

# Philippine

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In the Philippines, lesbianism is considered a taboo subject, and any public manifestations of lesbianism are viewed as signs of a decadent society. The "forbidden" nature of lesbianism has created a general perception that lesbians do not exist in the Philippines, and that if there are Philippine lesbians, they are aberrant. This invisibility means that lesbians are excluded from mainstream cultural and political discourse.

In recent years more and more lesbians within the women's movement have dared to come out and become more visible. The groups that they have formed, such as Lesbond, Can't Live in the Closet (CLIC), LINK Davao, the Group, and the Women Supporting Women Committee, among others, are for the most part limited to urban centers. These groups have a decidedly political orientation and work to provide services for the lesbian community and to advocate for lesbian visibility and lesbian rights. Lesbian subcultures, which do not have a feminist or political orientation, predate these organized efforts and exist even in rural areas.

Unfortunately, the recent upsurge in awareness and advocacy for lesbian rights has not significantly impacted the mainstream human rights community. The first item in this report documents a concrete case of

failure by the human rights community to redefine their framework to take into account discrimination on the basis of sexual orientation.

FIRST LEGAL COMPLAINT FILED BY  
LESBIAN COUPLE IN THE PHILIPPINES

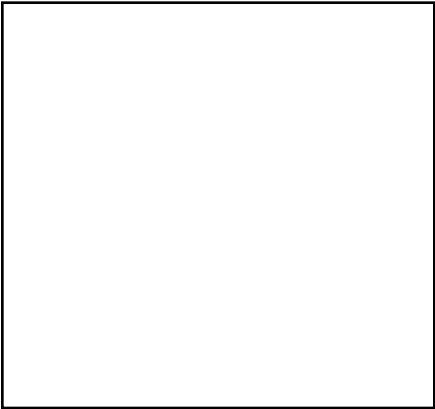
On September 6, 1994, Evangeline (Vangie) Castronuevo and Elizabeth (Beth) Lim each received notice that their employment at Balay Rehabilitation Center Inc. had been terminated. Balay, a human rights organization, provides services for political detainees and other victims of human rights abuses. Vangie has been working as a counselor for the Integrated Rehabilitation Program of Balay while Beth was the coordinator of the Expansion Program and a member of the Executive Committee.<sup>1</sup>

Beth and Vangie's saga began in April 1994 when their relationship was revealed to a friend and co-worker in Balay. Their relationship was eventually disclosed to everyone in the office and in the weeks that followed, the two women were subjected to varying degrees of isolation and harassment. The atmosphere in the office became so intolerable that Beth had to take a leave of absence from her job. An official inquiry was later conducted to solve the "organizational crisis" caused by the revelation of Beth's and Vangie's relationship.

Both women contend that their performance at work was not affected by their relationship and that their co-worker's reaction to their lesbianism, which was marked by intolerance and animosity, led to the "crisis." The predominant sentiment of the Balay personnel was that the marital status of Vangie was endangered and subsequently "ruined"

because of her extra-marital relationship with Beth.<sup>2</sup> The Board of Directors stated that the two were terminated "because they committed acts grossly damaging to Balay, the staff and other people by engaging in [an] extra-marital affair and flaunting this affair before the staff which resulted in the subsequent breakup of Ruga's [Vangie's] marriage."<sup>3</sup> The double-standard at work in this decision is evident from the fact that the board made mention of Vangie's previously married status when it had long tolerated another female worker's relationship with a married man. The absence of protests against the heterosexual woman belie the claim that the extra-marital affair was the issue.

The Balay Board of Directors was split on the question of Beth and Vangie's dismissal: five were in favor of the termination and four refused to take part in it. In a letter to the five other members of the board, the four who opposed dis-



Elizabeth Lim and Evangeline

missal stated that "fundamental principles, such as respect for human dignity and individuality, lead us to take the position that the issue of the extra-marital relationship is not within the ambit of any action or interference which Balay may permissibly take. What we are doing is an invasion of private lives of two individuals, in total disrespect for their individualities and personal decisions which they have made at this time." The letter concluded by saying that the four board members refused to take part any further in the process.<sup>4</sup>

A week after their termination, Beth and Vangie filed a complaint for illegal dismissal with the National Labor Rela-

tions Commission. In the complaint, the two are seeking reinstatement to their former positions and payment of damages. This is the first lawsuit in the Philippines in which a complaint regarding discrimination against lesbians on the basis of sexual orientation has been filed. As of this writing, the case is still pending. The issue of legal protection for lesbians is at this point nonexistent in Philippine jurisprudence, and the outcome of this case is likely to have a significant impact on opportunities for future lesbian rights advocacy.

