

IDS

EVIDENCE REPORT

No 21

Sexuality, Poverty and Law

Policy Audit: Social Protection Policies and Urban Poor LBTs in the Philippines

GALANG Philippines, Inc.

August 2013

The IDS programme on Strengthening Evidence-based Policy works across seven key themes. Each theme works with partner institutions to co-construct policy-relevant knowledge and engage in policy-influencing processes. This material has been developed under the Sexuality, Poverty and Law theme.

The development of this material has been led by the Institute of Development Studies (IDS) and GALANG Philippines, Inc. who jointly hold the copyright.

Research Coordinator: Anne Marie Kristine M. Lim.
Assisted by: Charisse M. Jordan and Mary Gyknell C. Tangente.

The material has been funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the UK Government's official policies.

AG Level 2 Output ID: 224

POLICY AUDIT: SOCIAL PROTECTION POLICIES AND URBAN POOR LBTS IN THE PHILIPPINES

GALANG Philippines, Inc.

August 2013

This is an Open Access publication distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are clearly credited.

First published by the Institute of Development Studies in August 2013
© Institute of Development Studies/GALANG Philippines, Inc. 2013

IDS is a charitable company limited by guarantee and registered in England (No. 877338).

Preface

When we were invited by the Institute of Development Studies (IDS) to be part of its five-country heteronormativity audit of social development policies, we realised immediately that this was a valuable opportunity for collaboration. Institutions that work on economic justice issues among sexual minorities are far too rare, and we are proud to say that GALANG Philippines shares this focus with the IDS Sexuality and Development Programme.

GALANG is a feminist human rights organisation in the Philippines that works with urban poor lesbians, bisexual women, and trans men (LBTs)¹ who struggle with the multiple burdens of oppression related to their class, poverty, sex, sexual orientation and gender identity/expression (SOGIE). We seek to be a catalyst for change in the fledgling LGBT² movement in the Philippines, where only the faces and voices of middle-class, college-educated, and mainly gay male urban professionals are regularly seen and heard. Mainstream Philippine media tend to portray lesbians, gay men, bisexual and trans people (LGBTs) as affluent, well dressed, and upwardly mobile. Billboard advertisements pander to gay men in a bid to sell skin-whitening products while gossip columnists train their sights on the latest female celebrity ‘rebel’ to come out as lesbian or raise eyebrows by sporting androgynous if not outright masculine garb. Of course, the Philippines has its own share of rich and powerful gay men, trans women, and – arguably, to a lesser extent – even lesbians both in and out of the public eye, but they definitely do not comprise the majority of Filipino sexual minorities.

The issue of sexual and reproductive health and rights (SRHR) in the Philippines should not be discussed without confronting the huge socioeconomic gaps in the country. Some 20 per cent of Filipinos control more than half of the total family income in the country, leaving 80 per cent of its people scrambling for a piece of the remaining half of the pie. Of the roughly 100 million Filipinos, about 27 million are poor, and many of these are women who live on a dollar a day or less. Given the ever-worsening socioeconomic disparities in our country, we believe GALANG’s strategy of confronting and addressing the intersectionality between sexuality and poverty, especially in light of the dismal realities that face grass roots LBTs daily, makes GALANG an effective agent for change, with enormous potential to forever alter the landscape of the Philippine LGBT movement.

In the course of our work in the past five years, we have met many LBTs who live in cramped shanties that are literally just a stone’s throw away from palatial houses where some of the country’s most powerful leaders live in grandeur. We have met poor lesbians who told us stories of being arbitrarily jailed by rogue law-enforcers for allegedly kidnapping their consenting same-sex partners. We have documented accounts of LBT youth being bullied by their own teachers in public schools but who choose to endure the mistreatment day in and day out because their families cannot afford to send them to private schools. Many urban poor LBTs work in the informal economy, where there are really no social protection policies, while others who do manage to get jobs in the formal sector make mandatory monthly contributions to public insurance companies, even though

¹ GALANG’s current organising work involves only urban poor LBTs or lesbians, bisexual women, and trans men. LBT is distinct from LGBT in that the latter not only includes lesbians, bisexual women and trans men, but also seeks to encompass a wider range of sexual identities, including men who self-identify as gay, homosexual or bisexual; trans women or persons labelled as males at birth but who self-identify as female; as well as persons who label themselves as transsexual, ‘queer’, ‘questioning’ (i.e. still uncertain about their sexual orientation or gender identity), intersex, asexual or celibate. LBTs and other sexual minorities – and also both rich and poor LBTs – face the same problems and need the same advocacy. However, GALANG decided to focus on organising poor LBTs for the time being, to acknowledge and better address particular forms of oppression that target only LBTs living in poverty. Hence, GALANG tries to create and foster a separate safe space for economically disadvantaged lesbians, bisexual women and trans men.

² LGBT refers to a diverse and complex range of identities based on SOGIE. The term is used loosely in this audit to refer to all gender and sexuality non-conforming people, including but not limited to lesbian, gay, bisexual, and transgender persons.

heteronormative biases in the law prevent their same-sex partners from benefiting from the same protection that heterosexual spouses enjoy.

This heteronormativity audit of social protection policies in the Philippines is a continuation of GALANG's work on ensuring that the stories and voices of urban poor LBT Filipinos are heard in policymaking arenas and that their interests are represented in the global discourse on poverty and social development. The audit is also our contribution in response to the growing call for a more inclusive LGBT movement in the Philippines and all over the world.

Anne Lim
Executive Director
GALANG Philippines
May 2013

Contents

List of Abbreviations	4
1 Introduction	5
2 Methodologies, scope and limitations of the audit	9
3 Falling through the cracks: how gaps in Philippine family law and social protection policies disadvantage urban poor LBTs	13
3.1 Challenging the family as the basic unit of society: a review of the law on marriage, family and lone parents	13
3.1.1 Marrying canon law with family law	13
3.1.2 Homosexuality and lesbianism as ‘deviance’	14
3.1.3 No room for families of choice	16
3.1.4 Fixing ‘broken families’ with solo parent benefits	17
3.2 Social security for ‘insecure’ relationships: exclusionary definitions of dependants and beneficiaries	18
3.3 The National Health Insurance Act: a blind spot for women’s sexual and reproductive health and rights	21
3.4 The elusive Filipino dream of decent, affordable housing: demolitions, relocations, and mortgage financing	22
3.4.1 Social housing and social services	22
3.4.2 Landing at the bottom of the list	24
3.4.3 Pag-IBIG Fund: ‘Love’ that only money can buy	25
4 Key findings and analysis	27
4.1 Legislative intent and Roman Catholic influences	27
4.2 Language used and subtext	27
4.3 Lack of consultation with women’s and LGBT groups	28
4.4 How heteronormative biases affect poverty	28
5 Next steps	30
Annex 1: Key informants quoted in the text who were interviewed individually or took part in focus group discussions	31
References	32

List of Abbreviations

CBCP	Catholic Bishops' Conference of the Philippines
GSIS	Government Service Insurance System
HDMF	Home Development Mutual Fund
ICPD	International Conference on Population and Development
LBT	Lesbian, Bisexual Women and Trans Men
LGBT	Lesbian, Gay, Bisexual and Transgender persons
NHA	National Housing Authority
RH	Reproductive Health
SOGI	Sexual Orientation and Gender Identity
SOGIE	Sexual Orientation and Gender Identity or Expression
SRHR	Sexual and Reproductive Health and Rights
SSS	Social Security System
UDHA	Urban Development and Housing Act

1 Introduction

Since the turn of the twenty-first century, the global lesbian, gay, bisexual and transgender (LGBT) movement has passed a number of milestones that some thought were not possible in their lifetime. The world saw its first openly lesbian head of government when Jóhanna Sigurðardóttir became Iceland's first female prime minister in 2009. In 2010, Ban Ki-moon became the first United Nations Secretary-General to speak publicly about the need to decriminalise homosexuality and to curb discrimination based on sexual orientation and gender identity (SOGI). The United Nations Human Rights Council adopted its first-ever resolution on SOGI in 2011, expressing grave concern at violence and discrimination based on sexual orientation and gender identity. As of May 2013, at least 12 countries had passed a marriage equality law, taking their cue from The Netherlands, which was the first to do so, in 2001.

In the Philippines, talking about marriage equality has become fashionable in many circles. In fact, in the recent national elections, one mainstream media organisation identified same-sex marriage as one of ten emerging issues that candidates running for national office must address. The list of issues also included divorce, reproductive health, freedom of information, and political dynasties. While many advocates are certainly pleased that LGBT issues are now being discussed more openly all over the world, some frontline organisations are not entirely comfortable with the fact that LGBT discourses worldwide have tended to train the spotlight on marriage equality at the expense of other equally pressing but sometimes 'less sexy' concerns such as gender-based discrimination and violence, and poverty among sexual minorities. GALANG's work with lesbians, bisexual women, and trans men (LBTs) living in urban slums indicates that while marriage is of course an important issue, it is hardly foremost in the minds of many Filipino LBTs who are systematically deprived of decent jobs, humane housing conditions, and adequate health care. Even casual conversations would reveal that for many, finding a job and putting food on the table are their most pressing concerns.

