to allow transwomen to compete in the Miss Universe beauty pageant.<sup>78</sup>

77 In May 2004, former MTRCB chairperson Marissa LaGuardia sent a memorandum to the producers of several television shows, stating that “lesbian and homosexual relationships are an abnormality of human nature. To show such kind of abnormality/aberration on prime-time TV programs gives the impression that the network is encouraging lesbian and homosexual relationships.” Human Rights Watch, “Philippines: Censor Targets TV Shows Featuring Lesbians”, 12 June 2004. Available from <http://www.hrw.org/news/2004/06/10/philippines-censor-targets-tv-shows-featuring-lesbians>.

78 In the June 2012 issue of “Mabuhay”, the short article noting the decision of Miss Universe to allow transwomen to compete in the annual pageant was entitled “MISS...TER UNIVERSE?”. After it was brought to their attention, Eastgate Publishing Corporation, publisher of “Mabuhay”, said that it never intended to make fun or mock transgender people.

More recently, when transwoman Mimi Juarez was given an acting award during the 9th Cinemalaya Philippine Independent Film Cinema, she was considered under the male category (i.e. Best Actor). In reports, she was also repeatedly addressed using the male pronoun “he”.<sup>79</sup>

The participants of the national dialogue noted that media content highlights the general lack of understanding of SOGI, so that stereotyped portrayals of LGBT people dominate. There are numerous gay men with programmes in television networks or radio stations, though they are often limited to covering entertainment shows in tabloid format. There is also an apparent lack of representation of lesbians and transgender people.

Media personalities are also known to publicly share anti-LGBT opinions. For example, in 2009, newspaper columnist Ramon Tulfo wrote that LGBT people “should not also go around town proclaiming their preferences as if it was a badge of honor”.<sup>80</sup> News coverage on events involving LGBT people also tends to be sensationalized, such as in the coverage of raids done on MSM bathhouses (for instance, Merueñas, 2010 and News 5 Everywhere, 2013).

The Philippines already had traditional media for and by LGBT people, just as there were already LGBT-related programmes from mainstream media. However, more recently, the Internet has been providing LGBT Filipinos alternative ways to tell their stories. For instance, there are blogs kept by LGBT Filipinos to tell their experiences.<sup>81</sup> The Internet also provides ways for LGBT Filipinos to connect with each other.<sup>82</sup> There are also online publications that have LGBT sections<sup>83</sup>, just as there are those that extensively tackle LGBT issues.<sup>84</sup> Currently, the web-based *Outrage Magazine* is the only publication catering to the LGBT community in the Philippines.

The participants of the national dialogue recognized the potential of the Internet in promoting the rights of LGBT Filipinos, considering the accessibility and popularity of the medium. Unfortunately, there are currently no trainings available for them to know how to make use of social media to promote the rights of LGBT people. The participants therefore recommended holding trainings to teach LGBT Filipinos how to make use of various forms of media, particularly the Internet and mobile phones. For LGBT Filipinos in far-flung areas, radio remains more readily available, and trainings on how to make use of this medium was also recommended.

The lack of a unified voice is a major issue for LGBT Filipinos, according to the participants of the national dialogue. There are opposing views on priority issues that include pushing for the passage of an anti-discrimination bill, the legalization of same-sex marriages, HIV and AIDS, and LGBT-related hate crimes. As stressed during the gathering, there is a need to come up with an

John Ryan Mendoza, “Mabuhay apology”, *Outrage Magazine*, 7 July 2012. Available from <http://outragemag.com/mabuhay-apology/>.

79 For instance, the “Philippine Daily Inquirer”, the country’s number one newspaper with over 860,000 daily readers, repeatedly used “he” to refer to Juarez. Bayani San Diego Jr., “Transgender wins best actor at Cinemalaya indie awards”, *Philippine Daily Inquirer*, 6 August 2013. Available from <http://entertainment.inquirer.net/106791/transgender-wins-best-actor-at-cinemalaya-indie-awards>.

80 Agreeing with the COMELEC’s refusal to give Ang Ladlad party-list accreditation, Tulfo wrote that “there is nothing honorable or normal about same-sex marriage or union, which Ang Ladlad is trying to promote. Gays and lesbians should be happy society tolerates them. They should not abuse society’s dotting attitude towards them.” Ramon Tulfo, “Gays should not abuse society’s tolerance”, *Philippine Daily Inquirer*, 19 November 2009. Available from <http://newsinfo.inquirer.net/inquirerheadlines/metro/view/20091119-237115/Gays-should-not-abuse-societys-tolerance>.

81 For instance, Sass Rogando Sasot’s open letter about the discrimination encountered by STRAP members who were barred from entering Ice Vodka Bar in Makati City was first shared on her blog. Sass Rogando Sasot, “Our Brave New World (Third of a Five-part Series)”, *Outrage Magazine*, 21 November 2012b. Available from <http://outragemag.com/our-brave-new-world-third-of-five/>.

82 For instance, PinoyG4M.com and [www.lezworld.com.ph](http://www.lezworld.com.ph)

83 For instance, “Philippine Online Chronicles”. Available at [thepoc.net](http://thepoc.net).

84 For instance, “Rappler”. Available at [rappler.com](http://rappler.com)

agreed-upon LGBT advocacy plan to determine the priority issues of the LGBT community in the Philippines.

To enable LGBT Filipinos to deal with the media, various recommendations were forwarded. These included holding media engagement trainings for LGBT organizations, holding LGBT-specific writing workshops, and developing a repository of LGBT-related information that LGBT Filipinos can access. Still other recommendations included the formation of a media watchdog to promote SOGI sensitivity in mainstream media, and the formation of a watchdog that will report to anti-LGBT shows to the MTRCB. The participants also recommended supporting LGBT media outlets and practitioners, and forming a network of LGBT media practitioners to help advocate LGBT issues. Participants focused particularly on LGBT-specific media training and outlets rather than on working with and training mainstream media on LGBT issues, perhaps because work with mainstream media is already taking place.

CASE  
STUDY  
#9

### THE NET AS A TOOL FOR ADVOCACY

#### *Organizing 'Take the Test'*

During Holy Week in 2010, Jethro Cuenca Patalinghug organized "Take the Test", a campaign that encouraged men who have sex with men (MSM) who go to Puerto Galera in Oriental Mindoro to get tested for HIV. Puerto Galera is frequented by MSM from Metro Manila during the vacation break.

When the first Take the Test ended, Patalinghug's group provided HIV education to around 200 participants, and approximately 30 percent of that number were tested for HIV. Considering that the effort was new, and that none of the mainstream media gave it coverage, the success of Take the Test was attributed by Patalinghug to the Internet.

"The Internet should play a primary role in pushing for LGBT issues. It is the medium that people choose to rely on because participation can be personal and easy; and information dissemination is clearly fastest on the Internet," Patalinghug said.

Although Take the Test started informally, it eventually became a legally registered NGO. The organization has so far provided HIV education over 2500 individuals with up to 30 percent of them getting tested for HIV.

CASE  
STUDY  
#10

### PINK VOICES

#### *The Entry of "Rainbow Radio Pilipinas"*

"Rainbow Radio Philippines", Metro Manila's first LGBT radio show, was aired from November 2009 to April 2010. It was conceptualized and run by the Rainbow Rights Project Inc. (R-Rights) with support from the Global Fund for Women. Radio was used because of its wider reach and because in the Philippines, not everyone has access to television, print or online media. To reach the masses, the programme used a mix of English and Filipino. The once-a-week radio show discussed LGBT issues and concerns straight from the very people who experienced them. It also featured some high-profile LGBT people who discussed various topics, from relationships (including same-sex marriage), legislation, hate crimes and discrimination, and SOGI. Listeners also called in or emailed for advice. Music from LGBT artists was similarly included. After the project ended, the episodes were made available on the R- Rights website. Based on anecdotal reports, the radio program resulted to awareness of LGBT issues to wider mass audience, not only LGBT people. Second, it brought the importance of radio as a medium of communication to expand the LGBT advocacy in the Philippines. Radio is not an expensive form of media and it taught several LGBT organizations to use this form of media given its relative easiness to use. In addition, the program gave opportunities for LGBT issues to be opened in radio programs while making debut

as a highly innovative advocacy for LGBT issues as recognized by the Asia Pacific World Association of Community Radio Broadcasters. Right now, the Rainbow Rights Network is developing the monitoring and evaluation tools to ensure that the success of this program and its “best practices” are well documented and can be replicated by other organizations.