The case has enabled lesbian and gay activists and supportive non-lesbian feminists to come together on several occasions to protest the actions of Balay and to challenge the human rights community to expand its definition of human rights to include lesbian and gay rights.<sup>5</sup> The human rights community, however, was silent throughout the time that the case was garnering media coverage, and not a single human rights organization in the country has offered a statement of support.

#### LEGISLATION

There are no concrete and specific laws that make lesbianism or homosexuality illegal in the Philippines. The only law that specifically mentions lesbianism or homosexuality is the Family Code. Promulgated in 1988 after several years of drafting, the Family Code is a revision of certain sections of the Civil Code (enacted in 1953) that deal with family relations. Article 45 states the conditions under which marriages may be annulled; one such condition is if "the consent of either party was obtained by fraud." Among the circumstances constituting fraud are "[c]oncealment of drug addiction, habitual alcoholism, homosexuality or lesbianism existing at the time of marriage" (Art. 46). Thus, if a husband "discovers" that he is married to a lesbian, and that his spouse's sexual orientation was concealed from him before the marriage, he may sue for annulment. In this case, the lesbian partner is the guilty party, and she may consequently lose her rights to joint property and may also jeop-

ardize her right to retain custody of her children.

The other provision that mentions lesbianism and homosexuality in the Family Code relates to legal separation. In Article 55, lesbianism and homosexuality are listed as grounds for filing a petition for legal separation. This provision is similar to the previous one on annulment. In this case, the lesbianism of the female spouse is presumed to have begun during the marriage. A review of other grounds for legal separation sheds some light on the context in which lesbianism is viewed under Philippine law. These grounds include repeated physical violence or grossly abusive conduct directed against petitioner; physical violence or moral pressure to compel the petitioner to change religious or political affiliation; attempt of respondent to corrupt or induce petitioner to engage in prostitution; final judgment sentencing the respondent to imprisonment of more than six years; drug addiction or habitual alcoholism; sexual infidelity or perversion; and an attempt by the respondent against the life of the petitioner (Art. 55). It's clear from these brief mentions in the Family Code that under the law lesbianism is viewed as a crime or behavior responsible for the destruction of the (heterosexual) family.

Like the Family Code, the Philippine Constitution reflects the importance the state gives to the family. The constitutional provisions are as follows:

Sect. 12, Art. II: The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic social institution.

Sect. 1, Art. XV.: The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Sect. 2, Art. XV.: Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

To prevent any possible alternative interpretations of marriage, the Family Code clearly delineates marriage as a heterosexual institution. Article 1 of the Family Code which states: "Marriage is a special contract of permanent union between a man and a woman entered into accordance with law for the establishment of conjugal and family life." In the old Civil Code, marriage is defined as "not a mere contract but an inviolable social institution."<sup>6</sup> And although under the old Civil Code marriage was assumed to be heterosexual, the gender of the parties was not expressly articulated. In the current definition of a marriage, homosexual marriage is rendered impossible without being explicitly prohibited.

#### ATTITUDES TOWARD LESBIANS

With or without any legal instrument, there are other ways in which homophobia exists in all other socio-cultural and political apparatuses in Philippine society. While there has been no reported incidence of state violence against lesbians, homophobia remains pervasive in many institutions, such as the church, the education system, the mass media, and the family. There are occasions where lesbianism or homosexuality is denounced publicly, but in most instances, there is no need for verbal or written articulation of homophobia.

#### RELIGION

The Philippine Catholic Church is perhaps the most resolute and persistent of all the institutions that promote and perpetuate homophobia. Through centuries of religious colonization, the Catholic Church has achieved the status of being the only legitimate arbiter of morality, a position that remains in force up to the present day, and is evident in the church hierarchy's frequent involvement in state affairs.