For decades, the Philippines had been dubbed the 'sick man of Asia' because it consistently lagged behind its next-door neighbours. Just this year, however, credit rating agencies Fitch Ratings and Standard & Poor's both upgraded the country to investment grade status. The present administration has trumpeted this welcome news in the promotion of its centerpiece agenda: curing the ailing economy of its perennial lethargy by curbing corruption. If international ratings are any indication, the Philippines is finally showing signs that it is living up to its new moniker of 'tiger cub economy', an honour that the country shares with Thailand, Malaysia and Indonesia.

Despite rapid growth in the Philippine economy, official government statistics show that poverty has not changed much since 2006. About one-third of the population of nearly 100 million continues to live on a dollar a day or less, and nearly three million Filipinos are unemployed, while almost eight million workers are underemployed. Income inequality is still a huge problem for the country. Reports from the Asian Development Bank and the World Bank found that the richest 10 per cent of Filipino families are 'raking in more than a third of the country's total income' and that the richest 20 per cent of the population 'outspent' the poorest 10 per cent by more than eight times (Xinhua 2011).

A quick visit to Metro Manila slum communities would easily lend credence to official poverty and inequality statistics. In many parts of Quezon City where GALANG operates, high-end luxury residences and gated communities are developed in prime sections of the metropolis, while those who cannot afford such properties are forced to build makeshift homes on the fringes of these sprawling estates. Many informal settlers are migrants from far-flung rural

areas who have moved to the city in search of a better life. To save on travel costs, they build rough-and-ready homes on vacant land or on city sidewalks in order to live closer to their place of work. Further aggravating the living conditions of slum dwellers is the tendency of poorer families to have more children than families who are better off financially. While middle-class Filipino families usually have two to four children, it is fairly common to see informal settler families living in the streets with six children or more.

Overpopulation has been identified as one of the major causes of poverty in the country. Despite the unimpeded growth of the population, to this day the Catholic Bishops' Conference of the Philippines (CBCP) rabidly campaigns against the so-called 'DEATHS bills', i.e., parliamentary bills relating to divorce, euthanasia, abortion, total reproductive health, homosexuality (which the church has conflated with same-sex marriage), and sex education. For years, it has threatened to campaign actively against legislators who push for or support any of these bills. When the movement for the passage of the Reproductive Health (RH) Law gained ground, parish priests all over the country took to the pulpit in a bid to persuade the faithful not to support the measure, which church leaders claimed would legalise abortion. Contrary to this claim, the law in fact explicitly recognises that abortions are illegal and only seeks to provide Filipinos better access to information on safe family planning methods. Misinformation is a tactic that the CBCP has been known to use liberally in rallying opposition to the RH Law. This tactic has also been used by the CBCP against anti-discrimination bills, with claims that measures to provide LGBTs with equal opportunities to employment, education and social services will open the floodgates to the legalisation of same-sex marriage.

When the RH Bill was signed into law, the church hierarchy became even more aggressive in mobilising against the candidacy of progressive legislators who supported the population control measure. The Diocese of Bacolod in central Philippines gained notoriety after putting up a large tarpaulin sign that called for Catholics to vote only for senatorial candidates identified as members of Team *Buhay* or 'Team Life'; those who fought against the passage of the RH Law. Candidates who voted for or advocated in favour of the RH Law were labelled Team *Patay* or 'Team Death'. Huge billboards were also erected along major highways, some with pictures of aborted fetuses side by side with bible-based admonishments against those who promoted the use of artificial contraceptives such as condoms. The church-backed White Vote Movement endorsed ten senatorial candidates, including five incumbent legislators who voted against the RH Law and political neophytes who likewise have been very vocal in their opposition to divorce and contraception.

As this report is being written, the final results of the 2013 mid-term elections are not yet known but analysts have observed that, contrary to claims of the Catholic leadership in the Philippines, there is no 'Catholic vote'. The final tally of elected senators will show that they have been chosen not on the basis of their stated positions on divorce, RH, or LGBT issues, but rather on the basis of their popularity, name recognition, or other personality-based criteria unconnected with issues of national importance.

With the vast store of resources available to it, the Roman Catholic hierarchy has been able to not only stall the enactment of the RH Law but also block the decade-old anti-discrimination bill that would protect LGBTs from discrimination in schools, workplaces and public institutions. Even though the Philippines is a secular country whose Constitution mandates the separation of church and state, the influence of Christianity and Roman Catholic beliefs pervades its institutions, including the law. The Spanish conquistadors effectively used both the sword and the cross in subduing pre-colonial Filipinos, making Christianity Spain's most enduring legacy in the Philippines. The International Social Survey Programme's (ISSP's) 2008 Survey of Religion found that 81 per cent of Filipinos were Roman Catholic, with 6 per cent belonging to other Christian denominations (Mangahas), reconfirming the nation as the bastion of Christianity in Asia.

For most of the nearly four centuries of Spanish rule in the Philippines, the Spanish legal system, which was transplanted to the archipelago, criminalised sodomy (Bernal 2008). During the American Occupation in the first half of the twentieth century, local ordinances that criminalised sodomy were also in effect in parts of Manila (*Ibid.*). Such laws may have largely contributed to the erosion of the pre-colonial culture of tolerance for – if not acceptance of – non-normative expressions of gender and sexuality in the country. Today, although Philippine law does not criminalise consensual same-sex acts and the principle of equality and non-discrimination are enshrined in the Constitution, homosexuality is policed by various social institutions, including the nuclear family, which often eschew any sexual behaviour that takes place outside the context of marriage and family life. Indeed, patriarchy, religion and traditional cultural values reinforce one another. According to activist writer Aida Santos, ‘Even with the existence of legal mandates, at the end of the day, in patriarchal society, religious and cultural norms remain very strong. This is reinforced by the state, the community and the family.’³

Feminist scholar Dr. Sylvia Estrada-Claudio notes that society has since time immemorial distinguished good women and children from bad, according to various criteria:

The good woman is the married woman, the one who is married to a man, the woman who bears legitimate children or the children of her husband. The bad woman is the woman who is not married to a man, the woman who bears children without a legal marriage, the ‘other woman’, and the woman who is single, remains unmarried and without a child. This also translates to the good or the bad children, the bad children as the illegitimate. What constitutes a good man or a bad man, including cases of men with multiple families outside of the legal marriage, on the contrary, is hardly discussed.

The conceptualisation of heteronormativity as only a part of the more encompassing patriarchy is widespread. Patriarchy, as Professor Maureen C. Pagaduan underscored, is not only about men dominating women, but also what pervades in beliefs, values, practice, systems and structures of society. Santos stressed that in further interrogating heteronormativity, one will find that patriarchy is the bigger picture. Within each heterosexual family unit, it is the husband who serves as the head. Anthropology professor Jennifer Josef similarly illustrated that in patriarchal society, men hold the economic and political power. Ana Leah Sarabia, a women’s rights advocate, points out, however, that this model was imposed by the West. Filipino families before colonisation were matrilineal and extended – not constituted by heterosexual, married parents and their children.

The issue of how the law defines *family*, *household*, and *head of the family* is at the core of a heteronormativity audit of social protection policies in the Philippines. As this audit illustrates, protection is afforded in most cases only to a bona fide member’s designated dependants or beneficiaries who are, by default, understood to be family members by blood or marriage. This is clearly an area of great contestation, especially for non-traditional families whose choice of dependants and beneficiaries may be severely restricted by the law’s heteronormative biases and traditions. This heteronormativity audit seeks to make visible the manner by which selected social protection policies in the Philippines fail to take sexuality into account, not only to the detriment of excluded populations but also and more importantly to the disadvantage of society in general. Specifically, the objectives of this audit are:

³ A list of key informants who contributed to the research carried out for this audit by taking part in personal interviews or focus group discussions is given in Annex 1 at the end of the report.

1. to identify and analyse the sexuality content of the selected social protection policies;
2. to ensure that this analysis is rooted in the experiences of LBTs living in GALANG's partner urban poor communities in Quezon City and that their voices and concerns are captured in the analysis;
3. 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, including mainstream activist organisations focusing on sexuality, social justice and feminism;
4. to draw cross-cutting policy lessons that can inform future advocacy and policy development; and
5. to stimulate others to replicate this analysis in their own settings.

To achieve these aims, the research team embarked on developmental and feminist research methodologies directed at emancipatory and transformative goals. Throughout this process, the research team also sought to contribute to the growing body of scholastic work on the plight of LGBTs and their families, a subject that is too often neglected and rendered invisible.

2 Methodologies, scope and limitations of the audit

By no means does this heteronormativity audit present an exhaustive review of all social protection laws currently in effect in the Philippines. The research team deliberately selected existing policies whose exclusionary impact has been acutely felt and documented by GALANG's grass roots LBT partners living in urban slums. This decision was made also to ensure that the analysis in this audit is rooted in affected communities in the organisation's areas of operation. Thus, this audit covers six social protection laws in the Philippines as well as selected provisions of the Family Code of the Philippines or Executive Order No. 209 as amended by Executive Order No. 227 as these relate to the identified social protection policies. The specific sections of the Family Code are: Articles 1 to 26 and 35 to 37 on Marriage; Articles 45 to 46 on Annulment; Article 55 on Legal Separation; and Articles 149 to 154 on the Family. The social protection laws selected for this audit are as follows.