CASE  
STUDY  
#11

## TAKING THE LGBT STRUGGLE ONLINE

### *The Coming of Outrage Magazine*

In April 2007, Outrage Magazine was established by Michael David C. Tan to provide media coverage on LGBT-related issues, and to help develop strategies to deal with LGBT-related issues raised in the media. In the beginning, the publication faced numerous challenges, such as the lack of funding, and the apathy of LGBT Filipinos, with many preferring instead to be featured by the mainstream media.

Outrage Magazine was the first media outlet to identify numerous LGBT-related issues. For instance, it was the first to report about LGBT-related killings in the country. This report helped in the formation of the Philippine LGBT Hate Crime Watch that monitored LGBT-related killings in the country.

In 2010, Outrage Magazine started to diversify its services by carrying out projects to deal with some of the issues it reports on. For instance, after writing about Deaf LGBT Filipinos, the publication partnered with Pinoy Deaf Rainbow and R-Rights to give Deaf LGBT people a lecture on LGBT rights and basic HIV issues. It also helmed campaigns related to the International Day Against Homophobia (IDAHO) and Transgender Day of Remembrance (TDoR). Outrage Magazine currently has over 550,000 monthly hits, with over 8000 of them unique hits.

CASE  
STUDY  
#12

## INTRODUCING COMMUNITY REPRESENTATION

### *A Closer Look at Tatsulok’s “Ang Pakikipagsapalaran ni Pamboy D’Tomboy”*

In September 2010, Gay and Lesbian Activist Network for Gender Equality Inc. (GALANG) developed Tatsulok Komiks to deal with lesbophobia by coming up with a comic series anchored on the themes of equality and non-discrimination in Principle 2 of the Yogyakarta Principles.

Tatsulok is the brainchild of GALANG co-founder Lala G. Ravacio. Edited by GALANG executive director Anne Lim with the assistance of Daisy Mae T. Caber, the first volume was written by playwright and film writer Bonifacio P. Ilagan. Issues 1 and 2 were illustrated by multimedia artist Aletheia Prife C. Rio, and the later issues were illustrated by artist Franz C. Garcia. The Tatsulok series was written in conversational Filipino as it was intended to reach a wider audience base of LGBTs in the country.

The first volume of Tatsulok’s Ang Pakikipagsapalaran ni Pamboy D’Tomboy (The Adventures of Pamboy, the Tomboy) introduced the audience to the concepts of lesbophobia and discrimination. The second issue discussed the significance of National Lesbian Day (December 8) and International Human Rights Day (December 10). The third issue, released in time for International Women’s Day (March 8) in 2011, celebrated lesbian love and underscored the importance of protecting lesbian rights as women’s human rights. The fourth issue discussed the importance of the International Day Against Homophobia (IDAHO), while also dealing with community organizing. The last issue discussed the significance of the International Day for the Elimination of Violence Against Women, while also dealing with coming out, among others. Tatsulok was supported by the Fund for Global Human Rights, the Global Fund for Women and Mama Cash.





## POLITICS

For most of the participants of the national dialogue, political representation is equated with winning a seat in Congress. Due to this, the importance of LGBT political party Ang Ladlad is always emphasized (see Ang Ladlad's story in case study 13 below). For some of the participants, however, it is counterproductive to solely rely on Ang Ladlad for LGBT political representation in the Philippines. This is because there are already LGBT Filipinos who hold public offices even if these politicians did not win their elected posts while running on an LGBT platform.

The participants nonetheless recognized that many of the LGBT people holding elected posts do not necessarily champion LGBT issues. This explains why, currently, most LGBT political representations are done by heterosexual allies. In 2011, for instance, Bayan Muna Rep. Teddy Casiño authored House Bill (HB) 1483 (LGBT Anti-Discrimination Act), and HB 4635, which aimed to have May 17 declared as the National Day Against Homophobia and Transphobia, the Philippine counterpart of the International Day Against Homophobia. Interestingly, there are supposed allies whose support to LGBT rights is limited. Sen. Miriam Defensor-Santiago, for example, filed an anti-discrimination bill in 2006, but also filed Senate Bill No. (SBN) 1276 that sought to bar same-sex marriages celebrated abroad from getting legally recognized in the Philippines.

According to the participants of the national dialogue, LGBT Filipinos continue to be under-represented in the development of LGBT-related laws, ordinances or policies that touch on issues such as HIV and reproductive rights. Also, there are places in the Philippines like the Muslim-dominated areas of Lanao del Norte and Marawi City in Mindanao where there is "forced invisibility" of LGBT people. In 2005, under Mayor Omar Ali, any public display of homosexuality was banned inside Marawi City (MaradikaOnline, 2006).

The Dialogue also discussed being LGBT in a Muslim context. Participants felt that in Islamic localities, being LGBT is taboo based on Islamic religious and traditional beliefs. Most participants who live in a Muslim context would probably not identify themselves publicly as belonging to the LGBT community nor display same-sex affection in public. A number of the dialogue's participants noted that they may identify themselves as gay or lesbian in their personal lives, but would avoid association with formal LGBT-associated groups. There are numerous anecdotal reports of LGBT Muslims being disowned by their nuclear and extended families or being physically harmed, in particular by male family members, sadly especially by fathers. In the Muslim context, Muslim transgender people face the most criticism and stigma as well as experiencing the most human rights violations, due in part because of the difficulty of hiding their alternate gender identity. The existence of Muslim transgender people is anecdotally "prohibited" in many Muslim locales.

Knowledge and research about LGBT status in the Muslim regions of the Philippines is limited. There is an absence of data to confirm LGBT social conditions in Philippine Muslim communities. What is known is that Muslims tend to interpret the holy texts to view homosexuality as "haram" or sinful.<sup>85</sup> Depending on the Islamic school of interpretation,<sup>86</sup> in Islamic Jurisprudence, haram is used to refer to any act that is forbidden by God (Allah) and is one of five acts (al-ahkam al-khamsah) that define the morality of human action. Acts that are haram in Islam are prohibited no matter how

85 <http://en.wikipedia.org/wiki/Haram>

86 The predominant form of Islam in the Philippines is Sunni, designated within the Shafi'i interpretive school. There are minority Shia'a Muslim communities in the Philippines as well, but Sunni Islam is by far the majority in the Philippines.

good the intention is or how honourable the purpose. Under Sharia law, homosexuality is not only a sin, but a punishable crime against God. In communities in the Philippines then, under Sharia law and practicing a conservative version of Muslim beliefs, LGBT Filipinos face religiously inspired discrimination and prejudice.

There are nonetheless successful local efforts to promote LGBT rights in the political realm. Enacted in 2003, Quezon City has an ordinance that penalizes discrimination against LGBT people in employment. There are also LGBT-friendly provisions supplemented in the city's Gender and Development (GAD) ordinance. In February 2013, Angeles City passed an anti-discrimination ordinance with the help of a local LGBT organization, the United Gay Power Movement. Earlier, the Local Government Unit created a Gay Rights Desk. Meanwhile, anti-discrimination ordinances were passed in Cebu City in October 2012, Davao City in December 2012 and Bacolod City in April 2013.

The participants of the national dialogue highlighted the lack of an agreed-upon national political agenda of the LGBT community in the Philippines. The participants therefore recommended the establishment of political consensus within the LGBT community. However, as the participants also noted, there may be a need to first increase the political education of the LGBT community before this can be done. This also runs counter to the experiences of LGBT communities in other countries that have a wide range of political expression within them from conservative to radical.

Considering the repeated failure of Ang Ladlad to win a seat in Congress, the participants recommended reconsidering the way LGBT Filipinos view political representation. This is because LGBT people do not necessarily need a party-list to be represented. Instead, LGBT people can be represented by LGBT people who win individual political posts. The participants therefore recommended coming up with a list of LGBT politicians who are open about their SOGI, as well as allies who can be tapped in the development of pro-LGBT endeavors.

To deal with political issues facing LGBT Filipinos, the participants of the national dialogue also recommended auditing existing laws and policies to ascertain which of them continue to be anti-LGBT. This way, the government can be asked to amend anti-LGBT laws and policies to comply with its obligations to international rights covenants, such as the ASEAN Intergovernmental Commission on Human Rights (AICHR), ASEAN Commission on the Protection and Promotion of the Rights of Women and Children (ACWC), Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR).<sup>87</sup>



CASE  
STUDY  
#13

## THE SEARCH FOR POLITICAL REPRESENTATION

### *The Story of Ang Ladlad*

Ang Ladlad was founded as a Filipino LGBT political party on 21 September 2003 by Danton Remoto. It aimed to take advantage of the Filipino electoral system that reserves a number of seats to special interest groups.<sup>88</sup>

The Commission on Elections (COMELEC) denied Ang Ladlad's application for accreditation twice – first in 2007, supposedly because it lacked regional membership; and again in 2009 on the grounds of immorality. In its 2009 ruling, COMELEC stated that Ang Ladlad's definition of the LGBT sector "makes it crystal clear that the petitioner tolerates immorality which offends religious beliefs."