The church has issued explicit pronouncements of its views on lesbianism and homosexuality. Its homophobia was concretely demonstrated during the height of the preparations for the International Conference on Population and

Development (ICPD) in August-September 1994. Fearful that progressive and liberal-thinking official delegates to the conference would recognize, acknowledge, and support the growing calls to redefine the concept of family—such redefinition in the broadest interpretation would include homosexual unions—the church rallied its millions of followers to condemn these elements in the Philippine delegation. While the center of attack was the government's family planning program, which included the use of contraception as birth control, lesbians and gays were included in the vitriolic exchange of attacks and charges between the church and the state. In a "letter to parents," Jaime Cardinal Sin, the Archbishop of Manila, declared, "our children...are being brainwashed to accept as normal, attractive, and even glamorous certain abnormal and perverse relationships and behavior such as homosexuality, lesbianism, incest, sodomy, oral sex, contraception, sterilization, and abortion."<sup>7</sup>

Priests were instructed by the Cardinal to read the "letter to parents" during their homilies on August 7, 1994. This is just one example of the church's campaign to rid the Philippines of what it perceives as abnormal and perverse sexual relationships, practices, and behavior. Further, the incidence of born-again fundamentalist groups promising to "cure" lesbianism both within and outside the Catholic Church has increased in recent years.

The church is not an isolated power, and its reach and influence are well-entrenched in Philippine societal structures. The state, even if headed by a Protestant president, constantly reckons with the church position on crucial issues. The power of the church can be seen, for instance, in the case of advice columnists who counsel confused young lesbians to change their ways because being lesbian is against Catholic dogma. The same is true for teachers in secular or public schools who punish their lesbian students and send them to the confessional box to confess their "sin and immorality."

## MEDIA

Lesbians still have a long way to go in their struggle for positive and honest media portrayal. Lesbians appear in the mainstream media only occasionally and in passing, playing stereotyped roles of men trapped in women's bodies. They are feared or shunned by women, and they possess power only by aping men. In some instances, popular female actresses who play lesbian roles are made to alter their feminine appearances in order to look masculine. Their characterization has become very predictable—in the end, a man sweeps them off their feet and they get transformed into their pristine and feminine heterosexual selves.<sup>8</sup>

The print media's coverage of lesbian- and gay-related events is also worth noting. While there has been a recent increase in the coverage of local and international lesbian and gay news, the scales of balanced reporting are still tipped in favor of heterosexist assumptions and notions. Tabloids report in screaming headlines about violence committed by lesbians or gays, in an attempt to portray them as violent, irrational, and dangerous persons, but there is no such coverage devoted to the violence that is done to lesbians and gays, except in very few instances where gays get killed or robbed by unidentified persons. Oftentimes, the sexual orientation of these crime victims are treated as incidental; there is no actual probe to determine if these crimes were committed against them because of their sexual orientation. The content of news concerning lesbians and gays is still confined to behavior that is perceived as abnormal or aberrant.

## EDUCATION

In October 1994, the Department of Education, Culture, and Sports (DECS) announced its plans to encourage and give incentives to men who would be interested in entering the teaching profession. According to DECS Technical Ser-



vice Director Ma. Lourdes V. Macatangay, there is a demand for male teachers in public elementary schools, where (as is the case in private schools) female teachers comprise the bulk of the teaching force. She argued that the predominantly female teaching force is the reason that "children become more susceptible to becoming gay." Thus, the presence of male teachers is intended to "help curb the homosexual tendency among young boys." Some officials even went so far as to suggest that homosexual tutors be banned altogether from teaching in schools below the college level.<sup>9</sup>

In order to achieve this plan, DECS proposed that prospective male teachers who had outstanding performance in high school be exempted from taking college entrance examinations or that they be offered scholarships. The department official likewise stated that they are studying the possibility of increasing salaries for teachers as an incentive to attract more male teachers. The plan has been criticized and attacked, not only by the secretary and some officials of the department but also by other concerned groups. That such an ill-conceived proposal is treated seriously, however, is an indication of how pervasive such attitudes are within the educational establishment.

Any assessment of homophobia within the educational system must take into account the Catholic schools which comprise an estimated 70% of the total number of private schools in the Philippines. In Catholic schools, homophobia is a fundamental element of the dominant culture. In some cases, it can be translated into concrete policies—for example, the requirement that students exhibit "good moral character." Lesbianism would be interpreted as a violation of this requirement.

These attitudes, manifested in the church, the media, the education system, and many other aspects of life, shape the everyday experience of lesbians in the Philippines. While legal challenges such as Beth and Vangie's demonstrate the progress that has been made in the struggle for lesbian