- Solo Parents' Welfare Act or Republic Act No. 8972, and its Implementing Rules and Regulations (IRR).
- Social Security Act of 1997 or Republic Act No. 8282.
- Philippine Government Service Insurance System Act of 1997 or Republic Act No. 8291, and its Implementing Rules and Regulations.
- National Health Insurance Act of 1995 or Republic Act No. 7875, as amended by Republic Act No. 9241, and its Implementing Rules and Regulations.
- Home Development Mutual Fund Law of 2009 or Republic Act No. 9679, and its Implementing Rules and Regulations.
- Urban Development and Housing Act of 1992 or Republic Act No. 7279, and the Implementing Rules and Regulations to Govern Section 18 of Republic Act No. 7279 Otherwise Known as the Urban Development and Housing Act of 1992.

Undertaking this heteronormativity audit was not a straightforward process. To validate first-hand accounts about reported cases of exclusion of same-sex relationships, two focus group discussions were conducted, involving ten women across GALANG's three organising sites. All of the participants have had or currently have romantic relationships with women but only eight self-identify as lesbians. Innovative methodologies were used to examine the interests and agenda behind the legislated policies. These included a review of the selected social protection laws and their respective implementing rules and regulations, a keyword search of decisions of the Philippine Supreme Court, a review of microfilmed newspaper and journal archives, and the conduct of key informant interviews.

It was fairly easy to access electronic copies of the Family Code and the selected social protection laws, as well as the implementing rules and regulations of most of these laws through online databases – including websites of the relevant government agencies responsible for implementing or overseeing these laws. However, publicly available information about the law-making process that led to the approval of each of these laws was scant. In order to gain insight into the roles played by various public and private sector stakeholders – including representatives of civil society – in the process that led to the approval of the respective laws in their current form, the research team undertook a review of voluminous reports of the Philippine Legislature's Bicameral Conference Committee which tackled each of the laws concerned. The Bicameral Committee, comprising representatives of both houses of Congress, has the task of unifying similar bills from the Senate and the Lower House (House of Representatives). These sensitive reports would not have been accessible to the research team without the intervention of personal contacts working in government.

Key informant interviews were conducted with 11 women who have been active in the local women's movements and LGBT activism, and have been involved in legislative advocacies pushing for laws and legal reforms that benefit and advance the interest of women and of people with diverse SOGIE. The interviews were conducted to gather first-hand information about the extent to which the women's and LGBT movements had been involved or consulted in crafting the laws in question. It is noteworthy that despite their intensive involvement in advocacy for laws on violence against women and children, rape, reproductive health, and many other issues affecting women and sexual minorities, none of the interviewed activists was invited to consultations about social protection policies. That women's and LGBT organisations were not active in these deliberations is also reflected in the reports of the Bicameral Committee. The reports indicate that there were very few objections raised in the deliberations leading up to the enactment of the social protection laws concerned. Discussions on the Urban Development and Housing Act, for instance, zeroed in on the matter of balancing interests of landowners, private developers and informal settlers. Whether LGBT-headed households were qualified to be granted social housing was never addressed in the meetings.

A scan of the media archive at the Rizal Library of the Ateneo de Manila University was crucial to compiling records of the process undertaken in drafting the Family Code. The archive currently houses materials from 1988 to 2012. Scanning these microfilmed sources allowed the research team to review news articles that included direct quotes from members of the Family Code drafting committee. This gave rich insights into the drafting process, including the drafters' deliberate effort to bring Philippine family law closer to Filipino values and culture by making the Code as consistent with Roman Catholic dogma as possible.

A keyword search of Supreme Court decisions from 1901 to 2012 likewise confirmed that the Philippine Judiciary has cited Roman Catholic doctrines and decisions in rulings involving issues of marriage and family life. The research team used Lawphil.net, an online database and search engine, to look for keywords used in contemporary SOGIE discourses. The keywords used for this audit were 'lesbian', 'lesbianism', 'homosexual', 'homosexuality', 'tomboy', 'LGBT', and 'T-bird'. Because not all these terms will have been in use throughout the last 111 years of Philippine judicial history, the searches probably did not yield all Supreme Court decisions involving sexuality, whether as a component of marriage and family life or otherwise.

Notwithstanding this limitation, the research team is pleased that its review of Philippine jurisprudence has allowed it to uncover a treasure trove of insights about how various actors within the country's system of justice perceive and analyse gender and sexuality norms. To its credit, the High Court has handed down decisions that are progressive and gender-neutral, such as the landmark 2010 ruling declaring that the LGBT sector 'deserves to participate in the party-list system on the same basis as other marginalized and under-represented sectors' (*Ang Ladlad v. COMELEC*). An earlier decision also ruled that a lesbian mother may not be declared unfit and deprived of a very young child solely on that basis (*Gualberto v. Gualberto*). Sadly, the language used in Philippine jurisprudence is still largely heteronormative and sexist. In one rape case, the Court used the discourse of religion, sin and punishment in chastising a rapist for depriving his young niece of her 'innocence', 'purity' and the 'anticipation of sweet surrender to a loved one in the secret rite of deflowering' (*People v. Gamboa*). In another case, the petitioner husband sought to annul his marriage with a woman whom he claimed to be psychologically incapacitated for not doing wifely chores, for pursuing higher studies, and for having lesbian relationships (*Agraviador v. Agraviador*). While the magistrates did not find the woman to be psychologically incapacitated, they did, however, characterise her behaviour as 'personality flaws that could only amount to insensitivity, sexual infidelity, emotional immaturity, and irresponsibility' (*Ibid.*).

In defining psychological incapacity for purposes of annulment of marriage, the Court has persisted in citing the 1995 case of *Santos v. Court of Appeals and Bedia-Santos* that labels homosexuality and lesbianism as forms of psychoses:

The other forms of psychoses, if existing at the inception of marriage, like the state of a party being of unsound mind or concealment of drug addiction, habitual alcoholism, *homosexuality or lesbianism*, merely renders the marriage contract voidable pursuant to Article 46, Family Code. If drug addiction, habitual alcoholism, lesbianism or homosexuality should occur only during the marriage, they become mere grounds for legal separation under Article 55 of the Family Code. These provisions, however, do not necessarily preclude the possibility of these various circumstances being themselves, depending on the degree and severity of the disorder, indicia of psychological incapacity. (*Dedel v. Court of Appeals*; emphasis added)

Several of the criminal cases that surfaced in the keyword search revealed proceedings in which, even when specific crimes had nothing to do with gender or sexuality, accused persons were variably characterised as the 'tomboy' member of a kidnapping syndicate (*People v. Uyboco*), the 'tomboy' drug-pusher (*People v. Villahermosa*), the 'busty' lesbian lookout in a murder (*People v. Mosquera*), and the drunk and crazy lesbian arsonist who burned her house down when her girlfriend broke up with her (*People v. Gil*). Interestingly, in rape cases that have been elevated to the Supreme Court, the issue of lesbianism seems to factor in many defence arguments that seek to impugn the character of the victim/survivor or of the witnesses. The keyword search also uncovered instances of defence counsel in rape cases casting aspersions on the witnesses by alleging homosexual conduct. In one case, the victim/survivor's father defended himself against the rape charges by saying that his wife falsely accused him because she wanted to leave him for her lesbian lover (*People v. Ramos*). In another, the accused claimed that the witnesses, two female household helpers who had allegedly seen the rape of their 10-year-old ward, were lesbian lovers, and were framing him because of a personal grudge (*People v. Gamboa*).

One accused man argued that the rape victim/survivor 'had a relationship with a tomboy and lacerations in her vagina were caused by this tomboy through fingering' (*People v. Payot, Jr*). Another accused rapist defended himself with the claim that he and his wife, the victim's aunt, had taken the child in because of her strained relationship with her mother, who had chosen to live with a lesbian lover (*People v. Valdesancho*), as if to imply that the accused should instead be rewarded for saving a child from her mother's 'depraved lifestyle'. In one case, the Supreme Court affirmed and cited a lower court decision that found a man guilty of raping and impregnating a tomboy criminology student during a drinking session, but not without implying in the same breath that lesbians tend not to have a pleasing physical appearance and that only pretty women can be raped. The decision read in part:

Admittedly, the complainant is a 'tomboy'. Her appearance is most revealing. *She is not exactly ugly*. These considerations notwithstanding, and perusing the background leading to the incidents in question, it cannot be disputed that the two accused were at the time of the incident, drunk. *Such being their state, it is not-improbable to say that the physical appearance of the woman would not bar these persons from the commission of the offense.* (*People v. Balbuena*, emphasis added)

The team's analysis of the discourse of judicial decisions, legislative records, and newspaper and journal articles exposes the insidious and deeply entrenched 'heterosexual matrix' (Butler 1990: 151) and illustrates the ways in which sex and gender have been constructed socially. Discourse analysis uncovers the way unchallenged beliefs and practices towards sexuality have been institutionally, politically and culturally maintained and reproduced to protect and preserve the heterosexual hegemony. In contrast, non-heteronormative

sexualities are pushed to the margins of development, condemned as 'immoral' and deliberately made invisible.