87 See supra note 78.

88 See supra note 2.

Ang Ladlad appealed the COMELEC decision, and the Supreme Court (SC) of the Philippines decided in favor of Ang Ladlad. In its ruling, the SC stated that “moral disapproval, without more, is not a sufficient governmental interest to justify exclusion of homosexuals from participation in the party-list system. The denial of Ang Ladlad’s registration on purely moral grounds amounts more to a statement of dislike and disapproval of homosexuals, rather than a tool to further any substantial public interest.”<sup>89</sup>

Ang Ladlad failed to win enough votes during the 2010 elections, receiving only 113,187 votes (0.37%), which was below the two percent threshold needed for a party-list to get a seat in Congress.

For the May 2013 elections, Ang Ladlad again represented the LGBT community. For the second time, the party failed to win a single seat in Congress, ending up with 100,666 votes (0.35%), which is 0.04 percent less than the number of votes it gained in 2010.

Ang Ladlad lost its COMELEC accreditation following its second consecutive defeat. Should it decide to represent the LGBT community again in the 2016 elections, it has to re-apply for accreditation.

CASE  
STUDY  
#14

## A COALITION FOR COMMUNITY ACCEPTANCE

### *How Cebu Rainbow Coalition Pushed for the Passage of the Cebu City Anti-Discrimination Ordinance*

In 2012, LGBT groups in Cebu City formed an umbrella organization, Cebu Rainbow Coalition, to push for the passage of the Cebu City Anti-Discrimination Ordinance (ADO). With this organization’s support, an ordinance was passed in October 2012. This ordinance recognizes the discrimination faced not only by LGBT people, but also by people with disabilities, senior citizens and the elderly, children and youth, people living with HIV, women, people with different religious persuasions, and indigenous peoples.

With the ordinance, it is now unlawful in Cebu City for any person to: deny access to public programmes and services to any person; refuse admission to or expel or dismiss a person from educational institutions; refuse or revoke the accreditation, recognition or registration of any organization in educational institutions, workplaces and communities; deny a person’s access to medical and other health services and health insurance; deny access and use of private and public establishments; and subject or force any person to any medical or psychological examination without the approval of the person involved. Those who violate the law will be sanctioned with fines or imprisonment, or both.

Cebu Rainbow Coalition is now working on the implementing rules and regulations (IRR) of the ADO, while also attempting to replicate the ADO in other Local Government Units in Cebu Province.

89 See supra note 29.



# LGBT ORGANIZING AND CAPACITY IN THE PHILIPPINES

This section provides an overview of LGBT organizing in the Philippines. It then uses the results of the National Community Dialogue to examine the current strengths and weaknesses of the LGBT movement. The section also touches on general issues of community capacity and organizing.

In terms of national organizing, there have been three major events in the Philippines:

- An attempt to establish the LGBT movement in the Philippines occurred in December 1997, when University of the Philippines Babaylan, the first LGBT organization in a university in the Philippines, hosted the first national convention of gay and lesbian leaders. The gathering's biggest contribution was to enable LGBT organizations to know of each other and their efforts.
- It took more than a decade for the second national LGBT conference to take place. In June 2011, 46 LGBT organizations from all over the Philippines gathered for the Philippine National LGBT Conference held in Cavite City. LeAP! supervised the gathering in partnership with the Embassy of the Kingdom of the Netherlands. The output from the gathering was an official statement<sup>90</sup> that highlighted the solidarity of the LGBT participants who called for the protection of the rights of LGBT people.
- On 29–30 June 2013, UNDP and USAID jointly convened the third Philippine National LGBT Community Dialogue. This dialogue aimed to: discuss the country situation and response on human rights related to SOGI, including enabling and hindering factors; generate understanding on the legal and social

90 In the official statement released after the Philippine National LGBT Conference in 2011, the participants made a "demand from the government to protect and promote the human right of all people regardless of SOGI". Among others, the participants called for the passing of laws that protect and promote the rights of LGBT people; and repealing anti-LGBT policies. "The 2011 Philippine National LGBT Conference Official Statement" in International Gay & Lesbian Human Rights Commission, 13 July 2011. Available from <http://www.iglhrc.org/content/2011-philippine-national-lgbt-conference-official-statement>.

environments in which LGBT persons and rights advocates operate; and generate recommendations toward LGBT-inclusive development. The participants discussed the human rights of LGBT people in seven thematic areas: education, health, employment, family affairs, religion, media and politics. In total, 50 LGBT Filipinos participated in the national dialogue.

In terms of local organizing, the participants of the national dialogue noted several internal issues affecting the LGBT community. For one, the LGBT community remains largely divided, with the division caused by the unwillingness of LGBT organizations to work together because their target populations belong to different social classes. Many provincial LGBT organizations are also wary about the existence of “imperial Manila” or the belief that the direction of the LGBT movement is largely dictated only by those who are in Metro Manila, which is the country’s capital. Similarly, because many organizations are not legally registered, only those that are registered with the Securities and Exchange Commission (SEC)<sup>91</sup> often claim to represent the LGBT community.

Discriminatory acts were noted that limit the movements of LGBT Filipinos in their communities. For instance, as noted by MTF transgender participants during the national dialogue, there are private establishments with a “no cross-dressing” policy (Sasot, 2012a).

To help LGBT Filipinos deal with discriminatory acts in their communities, the participants recommended engaging local government units and government organizations to pass anti-discrimination ordinances and include LGBT issues in existing gender and development (GAD) programmes. The transgender participants recommended highlighting removing the pathologization<sup>92</sup> of SOGI (i.e. that it is not a mental disorder) by coming up with a statement on this, while also scrutinizing establishments that have anti-transgender policies. Other recommendations included segregating current LGBT-related programmes according to contexts (e.g. rural versus urban contexts), grassroots organizing, and developing a database so that LGBT organizations know about best practices.

Another measure of the strength of LGBT organizing in a country is how they are involved in governance, i.e. political representation at national or local levels and including the issue of electoral participation. However, this is not an area that has received particular attention in the Philippines and this level of visibility and political strength (LGBT political representation and as a voting bloc) is not found in many countries around the world.

LGBT participation in formal governance at the national level is not recorded, except for involvement in the state’s work on HIV, which involves various sub-sectors of the LGBT population. There is no systematic data on electoral participation of LGBT Filipinos with research in the area usually focusing only on gender, age, regional and religious affiliation. The lens of SOGI has not been applied.

Involvement in governance then mainly takes place at the level of development of the city or barangay (village) rather than at the national level with openly LGBT Filipinos successful in running for electoral posts.<sup>93</sup> There are probably more candidates and elected officials who are LGBT but do not take up LGBT subject positions during their campaign or even during their term, let alone take on SOGI issues in their work. Perhaps more notable is the role of heterosexual allies in governance who advocate for LGBT rights and legislation (e.g. the city councilors in Cebu who drafted their anti-discrimination ordinance).

91 SEC is an agency that supervises all registered business entities in the country. Eena Acuna, “How To Register Your Business With The SEC”, Homegrown, 1 February 2013. Available from <http://homegrown.ph/how-to-register-your-business-with-the-sec/>.

92 The exact word they used was ‘depsychopathologization’.

93 For example, <http://www.philstar.com/headlines/2013/10/27/1249868/transgender-running-barangay-chief-bulacan>; and the following individuals: Barangay Chairperson Dominic P. Flores (Brgy. Pansol, Quezon City); he also ran for councilor of the 3rd district of Quezon City in 2013 but was not successful; Former Barangay Chairperson Ruvic Rea (Brgy. Angeles Zone 4, Tayabas, Quezon); Barangay Chairperson Jhane dela Cruz (Brgy. Iba, Hagonoy, Bulacan); and City Councilor Jom Bagulaya (Tacloban City)

More generally, GALANG Philippines who work with lesbians, bisexual women and trans men in urban poor communities feel that there have been increased demands by LGBT constituents on local government for transparency and accountability in the development of the gender and development (GAD) plan and budget, and in increased civil society involvement in local bodies such as the barangay development council.