3 Falling through the cracks: how gaps in Philippine family law and social protection policies disadvantage urban poor LBTs

3.1 Challenging the family as the basic unit of society: a review of the law on marriage, family and lone parents

Relationships are a matter of the heart and I'm not happy knowing that the Family Code is based on archaic notions propagated by the Church and religion, and we all know that the Church has a strong influence on our lawmakers. ('Sarge')

We are at a disadvantaged position. Our partnerships are never recognised. Our children's welfare is in danger. Solo parents' law negates joint parenthood of LGBT couples. (Germaine Trittle Leonin)

3.1.1 Marrying canon law with family law

While the Family Code is not strictly speaking a social protection policy, it is the backbone of Philippine family law as it defines who is legally considered one's family and who may or may not enter into marriage. The social protection policies discussed in this audit also draw from these Family Code definitions in determining who is or is not entitled to protection. The exact wording and phraseology of the provisions designating beneficiaries and dependants vary but it is undeniable that priority is given to bonds of blood and marriage.

The Family Code of the Philippines was signed into law on 6 July 1987 by President Corazon C. Aquino, the first female president of the Philippines and in Asia. The law was enacted on the heels of the 1986 People Power Revolution that toppled the 20-year Marcos dictatorship. Immediately after assuming the presidency, Aquino promulgated a provisional 1986 Freedom Constitution pending the ratification of a new fundamental law. The Freedom Constitution gave the president the power to exercise executive and legislative powers until a new Constitution had been ratified and Congress had been reorganised. It was by virtue of these provisional powers that Aquino enacted the Family Code.

Veteran feminist activist Ana Maria Nemenzo recalls that women's groups tried to influence the content of the constitutional provisions on the family, asserting that 'the protection of unity of the family cannot be at the expense of violence against women and their children'. She remembers that during this time, there were debates on family taking place in global contexts, such as the International Conference on Population and Development (ICPD) and the Beijing Conference. She notes, however, that in the end 'the whole section on family as basic unit of society was crafted in such a way that the limits of the family will be protected, and the monogamous family cannot be broken up'.

While the 1987 Philippine Constitution states that marriage is 'an inviolable social institution' and is the 'foundation of the family', it does not establish any requirement regarding the sex of the parties to a marriage (Art. XV, Sec. 2). Feminist lawyer Clara Rita Padilla observes, 'The Family Code, however, explicitly provided that marriage can only be contracted between a man and a woman...' *Marriage* is defined 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...' (Art. 1).

The revisions in family law that were codified into the Family Code resulted from initiatives to revise the Civil Code of the Philippines that began as early as 1979. Even before the 1986 Revolution, the National Commission on the Role of Filipino Women (now the Philippine Commission on Women) had already formed a task force to review the marriage and family provisions of the Civil Code. The Philippine Civil Code, which had been in effect since 1950, was strongly influenced by the Spanish Civil Code – hardly surprising after nearly four centuries of Spanish colonisation.

The ‘whereas’ clauses of the Family Code reveal that among the reasons for its enactment was the desire to bring family law ‘closer to Filipino customs, values and ideals and reflect contemporary trends and conditions’, and the ‘need to implement policies embodied in the new Constitution that strengthen marriage and the family as basic social institutions and ensure equality between men and women’ (Executive Order 209). According to Justice Leonor Ines Luciano, a member of the Family Code task force, ‘We wanted to remove provisions that discriminate against women. To do this we consulted psychologists, *canon lawyers* (emphasis added), lay people and other resource persons’ (quoted in Aragon-Choudhury 1996: 5). Drafters of the law also cited ‘the need to make both Civil Code and church Canon Law coincide as one of the main reasons for the enactment of the Family Code’ (Family Code 1989: 3).

These statements from key individuals who participated in drafting the Family Code support the conclusion of many feminist key informants that the Family Code epitomises the Judeo-Christian view of relationships and that marriage is a religious concept. Estrada-Claudio observes: ‘Catholic heritage as well as in other religions, has been anti-women, conservative, and fundamentalist. Power is controlled by politicians who are men. Men control resources, and this in part causes division among women. The conflict stems from the issue of access – to the wealth generated by the husband.’ The fact that legal discussions of marriage and family hardly ever mention love but almost always cite the Church and religion is not lost on ‘Sarge’, a 39-year-old lesbian focus group participant:

Relationships are a matter of the heart and I’m not happy knowing that the Family Code is based on archaic notions propagated by the Church and religion, and we all know that the Church has a strong influence on our lawmakers.

Key informants who have been active in various social movements since the Aquino years bemoan the lack of consultations with women’s groups in the drafting phase of the Family Code, especially considering that the law was purportedly intended to address the clamour for equality between women and men. According to Sarabia, ‘The Family Code was done quietly, without consultations with the different groups. Even in the formulations of social legislations, women’s groups and civil society organisations have not been consulted.’ Nemenzo recalls, ‘[We] were not part of the consultation, they did not invite us.’ She also recounted, though, that legislators – mostly women – who facilitated passage of laws on women, such as the Anti-Rape law, had held consultations with women’s groups.

3.1.2 Homosexuality and lesbianism as ‘deviance’

Jetro Cuarez, a 24-year-old lesbian who participated in a focus group discussion conducted for this audit, has never heard of, much less read, the text of the Family Code definition of marriage. She is, however, painfully aware that Philippine society frowns upon same-sex relationships, having been at the receiving end of verbal and physical abuse from her own parents, as well as from her partner’s family, who have tried to keep the lovers apart. Cuarez dreams of going to the United States where she believes that she and her partner can get legally married. When asked what she thinks of the legal definition of marriage, she said:

If you ask me, *marriage* is just a word. I guess it's easy for straight people to get married, but it's also difficult for women who are beaten by their husbands to get out of a bad marriage. Marriage is just a piece of paper... that's why [for straight people] it's easier to hold on to another person using that piece of paper.

It is important to note that although marriages may be annulled on valid grounds under the Family Code, the Philippines remains the only country in the world that does not have legal divorce. One journalist echoes the sentiments of many women's human rights advocates about divorce: 'The Philippine Civil Code is based on Canon Law and on Spanish Law. Since the death of Franco, however, Spain has passed a divorce law. Spain has moved forward. Why can the Philippines not progress in the same manner?' (Rufino 1998: 472). There is a great deal of institutional pressure to keep marriages intact in the Philippines and when it comes to issues pertaining to family life, the lines between the state and the Roman Catholic Church tend to blur. In deciding annulment cases, the Philippine Supreme Court has repeatedly declared:

Interpretations given by the National Appellate Matrimonial Tribunal of the Catholic Church in the Philippines, while not controlling or decisive, should be given great respect by our courts. It is clear that Article 36 was taken by the Family Code Revision Committee from Canon 1095 of the New Code of Canon Law, which became effective in 1983 [...].

Since the purpose of including such provision in our Family Code is to harmonize our civil laws with the religious faith of our people, it stands to reason that to achieve such harmonization, great persuasive weight should be given to decision of such appellate tribunal [...].

This is one instance where, in view of the evident source and purpose of the Family Code provision, contemporaneous religious interpretation is to be given persuasive effect. Here, the State and the Church – while remaining independent, separate and apart from each other – shall walk together in synodal cadence towards the same goal of protecting and cherishing marriage and the family as the inviolable base of the nation.' (*Republic v. Court of Appeals and Molina*)

The Family Code makes mention of the words *lesbianism* and *homosexuality* exactly twice each, and both times in the context of a troubled heterosexual marriage. Under the law, one of the grounds for annulment of marriage is that the consent of either party was obtained by fraud (Art. 45). It is considered fraudulent for either party to conceal homosexuality, lesbianism, drug addiction or habitual alcoholism existing at the time of the marriage (Art. 46). Other forms of fraud that may be grounds for annulment are non-disclosure of a previous conviction of a crime involving moral turpitude, concealment by the wife that she was pregnant by another man at the time of the marriage, and concealment of having a sexually transmissible disease (Art. 46).

Legal separation, on the other hand, allows the spouses to live independently of each other but without the right to marry other persons since the marriage ties are still binding (Arts. 61 and 63). Lesbianism or homosexuality are grounds for filing for legal separation, as are repeated physical violence, prostituting one's spouse or their child, drug addiction or habitual alcoholism, and sexual infidelity or perversion (Art. 55).

Several women's rights and LGBT rights advocates interviewed for this audit referred to the above provisions in the Family Code which placed homosexuality and lesbianism as among the negative causes and grounds for annulment and legal separation. Santos remarked that she is 'puzzled that homosexuality or lesbianism is one of the grounds for legal separation. This seems to imply that it is a negative thing, that it is bad per se' (quoted in Aragon-

Choudhury 1998: 5). Pagaduan observed that codification of 'the laws instigated the standardisation of heteronormativity. It reproduces the notion that the only form of family is heterosexual.' This standardisation gives a negative connotation to those outside of its standardised norm. This in turn produces the normalisation of heteronormative families. Feminist lesbian activist Giney Villar noted that 'with heterosexuality as representing the "normal", homosexuality has been treated as a negative term'.

3.1.3 No room for families of choice

When asked who they consider to be family, many lesbian focus group participants readily said that they considered their same-sex partner as being part of their respective families, regardless of the limited definition that the law provides. Blanche Millama, a 25-year-old lesbian who manages a small *sari-sari* store,⁴ considers her female partner of almost five years as her family regardless of what the Family Code says, but she fears that their relationship could just as easily disintegrate because the law does not allow them to get married like heterosexual couples. The Code defines what *family* is and who are considered to be one's family relations. It echoes the constitutional declaration that the family is the foundation of the nation and goes on to say that it is a basic social institution that must be cherished and protected, such that no custom, practice or agreement destructive of the family shall be recognised or given effect (Art. 149). Under the law, family relations exist (1) between husband and wife, (2) between parents and children, and (3) among brothers and sisters, whether of full or half-blood (Art. 50). For Andielyn Ramos, a 19-year-old lesbian who used to work as part of the service crew in a local burger joint, how the law defines *marriage* and *family* is outdated and illustrates how lawmakers dictate definitions of kinship and prevent the legal recognition of gay and lesbian relationships. For some, like 'Chubs', a 22-year-old lesbian real estate agent, current or past girlfriends are not seen as family because history has proved that lesbian relationships are 'not permanent'.

The codified heterosexual norm pervades in both formal and informal systems. The formal systems include the legislative and justice systems, while informal systems cover the prevailing cultural practices and traditional values. 'The law is reflective of the values of people who made [the law]' (Ana Leah Sarabia). For Ana Maria Nemenzo, same-sex unions have been seen as taboo, and LGBTs as deviants and abnormal. She also surmised that 'dependants of lesbian partners do not have any rights.' These backward views remain on the books to this day, even as alternative family formations, such as families with separated parents or those headed by a widowed father or mother, emerge and become widely accepted, especially with the phenomenon of migration. These, however, are mostly heterosexual families. Other forms of relationships or partnerships tend to be invisible in the social legislation. Many key informants shared the view that most legislators find the existence of other family arrangements unfathomable. According to feminist activist Malu Marin, 'They just assumed that nothing exists than that "normal" way of things... Inconceivable for them that there are alternative forms.'

Family law in the Philippines underwent drastic changes when the Family Code superseded the archaic Civil Code provisions on persons and family relations, but this does not mean that it no longer ought to be reviewed and made to conform to the needs of the times. One journalist commended the Family Code for 'expanding the grounds for legal separation to include modern-day perplexities' which include homosexuality or lesbianism, but he also criticised the law for its conservatism as evidenced by the emphasis it gives to the sexes of the persons being married (Torrevillas-Suarez 1998: 472–473). She quotes J. B. L. Reyes, Supreme Court Justice and chairperson of the Civil Code revision committee, as saying that 'we are not as advance [*sic*] as other countries where marriage between members of the

⁴ A *sari-sari* store is a small-scale convenience store or neighbourhood commissary that is found in most residential communities in the Philippines. They are especially numerous in urban poor settlements.

same sex are allowed' (*Ibid.*). Instead of moving forward, however, some legislators have pushed for policies that could potentially set the Philippines further back in its slow march towards marriage equality. One such bill was Senate Bill No. 1276 filed during the 11th Congress, which sought to prevent same-sex marriages celebrated abroad from getting legal recognition in the Philippines. The bill, premised on the belief that '[m]arriage is a union founded on the distinction of sex', seeks to amend the Family Code, which does not explicitly void same-sex marriages solemnised abroad (LAGABLAB 2006).

3.1.4 Fixing 'broken families' with solo parent benefits

The Solo Parents' Welfare Act of 2000 was enacted to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development (Sec. 2). The benefits accorded to solo parents and their children include employment-related benefits such as parental leave, flexible work arrangements, and protection from work discrimination on account of status as a solo parent (Secs. 6 to 8). The law mandates the government to provide scholarships and education programmes, and health care to solo parents and their children (Secs. 9 and 10). They will also be housed in social housing projects with liberal terms of payment (Sec. 10).

A solo parent need not be a child's birth mother or father, but can also be *any other person* who solely provides parental care and support to a child or children, or *any family member who assumes the responsibility of head of family* as a result of the death, abandonment, disappearance or prolonged absence of the parents or solo parent (Sec. 4, emphasis added). The Implementing Rules and Regulations of the law clarify that duly licensed foster parents or court-appointed legal guardians may also be considered solo parents. However, solo parents of non-traditional SOGIE are at a disadvantage under this law, lamented Germaine Trittle Leonin, a lesbian rights advocate working in the Philippine Department of Social Welfare and Development. She explained that the Solo Parents' Welfare Act does not include adoptive parents and defines *solo parents* as mainly women or single mothers. There are conditions under which men are recognised as solo parents, including death of spouse, physical and/or mental incapacity of spouse, etc. This also poses limitations for LGBT families. With the lack of recognition of same-sex couples as co-parents, there can only be one adoptive parent and the other partner has no legal right over the adopted children.

We are at a disadvantaged position. Our partnerships are never recognised. Our children's welfare is in danger. Solo parents' law negates joint parenthood of LGBT couples. (Leonin)

The barriers and limitations for alternative families arising from heteronormative biases can be felt and these biases are real. In fact, they only mirror the view of the sponsor of the bill that single parenthood 'tends to disrupt the integrity of the family, threatening its security and stability', thus requiring the state to uphold the 'right of the broken family to a decent living wage and income' (Committee Report on HB No. 10615: 9). In the same explanatory note, Hon. Ranjit Ramos Shahani also explained that:

The state... should not turn its back on families formed without the benefit of marriage nor those that inevitably break down as a result of death, separation, abandonment, etc. For these broke families exist along with intact ones. They must equally supported and strengthened [*sic*]; their solidarity reestablished and their development promoted. (*Ibid.*)

This explanatory note can be seen as indicative of how legislation represents, reinforces and reproduces society's beliefs and values with respect to families. While child welfare was emphasised, the perception that parenthood outside the bounds of marriage would disrupt

the integrity of the family, and threaten its security and stability, was inescapable. The Bicameral Committee meeting report did not indicate further discussion on exactly how such parenthood disrupts or threatens the security and stability of the family; this supposed effect was simply taken for granted, giving way to the wider society's conceptualisation and views of parenthood, family and marriage. These views coincide with the predominant notion of family perpetuated by the Roman Catholic hierarchy in the Philippines. One Jesuit priest remarked in a 2003 interview:

The Church is still insisting on the traditional family – father and mother, married, with children – as the only appropriate way of raising children... Although the growing number of nontraditional family forms is not really a public issue in the country, the church is far from contributing to the institutionalization of these family forms... in part due to observations on the breakdown of the family as a basic unit in First World countries. (Quoted in Luib 2003: 24)

There was also a debate as to the criteria for classification as a solo parent, which touched on abandonment as the cause of single parenthood. Also raised was the issue of annulments recognised by church or court authorities. The deliberations resulted in the recognition of spouses of migrants left without support, and caretakers of children of migrants, including those who are not legally adoptive parents, among others.

Notably, no organised women's civil society groups were present during the committee meetings. In the Bicameral Committee meeting, two individual female solo parents attended the deliberation along with the government's Philippine Commission on Women. Many of the informants interviewed by the research team felt that, in absence of their input, heterosexuality had been made the legal norm in Philippine society. According to Sylvia Estrada-Claudio, 'The law begins with a heterosexual premise.' For feminist activist Malu Marin, '[h]eterosexuals defining and constituting families and relationships have been codified into laws and policies'.

3.2 Social security for 'insecure' relationships: exclusionary definitions of dependants and beneficiaries⁵

From the very beginning, I wanted to put her as my beneficiary. I applied only in 2011. I was told that I could not put my partner as my beneficiary because she was just my live-in partner. Besides, she was also a woman just like me. (Andielyn Ramos)

The Social Security System (SSS) and the Government Service Insurance System (GSIS) are the two leading government financial institutions in the country that provide social insurance to members of the Filipino workforce and their families against potential setbacks that might result in loss of income (Amorin 1995). In exchange for monthly premium contributions, GSIS members working in the civilian public sector are entitled to social security benefits such as life insurance, retirement benefits, disability benefits for work-related contingencies, and death benefits. The SSS is the private sector counterpart of the GSIS and seeks to promote social justice and provide meaningful protection to members and their families against the hazards of disability, sickness, maternity, old age, death and other contingencies resulting in loss of income or financial burden.

The GSIS predates the SSS and was created in 1936 by a pre-war Commonwealth Act, later amended in 1997 by Republic Act No. 8291 requiring all government employees who have not reached the compulsory retirement age to become GSIS members regardless of

⁵ The British spelling of 'dependants' is here used, unless quoting the original which uses 'dependents'.

employment status (Sec. 3, GSIS Act). The first-ever Social Security Act in the country was signed into law in 1954. The Social Security Act of 1997 expanded the membership coverage of the SSS to include all employees aged 60 years and below and their employers, domestic helpers earning at least the equivalent of about US\$25 a month, and self-employed workers who are not paid a daily wage. Spouses who devote their full time to managing the household, as well as Filipinos recruited by foreign-based employers for employment abroad, may also apply for voluntary coverage (Secs. 9, 9-A, SS Act).