CASE  
STUDY  
#15

### EMPOWERING MINORITIES AMONG MINORITIES

#### ***When impoverished gays learn to organize***

With support from ProGay Philippines, mostly impoverished gay men in Barangay Tatalon in Quezon City formed ProGay Barangay Tatalon in 2012. The group was not the first LGBT group of the *barangay*. However, while the original group was only tapped for Miss Gay beauty pageants, the new group is more political. Though still newly established, ProGay Barangay Tatalon already counts 80 members, with approximately 30 of them active members.

For many of the members of the organization, ProGay Barangay Tatalon has become a source of needed support. For instance, when a member was sent to jail after he was suspected of stealing, the organization's officers tapped other community-based organizations for legal support. They also financially support each other when they are able to, such as when members are thrown out of their homes for being LGBT.

ProGay Barangay Tatalon continues to face numerous issues, and some of these issues are believed to be from other LGBT people. Recalling their participation in Pride March in 2012, for instance, ProGay Barangay Tatalon president TonTon Tero said that they were belittled. *"Noong sumali kami sa Pride 2012, napagitnaan kami ng mga mayayamang beki at mayayamang transgender. Feeling namin, para kaming minaliit; na para kaming tinanong na 'Anong ginagawa n'yo rito?'* (When we joined Pride 2012, our group was placed in between well-off 'straight-acting/looking' gay men and well-off transgender women. We felt belittled; as if we were asked what we were doing there in the first place)," he was quoted as saying.

To help empower its members, ProGay Barangay Tatalon is planning various activities like talks with legal groups to help inform the members of their legal rights; and conducting HIV-related activities.

CASE  
STUDY  
#16

### HELPING MAKE TRANS-ACCEPTING POLICIES

#### ***Challenging discrimination in establishments***

In 2008, members of the Society of Transsexual Women of the Philippines (STRAP) went to Ice Vodka Bar at Greenbelt 3 in Ayala Center, Makati City. When the transwomen arrived there, however, they were prevented from entering because they were supposedly not only inappropriately dressed, but also because people like them supposedly mislead foreign men into thinking that they are "real women". Sass Rogando Sasot wrote an open letter about the incident, and she posted this on her blog. This was picked by other blog sites. STRAP also wrote a letter to Ayala Land, owner of the mall where Ice Vodka Bar is located.

A few days later, the manager of Ice Vodka Bar apologized to the STRAP members. The bar subsequently removed its discriminatory policy. The management of Ayala Malls (which is under AyalaLand) similarly apologized to the women of STRAP. The company promised to brief its merchants to be more sensitive in attending to similar matters to avoid it from happening again. Surprisingly, the same incident happened again in the same mall, when a guard prevented transwomen from entering the mall because they were assumed to be prostitutes. A dialogue was held, and after the management of the mall was reminded of their earlier promise not to discriminate, the women were assured that such an incident will not happen again. The security guard was also relieved from his post.

The 2013 Philippine National LGBT Community Dialogue also highlighted the efforts of LGBT organizations in the Philippines, discussing them under seven thematic areas related to the human rights of LGBT people, namely: education, health, employment, family affairs, religion, media and politics.

There are numerous education-related efforts done by LGBT organizations, and most of these focus on LGBT human rights, and on HIV and AIDS. There were two considerations raised by the participants of the national dialogue as far as education-related efforts are concerned. On the one hand, city-based LGBT NGOs usually provide the trainings to province-based CBOs, highlighting the centralization of available expertise in metropolitan areas. On the other hand, too much emphasis is placed on HIV as far as health-related education is concerned, so that other needs are disregarded. Efforts focusing on HIV also dominate existing health-related endeavors in the LGBT community. These efforts include VCT, TCS, and policy advocacy. According to the participants of the national dialogue, these efforts helped increase the level of awareness about HIV so that more people are getting tested. The number of support groups for HIV-positive Filipinos also increased because of these efforts.

No efforts directly deal with the family-related issues of LGBT Filipinos. Instead, existing efforts only touch on these issues, such as livelihood programmes for LGBT people who have families, as well as health-related programs for LGBT people in sex work, since their sexual health may affect their family relationships. There are also efforts done in partnership with Local Government Units, government agencies, and academic institutions and partners. These efforts only target specific members of the LGBT community, however. For instance, in Zamboanga City, only gays, bisexuals and transgender people are targeted (excluding lesbians); while in Metro Manila, lesbians, bisexuals and transgender people are targeted (excluding gay men). Also, only those belonging in the lower social strata are serviced.

According to the participants of the national dialogue, many of the existing efforts for the community focus on increasing the number of members of LGBT organizations. For the LGBT organizations, this is important because the members carry out the activities of the organization, often for free. The participants also said that they can only partner with other organizations, as well as with Local Government Units and Government Organizations, when their organizations have a sufficient number of members.

With the presence of LGBT-centric churches in the Philippines, there have been various spirituality-related efforts done in the country, including the holding of same-sex commitment ceremonies. These churches, however, also implement HIV-related services, duplicating other existing efforts.

Existing media-related efforts focus on getting mainstream media to include LGBT people in their coverage. With the growing popularity of newer forms of media, LGBT organizations now also have the alternative means to advance LGBT-related causes.

On the political front, the efforts made by LGBT organizations are mainly in the form of policy advocacy on health and human rights. These efforts target government agencies, Local Government Units, youth, the general population, and other LGBT people. Examples include work by Social Health of Inter-Ethnic LGBT Networks for Empowerment (SHINE), which developed SOGI-related modules for different agencies and institutions in General Santos City; and LeAPI, which held campaigns to promote the Yogyakarta Principles.

The current endeavors of Filipino LGBT organizations highlight both the strengths and the weaknesses of the emerging LGBT movement in the Philippines. Despite the successes of various LGBT organizations, there remain gaps noted by the participants of the national dialogue that point to what is still needed to improve the lives of LGBT Filipinos.

SUCCESS  
STORY  
#1

## SHARING KNOWLEDGE

***Partnering to Educate a Fellow CBO***

In March 2012, Rainbow Rights Project Inc. (R-Rights) and *Outrage Magazine* partnered with the Commission on Human Rights (CHR) to host a forum for Deaf LGBT Filipinos. Dubbed “Deaf Talks: A Forum for Deaf LGBTs on Human Rights and HIV”, it recognized the challenges faced by LGBT people with disabilities. The participants were members of the Pinoy Deaf Rainbow (PDR), the pioneering organization for Deaf LGBT Filipinos.

The speakers for the forum included R-Rights’ founding president, Atty Germaine Trittle Leonin, who talked about basic LGBT rights; Dr Renante Basas, CHR Director for Assistance and Visitorial Office, who provided a primer on the United Nations Convention for the Rights of Persons with Disabilities and its manifestation in Philippine law; and *Outrage Magazine’s* Michael David C. Tan and John Ryan N. Mendoza, who tackled the topic of HIV.

Through this effort, Deaf LGBT Filipinos were provided more information about their rights as people with disabilities and as LGBT people, as well as about HIV. More importantly, they were also given information on who to approach should they encounter rights- or health-related issues. It was the first such effort done for the Deaf LGBT community, and there are plans to expand the effort.

SUCCESS  
STORY  
#2

## ENGAGING LAW ENFORCERS

***Sensitizing Police Officers when Dealing with LGBT People***

In Metro Manila, venues like bathhouses that are frequented by men who have sex with men (MSM) are at risk of being raided by law enforcers as they are seen as an easy target for exploitation and extortion. When these raids happen, the MSM who are at these venues are threatened with being charged with the “grave scandal” prohibition in Article 200 of the Revised Penal Code, or with RA 9208 (Anti-Trafficking in Persons Act of 2003). Many MSM, therefore, pay the law enforcement officers for fear of being “outed” to peers and family members (IGLHRC, 2011).

Due to the frequency of these raids, in March 2013, Ging Cristobal of the International Gay and Lesbian Human Rights Commission (IGLHRC), Ang Ladlad’s Atty Raymond Alikpala and ProGay Philippines’ Oscar Atadero partnered with the Philippine National Police (PNP) Human Rights Affairs Office (HRAO) to convene a gender and sexuality training programme to sensitize police officers when engaging with LGBT people. The engagement was planned in collaboration with Police Chief Superintendent Nestor Fajura, chief of the PNP HRAO. The training series included six three-day gender and sexuality workshops with human rights regional officers, police precinct officers, and Women’s and Children’s Desk officers in provinces all over the Philippines. With the partnership, the PNP HRAO also approved a module to be included in work orientation training for new police officers.