Most LBTs in GALANG partner communities who are currently or were recently active in the workforce belong to the informal labour sector where membership in the SSS is not compulsory. Many of them hold jobs as ambulant vendors, carpenters or market stall or *sari-sari* store helpers or owners, whose minimal earnings discourage them from availing of voluntary social security coverage. Some work as domestic helpers whose employers are required to enrol them in the SSS but rarely comply with labour law requirements, owing to the lax enforcement of these regulations. A handful of GALANG's LBT partners hold contractual or seasonal jobs in the formal labour sector, working as fast-food service crew, department store sales assistants or, in rare cases, office staff. Under the Social Security (SS) Act, employers are required to deduct from the employees' wages their (the employees') monthly contributions, pay the employer's share of contributions, and remit these to the SSS (Secs. 18–19). Ultimately, however, whether LBT workers and their families of choice benefit from these hard-earned savings is determined by their choice of dependants and beneficiaries.

How the terms 'dependents' and 'beneficiaries' are defined under the SSS and GSIS Acts is relevant because some social security benefits can be enjoyed only by a bona fide member's designated dependants or beneficiaries. Not surprisingly, this is an area of great contestation especially for non-traditional families, whose choice of dependants and beneficiaries may be severely restricted by the law's heteronormative biases and traditions. It is therefore curious to note that legislative records leading to the enactment of the SS Act show that no civil society or women's rights groups, or LGBT human rights organisations, were present in any of the stages of deliberation – only representatives from the SSS, the GSIS, the Philippine National Police, and the Philippine Government Employees Association were ever involved at any point during the process. Germain Trittle Leonin confirms this lack of representation.

The SS and GSIS Acts have similarly phrased definitions of the term 'dependents', both of which mirror the Family Code definition of what constitutes *family relations*. Under the SS Act, 'dependents' include the following:

1. the legal spouse entitled by law to receive support from the member;
2. the legitimate, legitimated, or legally adopted, and illegitimate child who is unmarried, not gainfully employed and has not reached 21 years of age or, if over 21, is congenitally or while still a minor has been permanently incapacitated and incapable of self-support, physically or mentally; and
3. the parent who is receiving regular support from the member. (Sec. 8)

Similarly, 'dependents' under the GSIS Act refer to:

1. the legitimate spouse dependent for support upon the member or pensioner;
2. the legitimate, legitimated, legally adopted child, including the illegitimate child, who is unmarried, not gainfully employed, not over the age of majority, or is over the age of majority but incapacitated and incapable of self-support due to a mental or physical defect acquired prior to age of majority; and
3. the parents dependent upon the member for support. (Sec. 2f)

GSIS members are entitled to insurance or pre-need coverage for her/himself or dependants which may include insurance covering life, health, hospitalisation, education, memorial plans, and other much-needed social protection measures (Sec. 26). Designated beneficiaries shall also be entitled to survivorship benefits when a member or pensioner dies. Unfortunately, non-heterosexual GSIS members cannot avail themselves of any of these protections for their same-sex partners and families of choice and are effectively denied the full enjoyment of their compulsory membership. ‘*Primary beneficiaries*’ under the GSIS refers to ‘the legal dependent spouse until he/she remarries and the dependent children’ while ‘*secondary beneficiaries*’ pertains to the dependent parents and legitimate descendants (Secs. 2g and 2h). To illustrate, the order of priority in payment of survivorship pensions is as follows: (1) primary beneficiaries, (2) secondary beneficiaries, and (3) legal heirs as defined by Philippine inheritance law: one’s spouse, children, parents, or other descendants and ascendants (Art. 887, Civil Code of the Philippines). A GSIS member’s same-sex partner or a child raised jointly by same-sex partners but is the adopted or biological child of the non-member will therefore not be entitled to the member’s survivorship pension.

Under the SS Act, *beneficiaries* include the ‘dependent spouse until he or she remarries, the dependent legitimate, legitimated or legally adopted, and illegitimate children, who shall be the primary beneficiaries of the member’ and in their absence, ‘the dependent parents who shall be the secondary beneficiaries of the member. *In the absence of all of the foregoing, any other person designated by the member as his/her secondary beneficiary.*’ (Sec. 8k, emphasis added). For same-sex partners who contribute to the SSS, this last proviso allows them to name each other as secondary beneficiary only in the absence of all of the following: an opposite-sex dependent spouse, dependent children, and dependent parents. This is consistent with the experiences of Venus Roxas and Andielyn Ramos, who were both advised by SSS staff that they could not designate their long-time female live-in partners as beneficiaries in their membership application form since they both had surviving parents. It is also important to note that not all LBTs who participated in focus group discussions for this audit were inclined to designate their same-sex partners as beneficiaries, many of them opting instead to put their mothers, siblings or nieces and nephews as beneficiaries. When probed, these LBTs disclosed that they were more comfortable designating their blood relatives as beneficiaries because lesbian relationships are uncertain and are almost always bound to fail. ‘Sarge’, the only lesbian focus group discussion participant who is a GSIS member, has served the local government in various capacities since 1993 and currently works as a traffic enforcer. She, too, opted to designate her niece as her GSIS beneficiary.

After the death of a retired SSS member, the primary beneficiaries are entitled to receive the member’s monthly pension. If the member has no primary beneficiaries and dies within 60 months from the start of the monthly pension, secondary beneficiaries are entitled to a lump sum benefit equivalent (Sec. 12-D). The law likewise has very specific rules about which dependants are preferred in case of a member’s death, disability or retirement and how much these should receive. The law explicitly states that where there are legitimate and illegitimate children, the former – the ‘good children’ – are to be preferred (Sec. 12-A). In fact, it goes on to say that ‘dependent illegitimate children shall be entitled to fifty per cent (50%) of the share of the legitimate, legitimated or legally adopted children’ and ‘in the absence of the dependent legitimate, legitimated or legally adopted children of the member, his/her dependent illegitimate children shall be entitled to one hundred per cent (100%) of the benefits’ (Sec. 8e).

Records of the Bicameral Committee meetings on the Social Security Act showed that the discussion tackled the uneven benefits of illegitimate and legitimate children. Apart from this, the definition of ‘dependent’ as the legal spouse was never questioned or challenged. On the other hand, the key informants interviewed all shared the view that social legislation, with its explicit definitions of dependants and beneficiaries as legal spouses, renders LGBT partners

as unqualified dependants. This has been seen as exclusionary, discriminatory and restrictive. Unless the GSIS and SS Acts are amended and made equally accessible to same-sex couples, these systems of social protection will continue to be remiss in performing their role as instruments of justice and catalysts of growth.

3.3 The National Health Insurance Act: a blind spot for women's sexual and reproductive health and rights

Only a member's opposite-sex life partner who is armed with a marriage contract or marriage certificate may claim to be a dependent spouse under the PhilHealth Law. It follows then that same-sex couples who cannot marry each other under Philippine law are prevented from equally benefiting from the government's health insurance programme. With this blind spot, sexual minorities are clearly excluded from the health care system.

The National Health Insurance Act of 1995 created the Philippine Health Insurance Corporation (PhilHealth) to administer the country's National Health Insurance Program (Sec. 14, Art. IV). The law was enacted to pursue the mandate of the state to adopt an integrated and comprehensive approach to health development that strives to make essential goods, health and other social services available to *all the people* at affordable cost (Sec. II, Art. I, emphasis added). The institutionalisation of the National Health Insurance Program serves as the means for the healthy to help pay for the care of the sick and for those who can afford medical care to subsidise those who cannot (Sec. 5, Art. III).

Under the PhilHealth Law, a *member* is defined as any person whose premiums have been regularly paid to the National Health Insurance Program (Sec. 4, Art. II). Members – who may be either a paying member, an indigent member, or a pensioner/retiree member – are entitled to enjoy a benefit package which includes inpatient hospital care, outpatient care, emergency and transfer services, health education packages, and other health care services that may be deemed appropriate and cost-effective (Sec. 10, Art. III). Dependants of PhilHealth members may avail themselves of the same benefit package offered to members. A dependant may be a member's (1) legitimate spouse who is not a member, (2) an unmarried and unemployed child or stepchild under the age of 21, (3) an older child who is suffering from disability that renders them totally dependent on the PhilHealth member, and (4) a parent who is 60 years old or above whose monthly income is below a certain amount to be determined by PhilHealth (Sec. 4, Art. II).

Although the PhilHealth Law has been dubbed as one of the best pieces of legislation crafted in the 9th Congress of the Philippines, it has much room for improvement if it is to fulfil its mandate of prioritising the needs of the underprivileged, sick, elderly and disabled, and women and children (Art. I, Sec. 2). For one thing, the universal health care principle of the law lacks perspective on sexual and reproductive health and rights (SRHR). The Implementing Rules and Regulations require a dependent spouse to submit a marriage contract or marriage certificate as part of the process of declaration of dependants (Sec. 10). Because only opposite-sex couples can get married under the Family Code, a same-sex life partner can therefore not be protected as a 'dependent spouse' under the PhilHealth Law. With this blind spot, women from minority groups, such as LBTs, are left to fend for themselves as they are excluded from the government's health insurance programme; thus a vulnerable sector is subjected to even further marginalisation. Ana Maria Nemenzo also pointed out how the PhilHealth Law provides limited programmes for women. For example, PhilHealth does not cover vital services in the context of violence against women, such as cosmetic surgery, outpatient psychotherapy and counselling for mental disorder, or home and rehabilitation services (Ermi Amor Figueroa Yap, quoted in Aragon-Choudhury 1998: 19).

The legislative committee meetings tackling different versions of the then-proposed PhilHealth Law were attended by representatives from various national government agencies. As with the SS and GSIS Acts, there were no women's groups or LGBT organisations present during the committee meetings. Civil society was represented by groups such as the Private Hospitals Association and the Philippine Medical Association. Not surprisingly, there are no recorded discussions of the ways in which the definition of dependants alienates non-traditional families. Only the discussion of equity, in which the committee proposed the wording, 'prioritize and accelerate the provision of health services to all Filipinos especially to that *segment of the population who cannot afford such services*' was remarkable (emphasis added).

At present, moves to amend the law focus on requiring the mandatory disclosure of PhilHealth membership by all private and public institutions, including proposals to prevent the renewal of business permits for corrupt employers. There are no known advocacy initiatives to review or revise the law to make it more inclusive of non-traditional families including LBT-headed households. As Sylvia Estrada-Claudio pointed out, 'there is a need for a critical mass to make legislators answerable. This was the strategy that Reproductive Health [RH] advocates employed in making legislators go against the church and vote for RH; and invoking the political will of President Aquino to favour RH.' Until the heteronormative bias of the PhilHealth Law is reviewed and reversed, the law will continue to run counter to its stated principle of universality.

3.4 The elusive Filipino dream of decent, affordable housing: demolitions, relocations, and mortgage financing

My partner's family was asked how many families lived in their home, and how many people actually lived there at the time of the government survey of the area for demolition. They truthfully declared that there were five or six members living in their home. Her sister, a single parent, and her child were not counted as a separate household because single-headed units were not counted as families. (Jetro Cuarez)

Remember in middle and high [income], the progress is they buy land, they build house, and they occupy. [In the] lowest the opposite: they occupy first, then they build a house, and then they try to get the land. (Toby Melissa C. Monsod, quoted in Castro 2011: 9).

3.4.1 Social housing and social services

The Urban Development and Housing Act (UDHA) of 1992 has been hailed as a landmark reform initiative as it was the first Philippine policy to formally recognise that members of the urban poor sector have certain rights before the law – specifically, the right to decent housing and to protection against arbitrary and inhumane eviction (Karaos 2002: 26). The law asserts that it is the policy of the state to work with the private sector in undertaking a comprehensive Urban Development and Housing Program to improve the conditions of the underprivileged and homeless citizens in urban areas and in resettlement areas by making available decent and affordable housing, basic services, and employment opportunities (Sec. 2).

Social housing (referred to as 'socialized housing') is the National Urban Development and Housing Framework's primary means of providing shelter. In order to qualify for the social housing programme, a beneficiary (1) must be a Filipino citizen, (2) must be an underprivileged and homeless citizen as defined by the UDHA, (3) must not own any real

property whether in urban or rural areas, and (4) must not be a professional squatter⁶ or a member of a squatting syndicate (Sec. 16). The UDHA defines *underprivileged and homeless citizens* as individuals or families residing in urban and urbanisable areas, whose income or combined household income falls below the poverty threshold as defined by the Philippine National Economic and Development Authority, and who do not own housing facilities (Sec. 3t). Those living in makeshift dwelling units without the security of tenure are included in this definition.

According to Anna Marie Karaos (2002: 26), despite the noble purpose of UDHA, many issues continue to emerge because of both lack of information among the urban poor whom the law seeks to protect, and weak implementation of the law by local governments. Many poor families still do not know that they have the right to adequate consultation and proper relocation before demolition orders are issued. Because UDHA is the primary housing law governing the social housing programme, most of the contentions raised during the congressional deliberations were about balancing the interests of landowners, developers, and informal settlers or occupants, the latter comprising mostly the poor. During the Bicameral Committee meeting where these sectors were represented, the UDHA definition of *consultation* with the public, whether as individuals or organisations, was challenged as not being equivalent to their consent.

The need to equip resettlement areas with basic services such as water, drainage, roads and electricity, as well as financing for housing, was likewise pointed out in the Bicameral Committee meetings. However, government relocation sites continue to be notorious for not having adequate water and electricity, schools, health centres, etc. which have all been specified in the UDHA. The absence of or distance from viable job opportunities is perhaps the biggest problem of resettlement areas, which not even the law can address. For example, when informal settlers or slum dwellers living in danger zones are forced to vacate their shanties and transfer to safer but distant relocation sites, many end up returning to the city and risk living near waterways or flood-prone areas to be closer to job opportunities. Unfortunately, 'UDHA does not prohibit distant relocation even if about a third of relocated families reportedly leave the relocation site after three years' (Karaos 2002: 26).

The UDHA's provision on Balanced Housing Development requires developers of proposed subdivisions to develop an area for social housing equivalent to at least 20 per cent of the total subdivision area or total subdivision project cost, within the same city or municipality, whenever feasible (Sec. 18). The Implementing Rules and Regulations specifically on Section 18 of the law expanded the definition of '*socialized housing*' and clarified the means by which developers of residential subdivisions and condominium projects can comply with the 20 per cent rule. According to licensed Environmental Planner Yvette G. Ravacio, a practising urban planning specialist, 'Despite the guidelines set in the IRR, the 20 per cent socialised housing requirement is not clearly understood by many stakeholders and this has allowed developers much leeway in complying with and sometimes ultimately violating the intent of the law of addressing the issue of homelessness.' One proposal that developers have made to Congress is to make a distinction between lower- and upper-class subdivisions that would allow them to build residential subdivisions in expensive prime areas and comply with the 20 per cent rule by providing social housing in an inaccessible part of the country where land is likely to be much cheaper.

⁶ 'Professional squatters' refer to those who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. It also covers persons who have previously been awarded home lots or housing units by the government but who sold, leased or transferred the property in favour of resettling illegally, as well as non-bona fide occupants and intruders of lands reserved for social housing (Sec. 3m, Art. I, UDHA).

3.4.2 Landing at the bottom of the list

The UDHA makes no mention of sex or SOGIE as a requirement for coverage under the government's social housing programmes and there seems to be no reason for the law to be applied unequally on the basis of any of these categories. This may partly account for the absence of women's groups or LGBT organisations during the Bicameral Committee meeting on the law on social housing. However, feedback from GALANG staff and insights from focus group discussions suggest that lesbian-headed households have been systematically de-prioritised in resettlement of evicted informal settlers in Quezon City, the city with the biggest urban poor population in Metro Manila. Andielyn Ramos described her experience of relocation:

We were seven in the family including our parents. We used to live in the site where this huge mall is now located. We were relocated to Montalban, Rizal. We were shown the land where we could build our own homes after we got demolished and were given a chance to pay it off through mortgage financing. Nearly all affected families were located, but a lesbian couple who were our neighbours was told that they were not entitled to a home in the relocation site. We found out that the survey-takers who were in charge of identifying qualified families excluded the couple because they were both women.

To this day, the lesbian couple rents a room in Montalban to be able to live near old neighbours and friends, many of whom are now on their way to acquiring ownership of their respective dwelling units.

In 2010, GALANG staff were able to review official survey results containing lists of families and households identified jointly by the Philippine National Housing Authority (NHA) and local urban poor associations as potential 'relocatees'. The list contained crucial information such as the names and number of people belonging to households to be prioritised for resettlement as soon as private landowners claiming the Quezon City property obtained court orders for eviction and demolition. Notably, two lesbian-headed households – one composed of an elderly couple who had lived together in the site for more than two decades, and another composed of a lesbian couple who were raising together the biological child of one of the women – were not recognised in the survey results. That is, for each of these two households, the list showed that only one person lived in the particular dwelling unit, effectively making these women's families of choice invisible. In a telephone interview with a representative of the Resettlement and Development Services Department of the NHA, the research team was able to confirm that the agency does not have a written policy about lesbian and other same-sex couples. However, '*families* are prioritised during relocation, and *same-sex couples are not considered family* because they do not have legal papers to support this claim' (Novita V. Baraoidan, emphasis added).

'Sarge', who lives in a different part of Quezon City, reported during the focus group discussion that she shares a home with six other family members including her siblings and their respective children. The land on which they built their house is owned by the government and is in the process of being cleared for an infrastructure project. In a 2010 interview by government housing survey-takers, 'Sarge' was identified as the head of their household, and thus they expect their prospective home in the resettlement area to be placed in her name. When the family asked the survey-taker why 'Sarge's' brother and his children who lived in the same house could not be counted as a separate household for purposes of resettlement, they were told that this could not be done because the man was currently unemployed. According to recent feedback from the city's Urban Poor Affairs Office, 'Sarge' said, dwellings in her neighbourhood are being targeted for demolition by 2015 and the residents will most likely be relocated to the Province of Tarlac, around 114 kilometres north of Manila.