IGLHRC and Ang Ladlad trained PNP HRAO staff and LGBT activists to conduct the gender and sexuality workshops so they can facilitate future sessions on their own. To ensure the effort had local relevance, speakers were invited from local LGBT groups in the provinces where the trainings were conducted. In 2014, the initiative is ongoing and still in the process of developing the monitoring and success indicators with the PNP-HRAO.



SUCCESS  
STORY  
#3**A GREEN LIGHT FOR LGBT COMMUNITY EMPOWERMENT*****A Closer Look at the Memorandum of Understanding Signed between Rainbow Rights Inc. and the Commission on Human Rights***

In 2011, Angie Umbac and Atty. Germaine Leonin of Rainbow Rights Inc. (R-Rights) discussed with officials from the Commission on Human Rights (CHR) their growing concern on violations of rights of LGBT people. CHR, as the national human rights institution, has been supportive of the LGBT community. It pushed for the recognition of the LGBT community as a marginalized sector, and included the Anti-Discrimination Bill in its human rights legislative agenda. During their discussion, R-Rights wanted CHR to integrate LGBT rights in the national human rights framework. A draft Memorandum of Understanding (MOU) was prepared in 2011 to formalize the partnership between the CHR and R-Rights. Two years later, the CHR gave this partnership the official green light. The MOU was signed on 5 April 2013 between CHR Chairperson Loretta Ann P. Rosales and CHR Commissioner Norberto de la Cruz, and Umbac and Leonin on behalf of the Filipino LGBT community.

In the MOU, both parties agreed to work together for the recognition of the Filipino LGBT community as a marginalized sector and to mainstream LGBT rights as part of the national human rights framework. The MOU calls for the awareness of and utilization of the Yogyakarta Principles, and human rights resolutions and general recommendations that protect persons with diverse sexual orientation and gender identity. It promotes the engagement of government agencies and the inclusion of LGBT rights in gender sensitivity trainings. It also supports the CHR Women's Human Rights Center in its mandate as gender ombudsman under the Magna Carta of Women. The parties similarly agreed to address killings or hate crimes committed against people of diverse SOGI. To give substance to the MOU, LGBT rights activists identified areas of convergence with the CHR in a consultation held on 20 September 2013. On 6 October 2013, R-Rights facilitated a workshop for activists to identify provisions in the Magna Carta of Women that impact on SOGI. It is currently drafting the gender ombudsman guidelines that will be used by the CHR in activities that could include the monitoring of gender-friendly policies and practices, and facilitating access to legal remedies by victims of gender-based violence.

**STRENGTHS**

The 50 LGBT participants of the national dialogue were asked to answer two sets of survey questions. The first set of questions asked for ratings on four thematic areas: financial, human resources, organizational capacity, and collaborations and coalitions. The second set of questions asked the participants to elaborate on enabling environments that exist for LGBT organizations, and to provide specifics on their activities and programs. The responses to these two questionnaire surveys were used to understand the strengths, as well as the gaps and limitations, in their organizational capacity. 41 participants answered the survey and the results are described below. We note that the survey provides glimpses of the perspectives of select LGBT leaders and cannot be expected to provide a full, comprehensive and objective picture of organizational capacity for LGBT organizations.<sup>94</sup>

<sup>94</sup> It should also be noted that: 1) not all the sections in the surveys were provided with answers; 2) some of the answers provided did not comply with the instructions on how the questions were to be answered; and 3) not all of the respondents provided the ratings as asked per indicator.

Broad scope of existing positive activities:

- The activities carried out by the LGBT organizations of the participants of the national dialogue include human rights advocacy, HIV activities including advocacy, voluntary counselling and testing (VCT) and treatment, care and support (TCS), capacity building for urban poor LBTs and GBTs, organizational development, beauty pageants, case management and support, and linking government services with target constituencies. There are even LGBT-led efforts that do not directly target the LGBT community, including tree planting and the distribution of relief goods.
- Considered a success is an increased level of HIV awareness that resulted in an increase in the number of those accessing HIV testing and treatment, care and support; the participation of LGBT people in HIV/AIDS Core Team (HACTs)<sup>95</sup> and Local AIDS Councils (LACs)<sup>96</sup> in some Local Government Units; the passage of anti-discrimination ordinances; the formation of grassroots support groups; the establishment of LGBT student groups; and hate crime documentation.
- One problem identified by the participants is that they consider that some of these activities segregate the target populations. For instance, some organizations only serve GBTs, while others only LBTs. Still other populations targeted included MSM (including sex workers), PLHIV, LGUs, GOs and officials, health providers, communities (such as in *barangays*), families of LGBT people, educational institutions, and students. Participants felt that these targeted approaches were at the cost of community unity and cohesiveness.

## 1. **Strong Organizational Structure**

On a scale of one to 10 (one being the lowest, and 10 the highest), the average rating given by the participants in assessing their organizational capacity was 7.36. Seventy-two percent assessed themselves as having strong organizational systems and management structures in place with 79 percent considering that they have clear and appropriate strategies and policies in place.

## 2. **Peopled by the Right Staff**

Many of the LGBT organizations attribute their successes to strong management, with 99 percent of the participants surveyed stating that their organizations have strong and visionary leadership. Eighty-six percent claimed exhibiting capacity to learn and apply lessons learned. On a scale of one to 10, the average rating provided by the participants regarding their organizations' HR capability was just under six (5.94).

The organizational structure of many of the LGBT organizations in the Philippines may be described as unconventional. More than half (54%) may have all or some of the administrative positions listed in the survey question (i.e. directors, administrators and finance officers),

95 According to the Philippine National AIDS Council Policy on Implementing Rules and Regulations on STD/HIV/AIDS, all hospitals and other appropriate health care facilities shall establish an HIV/AIDS Core Team (HACT), a multi-disciplinary group of health workers to address HIV-related issues. <http://jakepositive.blogspot.com.au/2012/09/hiv-aids-core-team-hact-in-iloilo-city.html>

96 "Communities around the Philippines have found it extremely useful to set up multisectoral Local AIDS Councils (LACs) to coordinate, facilitate, support and oversee the response to HIV and AIDS and STDs". <http://lga.gov.ph/hiv/local-response/how-to-set-up-a-local-aids-council.html>

but many organizations only have volunteers (i.e. unpaid staff). More than half (51%) of the participants believe that irrespective of the position and employment status of the people in their organizations, they attract and retain high quality people. In fact, more than half (56%) of the respondents claimed that their organizations have knowledge of international standards and programs relevant to their field of work. Also, more than half (53%) stated that they have existing capacity building efforts for their staff.

### **3. *Effective Collaboration and Meaningful Coalitions***

Most (77%) of the participating LGBT organizations in the national dialogue work with other change agents, with 63 percent working specifically with other LGBT organizations. These groups may not belong to a national or regional network, but 66 percent know that network groups exist. Sixty-four percent claimed that LGBT organizations easily join networks and coalitions with other change agents to address common issues.

Forming collaborations and coalitions with non-LGBT organizations remain challenging with 77 percent of the participants encountering difficulties in interacting effectively with the government and the legislature. However, there are positive changes noted, with some of the organizations already included in bodies such as the Local AIDS Councils.

More than half (59%) of the LGBT organizations surveyed have been able to mobilize communities to address priority issues, including campaigning for an anti-discrimination ordinance in their localities, and local sexual and reproductive health issues. Overall, on a scale of one to 10, the participants rated their average collaborative efforts as 6.3.

### **4. *Effective use of newer forms of media***

LGBT organizations in the Philippines remain challenged when dealing with mainstream media. In fact, 56 percent of the LGBT organizations surveyed in the national dialogue admitted to being ineffective in their media outreach. They expressed a need for training in this area. However, while dealing with the mainstream media remains challenging, LGBT organizations are finding more success in using newer forms of media in carrying out programs. One example of this was found when Niccolo Cosme started the Headshot Clinic before the end of 2010, when Filipinos willing to be openly associated with the fight against HIV were photographed, and their photographs were spread by virtual means during World AIDS Day on 1 December 2010. The effort proved to be so successful that UNAIDS backed this effort starting from 2011. Another effort was “SMS for MSM” or SMS4MSM, which USAID supported in 2011. This focused on providing safer sex information using short message service (SMS) technology.<sup>97</sup>

97 Implemented by University Research Co., LLC, SMS4MSM was launched in Quezon City through USAID’s Health Promotion and Communication Project as a low-cost intervention approach to provide information to MSM on how to prevent HIV infections and access VCT facilities through text messaging. SMS4MSM mobilized over 20 MSM clans and forwarded more than 2800 messages to 20,700 MSM. Holschneider, S. (2011, 30 December). USAID’s HealthPRO Project Supports Initiative to Fight HIV/AIDS through Mobile Technology. University Research Co., LLC. Available from <http://www.urc-chs.com/recent/news?newsItemID=195>



## GAPS AND LIMITATIONS

### 1. *The Lack of a National Framework*

The participants of the national dialogue repeatedly stressed the lack of a common conceptual framework for the LGBT movement in the Philippines. This may be because of the different priorities of LGBT organizations as dictated by the priorities of the LGBT communities where these organizations are based. The participants called for the development of a national framework for the LGBT community to know where it stands as a community, set goals and objectives and plan future actions.<sup>98</sup>

### 2. *Lack of Registration*

Although registering is important to allow organizations to receive funds from international agencies, many LGBT organizations in the Philippines choose not to register with the Securities and Exchange Commission (SEC)<sup>99</sup>, thereby failing to legitimize their existence. There are various reasons cited for non-registration, mainly around the inability to or lack of interest in registering. The SEC does not have LGBT-specific categories. Organizations that register must choose from categories that do not necessarily embody the key nature of the services they offer. Importantly, some categories, such as for a ‘foundation’ require proof of organizations having more resources than they do, the equivalent of US\$ 23,000.<sup>100</sup> Finally, there is a belief that getting registered does not serve any real purpose considering that these organizations already operate even without registering.

There are other ways for LGBT organizations to get legal recognition, such as by registering with Local Government Units. However, most organizations remain unfamiliar with the mechanisms of how this can be done. For example, many LGBT organizations representatives are not aware how to secure the registration requirements of the Philippine Securities and Exchange Commission (SEC)<sup>101</sup>. While some organizations have an idea how to register yet these organizations are faced with the lack of available funds to pay the registration fees.

### 3. *Lack of Funding*

Eighty percent of LGBT organizations stated that financial limitations affect their operations. Eighty-one percent of the organizations have inadequate financial resources for LGBT-related activities. In fact, even for those that receive funding, only minimal amounts are received, starting from only P16,000 per year (just over US\$350), with only few receiving over P1 million (US\$23,000) to finance their yearly operations. Only three LGBT organizations confirmed having long-term, reliable financial resources. Among those able to find support, 77.5 percent said they did not receive support from the government. Government support is limited to

98 As raised by Babaylanes’ Eva Callueng during the 2013 Philippine National LGBT Community Dialogue, while “it is okay if we can’t have collective direction as this is impossible to happen, we still need to identify where we are headed (as a community).”

99 See supra note 2.

100 Those registering as foundations are required by SEC to have a certificate showing a bank deposit amounting to P1 million (approx. US\$23K with Dec 2013 exchange rates) or more. Securities and Exchange Commission, “Documentary Requirements for Registration of Corporations and Partnerships”, 30 June 2013. Available from <http://www.sec.gov.ph/gsr/primary/primaryreg.html>.

101 <http://www.sec.gov.ph/>

minimal amounts (up to P50,000 (US\$1100 per year) and non-monetary donations. Over half of the organizations (57.5%) do not receive financial support from international donors, including UN agencies. For those that do, the amounts range from P10,000 to P1 million (US\$200 to \$23,000). Sixty-five percent stated they did not have access to funding beyond grants, and 41 percent find funding sources to be overly restrictive in that they do not fund non-advocacy areas. Asked to rate their financial ability on a scale of one to 10, the average score for participating LGBT organizations was 4.5. Only one organization rated its financial ability a 10 while 19 organizations provided ratings of five or below.

Unfortunately, 57.5 percent of the LGBT organizations do not have internal revenue-generating capacity to support activities. 93 percent have no long-term, reliable sources of funding. This lack of funding affects the ability of many LGBT organizations to operate. For instance, many of these organizations are unable to keep the right people working for them. Many volunteers leave advocacy efforts to earn a living, at times leading to the closure of LGBT organizations.

#### **4. *Neglect of select sub-populations in the LGBT community***

Despite the broad range of activities carried out by LGBT organizations in the Philippines, some members of the LGBT community continue to be excluded. Here, Pinoy Deaf Rainbow (PDR) serves as a good example. While the organization for Deaf LGBT Filipinos was formed in 2010, it remains excluded in many LGBT-related activities because of the lack of mechanisms to facilitate the inclusion of Deaf LGBT people in various activities, such as the availability of Filipino Sign Language (FSL) interpreters. Other sub-populations within the LGBT community that are often excluded include other LGBT people with disabilities, senior LGBT people<sup>102</sup>, indigenous peoples, LGBT Overseas Foreign Workers, LGBT people who are also farmers or are fisher folks<sup>103</sup>, and Muslim LGBTs.

#### **5. *Limited engagement with civil society***

According to the surveyed participants, many (68%) LGBT organizations are engaged in policymaking, though this type of participation is often limited to crafting of responses for Local AIDS Councils and drafting of Anti-Discrimination Ordinances. For 65 percent of the LGBT organizations, there are no formal mechanisms available to allow them to participate in drafting public policies. More than half of the participants (53%) believe that LGBT civil society engagement in policy making is not valued by political leaders, government and the general public. Also, LGBT engagement is often tokenistic, only to highlight the supposed inclusion of LGBT people in the efforts of Local Government Units. As one participant noted during the national dialogue: "Sometimes, LGBT engagement is tokenistic as their involvement is (only) for show without the necessary political capital to draft, enforce, improve and monitor (LGBT-supportive) policy."

For almost half (44%) of the surveyed participants, LGBT advocacy initiatives are not supported by those in power and other mainstream organizations. There are organizations

102 In 2012, for instance, Outrage Magazine cited a study on the residents of the Home for the Golden Gays who remained unaware of their sexual health conditions because existing HIV-related programs do not include them. Michael David dela Cruz Tan, "Once we were grown-ups...", Outrage Magazine, 21 December 2012. Available from <http://outragemag.com/the-invisible-men/>

103 As noted by the participants who work in rural areas at the 2013 Philippine National LGBT Community Dialogue.

and offices supportive of LGBT people (including the Department of Social Welfare and Development (DSWD), the Department of Education (DepEd), the Commission on Human Rights (CHR), the Philippines Charity Sweepstakes Office (PCSO) and the Civil Service Commission (CSC), but other mainstream organizations are said to downplay and sometimes even dismiss the importance of LGBT issues. One of the LGBT leaders said that the support given to LGBT organizations is dependent on what the agenda is, particularly since LGBT people tend to be limited to beauty pageants and clean-up drives. There are also informal mechanisms available to enable LGBT participation in drafting public policies, with 90 percent of the LGBT organizations able to access dialogues, consultations and focus group discussions. However, these informal mechanisms are only available at the local levels, not on the national level.

**6. *Lack of monitoring and evaluation***

Monitoring and evaluation remains rare, particularly among LGBT organizations that are not registered. It continues to be difficult for Filipino LGBT organizations to clearly distinguish what efforts have already been done or have yet to be accomplished, accompanied by little understanding of the real impact of their efforts on LGBT rights. As such, activities overlap at times and are duplicated with others. Without a strategic LGBT rights agenda, the advocacy in the Philippines does not respond to the needs of the community.

**7. *Lack of a centralized database***

One of the repeated calls made by the participants of the national dialogue was the need to develop a database that will serve as central repository of LGBT-related information in the Philippines. To date, organizations tend to work independently of each other, and even within organizations, the transfer of knowledge is problematic. A centralized database is seen as necessary for LGBT Filipinos to have access to needed LGBT-related information.



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# ANNEX 1: LIST OF PARTICIPATING LGBT ORGANIZATIONS

<b>NAME OF ORGANIZATION</b>	<b>NAME OF KEY CONTACT</b>	<b>PHONE (+63)</b>	<b>EMAIL ADDRESS</b>	<b>MAILING ADDRESS</b>
Alliance Against AIDS in Mindanao (ALAGAD) -Mindanao	Mahinay, Michael	(918) 341-3953	mikejmahinay@yahoo.com	557 Kamuning Street, Juna Sub 8021 Matina, Davao City
Ang Ladlad	Danton, Remoto	(998) 198-0283	danton_ph@yahoo.com	Bulacan
Association of Transgender in the Philippines (STRAP)	Montecarlo, Kate	(927) 680-6369	katemontecarlo1986@gmail.com	1901 D. Yosemite, Park Homes, Tunasan, Muntinlupa, Manila
Babaylanes Incorporated	Callueng, Eva	(922) 864-1183	eva18callueng@yahoo.com, evacallueng@gmail.com	10- Matipid Street, Barangay Sikatuna, Quezon City
Bahaghari Center for LGBT Research, Education and Advocacy	Mendoza, John Ryan	(926) 316-7735	john.ryan.mendoza@outragemag.com	5108 A-Filmore Street, Brgy Palanan, 1235 Makati City, Metro Manila
Bahaghari San Pablo Incorporated	Himor, Michael	(948) 764-9860	michael_himor2000@yahoo.com	Brgy San Lucas II, San Pablo City, Laguna 4000
Batangas Barako Pride, Inc	Gojar, Romulo	(912) 448-2186	chatop_73@yahoo.com	248-B P. Burgos St., Batangas City 4200
BATSI	Cruz, Alexander Datu	(928) 771-2413	aliwngremate@yahoo.com.ph	Block 4 Lot 5 Villa Margarita Subdivision, Sta. Rosa, Pilar, Bataan 2101
BAWBUG Advocacy for Peace and Human Rights	Tulawie, Mussah Sherian	(916) 693-5719	tulawiemussahsherian@yahoo.com	No. 80, Diamond Building, door 3, MacArthur Highway, Matina, Davao City
Bisdak Pride, Inc	Doron, Roxanne	(921) 786-2022	dakyur@yahoo.com	c/o Good Sheperd Welcome House #29 Mabini Street, Barangay Parian, Cebu City 6000
BLOTIK Sebu	Kabadil, Gilbert	(930) 520-6040	gil_msu07@yahoo.com	Lake Sebu, South Cotabato

CARAGA I-Care	Torralba, Anthony	(919) 968-0086	anthonytorralba@gmail.com	c/o Palliative and Wellness Care Center- Butuan Medical Center, Brgy. Tiniwisan, Butuan City
CebuPlus Association	Salvaña, Rey	(915) 634-5322	cpai_rey@yahoo.com	Room 203 Cebu City Health Department, Gen. Maxilom Ext. Cebu City
Crossbreeds Plus, Inc	Acson, Albert	(929) 550-5588	ozzyguzon@yahoo.com	c/o HACT Office, 2nd Floor, OPD Building, Corazon Locsin Montelibano Hospital, Lacson St. Bacolod City, Negros Occidental
Deaf Lesbian Philippines	Cenidoza, Mary Joyce		supercenidoza@gmail.com	No information provided
Deaf Transpinay Club	Aguila, Disney		doyaguila@gmail.com	No information provided
FHGG	Cabaral, Glenn	(915) 631-4329	glenncabaral@gmail.com	15Ostrich Street, Marfori Heights, Davao City
Filipino Free Thinkers	Cascon, Kevin Reynoso	(922) 884-8444	kevincascon@gmail.com	
GALANG Philippines, Inc	Lim, Anne Marie	(917) 887-0501	annemarielim@gmail.com	Unit 312 Llanar Building, 77 Xavierville Avenue corber B. Gonzales Street, Loyola Heights, Quezon City 1108
GAYON Albay Lesbian, Gay, Bisexual and Transgender Organizaton, Inc.	Rivac, Rolando	(920) 664-5150	rrivac@yahoo.com	32 Galang Compound, Sampaguita St., Old Albay, Legazpi City
Gender and Development Advocates (GANDA Filipinas)	Fontano, Naomi	(920) 269-7607	diabolligue@yahoo.com	#33 Mayaman St., UP Village, QC
International Gay and Lesbian Human Rights Commission (IGLHRC)	Cristobal, Ging	(917) 557-0405	gcrisobal@iglhrc.org	Head Quarters: 80 Maiden Lane, Suite 1505, New York, NY 10038 USA
Initiative and Movement for Gender Liberation Against Discrimination (IMGLAD)	Delangcaten, Radimir	(923) 805-1472	jamalferia@gmail.com	c/o Senate Building Room 306 Mercado St. Iligan City 9200
IWAG Dabaw	Diaz, Rhoy	(921) 314-8562	diazrodolfo6724@yahoo.com	Door 2 Deocampo Building, Suazo Extension , 8000 Davao City
KATLO San Julian Inc		(948) 654-9408	carlito.rebamontan@yahoo.com; katlosanjulian@yahoo.com	National Highway, Brgy 1, Poblacion, San Julian, Eastern Samar 6814

Ladlad Caraga Incorporated	Bacasma, Isagani	(930) 923-9497	ladladcaraga@yahoo.com	257 Veterans St., Butuan City, Agusan del Norte
Lesbian Activism Project, Inc (LeAP)	Aves, Ruth (Tao Nono)	(917) 509-4386	taoaves@hotmail.com	Quezon City
Leyte Gay Association	Amascual, Ernesto	(922) 875-6567	ernie_kagandahan@yahoo.com	109 Esperas, Avenue, Tacloban City
Mabuhay Paper Dolls	Fabian, Lloyd	(912) 270-2779	noviefabian@yahoo.com	GK Promiseland Multi-Purpose Center, Brgy Mabuhay, General Santos City
Metropolitan Community Church of Metro Baguio	Rugay, Gregory	(916) 291-0463	gorugs@yahoo.com	162-H Parisas St., Camp 7, Kennon Rd, 2600 Baguio City Benguet
Mariposa de Zamboanga Organization	Abu, Edwin	(917) 392-0692	edwinrabu1975@gmail.com	c/o Human Development and empowerment Services Red Cross Compound, Pettit Barracks, Zamboanga City, 7000
Narcissus	Caballero, Lyndon	(923) 180-5700	slyndonfrancis@yahoo.com	Artigas Extensopm Street, Davao City
Pinoy Deaf Rainbow	Perey, Henry		deafrainbowphilippines@gmail.com	Bulacan
PinoyFTM	Flores, Weber	(917) 813-4244	alek.weber@yahoo.com	Paranaque City
	Divina, Elyon	(905) 333-9250	elyondivina@gmail.com	Quezon City
PinoyG4M	Tamboon, Jade	(905) 479-8700	jade.tamboon@gmail.com	Pasig City
Promoting Rights and Equality in Society Milieu (PRISM), Inc	Leonin, Germaine		germaineritttle86@gmail.com	Quezon City
Psychological Association of the Philippines (PAP)	Manalastas, Eric	(916) 447-7629	eric.manalastas@gmail.com	Room 2010, Second Floor, Philippine Social Science Center, Diliman, Quezon City 1101
Rainbow Rights Project, Inc	Castillo, Nicole	(927) 584-1088	nicole.h.castillo@gmail.com	L3 B3 La Chesa Heights Banlat Rd, Tandang Sora, Quezon City
Social Action For Equality (S.A.F.E.) Philippines	De Vera, Ron	(920) 908-7012	rondevera@gmail.com	71 Malakas St., Brgy Piñahan, Diliman, Quezon City
Social Health of Inter-Ethnic LGBT Network for Empowerment (S.H.I.N.E.)	Rendon, Lenard	(919) 240-3441	inadrendon85@yahoo.com	Unit B, Orais Apartment, Zone 7 Bula, General Santos City, South Cotabato 9500
Task Force Pride Philippines	Custodio, Ivanka	(917) 910-1707	ivankacustudio@gmail.com	Quezon City

Tingug CDO	Namocatcat, Rey	(926) 265-6020	reynante_30@yahoo.com	c/o Nalfa Go Apartment Door 6, MH Del Pilar Street, Cagayan de Oro City
TLF Share Collective (The Library Foundation)	Bagas, Jonas	(917) 594-4616	jonas.bagas@gmail.com	Room 305 AP Esculeta Bldg 819 Aurora Blvd. Barangay Immaculate Conception, Quezon City
Transgender COLORS, Inc	Robinson, Magdalena	(932) 185-2159	vibrant.colors@gmail.com, colorful.colors@gmail.com	38 Waling-Waling Street, Capitol Site, Cebu City 9000
United Western Visayas, Inc	Bartolome, George	(908) 888-4615	g_cayo@yahoo.com	HACT Office, Western Visayas Medical Center, Mandurria, Iloilo City 5000
UP Babaylan	Bringas, Pat		pat_bringas@yahoo.com	Pink Tambayan, West Wing, Palma Hall, UP Diliman
UP Center for Women's Studies	Chan, Gina	(99) 930-2771	grcchal@yahoo.com	Magsaysay Avenue cor Ylanan St. Diliman, 1101 Quezon City



# ANNEX 2: INDIGENOUS LGBT TERMS IN THE PHILIPPINES

The following annex describes the variety and breadth of terms used in the Philippines to describe LGBT people. The lists were compiled from sessions conducted during the Dialogue where participants were divided into four groups, which also point to the various geographical and subcultural origins of the terms.

To start off these sessions, Ging Cristobal helped the participants explore the different indigenous terminologies used to describe the LGBT people in the Philippines. Participants were divided into four groups based on their geographical origins (i.e. Luzon and Antipolo; Visayas and south of Metro Manila; Mindanao and Pasig, Makati and San Juan; and Metro Manila). The participants were then asked to cite the common terms used to identify LGBTs where they are from, the definition of these terms and factors for why these terms are used; and then to identify their preferred terms and why these are preferred.

## GROUP 1: METRO MANILA

	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
<b>1. Common terms used to identify –</b> (group together positive, negative & flexible terms)	Tibo Batibit Magic Lesbian Tiboli Toblerone Chocolate Kalesa T-bird Tomboy Tibang Tibamchi Tunggril Lez Lezpinay Sappho Lesbo Chungrrl Lesbyana Bi femme Gay women Uno-dos-tres Soft butch (SB) Purple Dyke Bulldyke Paminta	Bakla/bading Silahis Tripper MSM PLU Happy Beks Sirena Discreet Homo People with same-sex attraction	Bi Discreet Tripper	Trans Transpinay Bakla Draga Transgender Transsexual Tranella Sirena Pagong Pa-girl Badaf Bading Beki Becky Bedidit Badingger Badette Transman Transpinoy Opeardo/a Pre-op Post-op FTM MTF Lady boy She-male Binabae	Pansexual Queer Hlaman Omnisexual Curious Questioning Celibate Asexual Third sex

	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
	GF ng tomboy Thunderbird Pumapatol sa tomboy			Okama AC/DC Silahis Cross-dressers Transvestites Drag queen/king	
<b>2. Definition of each term</b>			Men who present themselves as masculine but may not self-identify as homosexual.  They distance themselves from <i>bakla</i> .		
<b>3. What factor/s or reason/s why these terms are used?</b> (culture, religious, political, <i>wala lang...</i> )	Community Context Generation Sense of exclusivity and belongingness			Claiming/re-claiming of representative terms Stigmatized terms Empowering terms	
<b>4. What is your preferred term?</b> (identities & term/s you are advocating)	Lesbiyana Lesbian	Bakla Bading Gay		Transman Transwoman Transpinay transpinoy	
<b>5. And why?</b> (Why are you popularizing such term?)		Because we can overcome the negative effects		It was coined by the community itself, so it was in a sense empowering.	

## GROUP 2: VISAYAS

	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
<b>1. Common terms used to identify</b> – (group together positive, negative & flexible terms)	tumbalata (Waray) tumba patis (Hiligaynon) Tomboy (Cebuano, Manila, palakin-on (Leyte)	Bayot (waray and cebuano) Agi (Hiligaynon) Dampog (waray) Jugila (hiligaynon)	Silahis (bisaya) Paminta (Ilonggo) Baysola (Ilonggo) Double kara (Ilonggo)	Transwoman/ man bayinhon/ babayin on (Waray) Binabaye (Cebuano/ Hiligaynon)	



	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
	Patis-tosoro (Hiligaynon) Ombudsman (Waray)	Maya (mayet, ayam, for Cebuano) Agitot (Ilonggo) Mahumyang		Agi (Ilonggo) transpinay/pinoy (Philippines) laki laki (Cebuano)	
<b>2. Definition of each term</b>	A woman who is attracted to another woman	A person who identifies himself as man but attracted to another man	A person who is attracted to multiple genders identity and expression	A person who identifies differently from their expected gender expression based on their assigned sex at birth.	
<b>3. What factor/s or reason/s why these terms are used?</b> (culture, religious, political, <i>wala lang...</i> )	culture reclamation	culture reclamation	culture reclamation culture reclamation		
<b>4. What is your preferred term?</b> (identities & term/s you are advocating)	Lesbiana Regional – palakin on, Tomboy	Bakla/gay	bi	Trans man transpinoy binabaye	
<b>5. And why?</b> (Why are you popularizing such term?)	Non-discriminatory – no other implications	gay	bi	trans woman/man transpinay/pinoy	

### GROUP 3: LUZON PLUS ANTIPOLO

	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
<b>1. Common terms used to identify</b> – (group together positive, negative & flexible terms)	Charice Lulu Ice cream Tibo Tiboli One half	Ganda + Piolo Bi Bayot Bekbek Beke Baklush Ache Bebe Kumadre Dyosa Queer Bayi	Paminta Hatsing Bailamus Bulalo Pink AC/DC 110/20 Almires Silahis √ (Sign)	Dyosa Baby gandang hari Bakla Syoke Babe bayi Babae Ex –men Babae Sirena Byukonera Pagod Parlorista	Nancy Navalta Intersex Hermaphrodite Mystica Aswang Multong Bakla Multo Third Sex

	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
<b>2. Definition of each term</b>	+ Charice Tibo  - Lulu Ice cream Tibuli	+ Ganda Bebe  +- Bayot Bekbek Beke Baklush Ache Kumadre Dyosa Queer  - Piolo Bi	-paminta -hatsing -bailamus -Bulalo	+ dyosa Babae babe  - bay gandanghari Bakla syoke	- nancy navalta
<b>3. What factor/s or reason/s why these terms are used?</b> (culture, religious, political, <i>wala lang</i> ...)	Culture Wala lang	Political Queer	Wala lang	Wala lang	Scientific Hermaphrodite  Political Intersex
<b>4. What is your preferred term?</b> (identities & term/s you are advocating)	Lesbian √ (sign)	Gay Bayi Bakla	Bisexual	Transgender Transpinay Transmen Transwomen Bayi	Man Woman LGBTI
<b>5. And why?</b> (Why are you popularizing such term?)	New sign versus old sign  Alma mong identity agad  Universal  Americanized term  Value Free – non-discriminating, neutral	New sign versus old sign  Alma mong identity agad  Universal  Americanized term  Value Free – non-discriminating, neutral	New sign versus old sign  Alma mong identity agad  Universal	New sign versus old sign  Alma mong identity agad  Universal  Americanized term  Value Free – non-discriminating, neutral	New sign versus old sign  Alma mong identity agad  Universal  Americanized term  Value Free – non-discriminating, neutral

## GROUP 4: MINDANAO

	LESBIAN	GAY	BISEXUAL	TRANSGENDER	OTHERS
<b>1. Common terms used to identify</b> – (group together positive, negative & flexible terms)	Lesbian Tibo Tibuli Yugmots Tumbalata Murag babai Tobleron Tamburin Nota kaayo – lalaki masyado Jungga nots Balaki – babae na parang lalaki Flatinum – flat chest Digital – KFC- finger-licking good Colgate	Tamsi Bantut Full moon Tuyam Agi Bayot Bakushi Oyot Nena Muher Madam Manay Mamang Night rider Barangay tanod Ronda Morning glory Zerowena Makasasala Salot Malas Damak/Hugaw	Agi Holcim cement Maya Mayang bungol Tirador Mayet Robocop Gahi KGB Transformer Half moon Brokeback mountain Agila Paminta Pamintuan Bilamoka Bila Pintik AC/DC Pompyang Double Blade Lahis Sheila	Ganda Sheman Pa-girl Ladyboy Madam Sunshine Bayot Pildoras Dianne Jug-jug Retokada/ Operada Shulang Naka-pilar Salamat po doc	
<b>2. Definition of each term</b>					
<b>3. What factor/s or reason/s why these terms are used?</b> (culture, religious, political, <i>wala lang...</i> )	We make fun with gays Diverse culture of gays in Mindanao Just to hide the real identity of the person described Religion Culture Socio-cultural				
<b>4. What is your preferred term?</b> (identities & term/s you are advocating)	lesbian / lesbiana	Bayot Bading Da	Bi	Transwoman Transman	
<b>5. And why?</b> (Why are you popularizing such term?)	Commonly used terms which are: <ol style="list-style-type: none"> <li>1. Acceptable to all</li> <li>2. For purposes of neutrality</li> <li>3. Minimizing discrimination</li> <li>4. Politically correct</li> </ol>				







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