Cuarez, on the other hand, reported that her partner's family, who live near a creek in one of the many danger zones occupied by informal settlers in Quezon City, have been identified as one of the households to be relocated from this neighbourhood:

My partner's family was asked how many families lived in their home, and how many people actually lived there at the time of the government survey of the area for demolition. They truthfully declared that there were five or six family members living in their home. Her sister, a single parent, and her child were not counted as a separate household because single-headed units were not counted as families.

Ramos summed up the general sentiment of the focus group about the government's housing programmes: 'I think the priority is on larger families, people who are married and have families –a mother, a father, and their children.'

3.4.3 Pag-IBIG Fund: 'Love' that only money can buy

The Home Development Mutual Fund (HDMF), formerly known as the Pag-IBIG Fund, was created in 1978 to address the country's need for generation of savings and provision of shelter for Filipino workers. Today, it is the main government financial institution involved in mobilising provident funds primarily for shelter finance. *Pag-ibig* is the Filipino word for 'love'. In this case, it is also an acronym that means 'Helping each other for the future: You, Industry, and Government.'

The HDMF Law of 2009 was enacted to pursue the state's policy of establishing a nationwide tax-exempt mutual provident savings system to motivate the employed and other earning groups to better plan and provide for their housing needs through membership of the Pag-IBIG Fund (Sec. 2). One of the specific objectives of the law is to help the state improve its citizens' quality of life by providing them with sufficient shelter (Sec. 3).

Pag-IBIG membership can be either mandatory or voluntary. Membership is mandatory for those who are compulsorily covered by the SSS and the GSIS; uniformed members of the Armed Forces of the Philippines, the Bureau of Jail Management and Penology, and the Philippine National Police; and Filipinos employed by foreign-based employers, whether deployed locally or abroad (Sec. 1). '(S)pouses who devote full time to managing the household and family affairs' are also allowed to become members of the Fund 'provided that the person is at least eighteen (18) years old but not more than sixty-five (65) years old' (Sec. 3).

According to the Implementing Rules and Regulations, Pag-IBIG members are entitled to a wide array of benefits including mandatory contributions from their respective employers, dividends from the annual net income of the Fund, return of contributions, housing loans, and other short-term loans and benefit programmes (Secs. 1 to 7). Upon the death of a member, her/his dependant or beneficiary is entitled to receive death benefits and the total accumulated value of the member's contributions (Sec. 10). A deceased member's dependant refers to the legal dependant as defined under the Family Code while a beneficiary is the heir, as provided for under the Civil Code of the Philippines, of the said member (Sec. 1, Rule 111). As in the other social protection laws discussed in this audit, the Pag-IBIG Law likewise prevents a surviving same-sex partner from being designated as a legal dependant and from taking some comfort in receiving death benefits from a partner's passing.

Some analysts downplay the role of the HDMF Law in addressing the problem of decent, affordable shelter, not just for sexual minorities but for Filipinos in general. According to Toby Melissa C. Monsod (quoted In Castro 2011: 9):

[Pag-IBIG] may have been successful in providing cheap loans to borrowing members, but it has failed in its role to alleviate the housing problem in Philippines [sic]...

Pag-IBIG does not reach the “bottom 20-30 per cent of the poor” since they are “not yet” able to do mortgage financing...

[T]he poorest or the ones who can’t get stable employment cannot qualify for a Pag-IBIG loan.

This commentary is consistent with the very low level of awareness about and interest in the Pag-IBIG Fund that the research team observed among LBT focus group participants. While most of them had either heard or tried to avail themselves of benefits from the SSS, GSIS or PhilHealth, and some had had direct or indirect contact with government agencies responsible for implementing the UDHA, none had considered taking out a Pag-IBIG loan, whether for their housing needs or other emergency expenses. It is curious to note that nearly all of the focus group participants were living in homes built on somebody else’s land, whether owned by the government or private entities.

As with the UDHA Bicameral Committee meetings, real estate and subdivision organisations as well as urban poor groups were present during Pag-IBIG deliberations. Since there were no separate attendance lists, there may have been other groups who were present yet not mentioned in the proceedings. However, to the knowledge of the key informants interviewed for this study, no women’s groups or LGBT organisations were active in the deliberations on the HDMF Law.

4 Key findings and analysis

The findings from this heteronormativity audit of social protection policies have been organised as follows: (1) Legislative intent and Roman Catholic influences, (2) Language used and subtext, (3) Lack of consultation with women's and LGBT groups, and (4) How heteronormative biases affect poverty.

4.1 Legislative intent and Roman Catholic influences

With corruption and patronage politics currently defining the country's political landscape, issues concerning the limits of democracy and the politics of representation must continually be raised. Many of the subjects interviewed had observed that democracy consistently favours what it deems as the majority, and in the process continues to undermine the minority. By citing the belief that heterosexual and Roman Catholic Filipinos constitute a majority, lawmakers can justify policies that discriminate against outsiders, on the grounds that these policies serve the interests of the majority. According to Sylvia Estrada-Claudio, capitalism is highly invested in heterosexual families. This is reflected in Malu Marin's observation that religious groups have the money or resources to maintain and support the heterosexual form of family through legislation, adding an economic layer to the cultural and religious barriers to progress.

The Family Code was a great push toward gender equality but even as it slightly improved the status of women, the law also codified heterosexual relationships and family structures as the norm. The Family Code was deliberately informed by canon law because the drafters had made the conscious choice to bring family law more into line with church law. Media reports quoting drafters of the Code illustrate this.

4.2 Language used and subtext

The keyword search of Philippine Supreme Court decisions yielded at least 20 cases. Only a handful of these decisions included a substantive discussion on SRHR, while the great majority only made mention of a person's sexual orientation or gender identity/expression in order to impugn the character of a victim/survivor or witness as part of the accused's defence. This sheds light on the way in which issues of sexuality have been framed by the male-dominated Philippine judicial system, and the way court officials from head magistrates to lower court judges, defence counsellors, and prosecutors have consistently associated 'sexual deviance' with criminal proclivities.

The texts of the social protection laws and legislative records revealed almost nothing controversial. Generally, any person or individual can be a member of public insurance systems, but when a member dies, the benefits accrue to blood relatives from whom many lesbians are estranged because of gender-based discrimination and violence within the family. In all laws reviewed in this audit, there were similar definitions of dependants and beneficiaries who are the legal spouses, legitimate, legitimated, and illegitimate children. The disparate treatment accorded to legitimate versus illegitimate children in the Family Code, as well as in the selected social protection laws, is consistent with the distinction between good and bad women, and good and bad children, that is perpetuated by society. Moreover, the prevailing language of the legislation reproduces and reinforces the legitimacy of households or families headed by heterosexual, legally married (opposite-sex) couples, to the exclusion of LBTs and their families of choice.

Middle-class lesbians view these laws and policies differently from their working-class counterparts. For working-class lesbians, access to social protection is very important to help secure the future of their loved ones. Middle-class lesbian key informants, on the other hand, feel that overcoming high levels of unemployment among the poor is more important than securing their access to social insurance programmes, which are seen as 'bourgeois'. For these key informants, the passage of an anti-discrimination bill should be prioritised.

For grass roots LBTs, marriage equality is important but they do not consider it a priority, because marriage is considered too costly by many poor Filipinos, gay and straight alike. But because of the link between marriage and family in the law as well as the benefits that are accorded to those who conform to these social institutions, it may be strategically beneficial for women's and LGBT groups to review the need to advocate for marriage equality so that social insurance benefits in the Philippines are distributed more rationally and fairly.

4.3 Lack of consultation with women's and LGBT groups

The Family Code was drafted silently and without input from women's and LGBT civil society groups. Definitions of beneficiaries and dependants were not challenged by any of the parties that were present during deliberations of the selected social protection laws. It is important to note that women's and LGBT organisations are often very visible and active in deliberations of laws that are specifically about women or LGBTs, such as the Magna Carta of Women and the anti-discrimination bills. The limited involvement of these progressive groups in the crafting of development policies underscores women's and LGBTs' lack of influence in the arena of general policy advocacy. Identifying the ways by which social development policies tend to exclude non-normative sexualities is important in pushing mainstream development actors to implement policies that are more inclusive and therefore more effective in alleviating poverty.

Both focus group participants and key informants find that the context in which lesbianism and homosexuality are discussed in the Family Code perpetuates the presumption that these are to be seen in a negative light. This pathologisation in the law coupled with Christian rhetoric on homosexuality – 'love the sinner but hate the sin' – accounts for the high rate of suicide and low self-esteem among sexual minorities. Because of the crucial role that the law plays in promoting tolerance and acceptance, policymakers bear some responsibility for the continued onslaught of hate crimes against Filipino LBTs. These include 'curative rape' and other forms of SOGIE-based discrimination and violence, which perpetrators claim are necessary to curb homosexual behaviour, equated in popular opinion and in the Family Code provisions with sexual perversion.

4.4 How heteronormative biases affect poverty

Although many of the key informants interviewed for this study viewed the need for social protection policy as secondary to access to employment, urban poor LBTs who participated in the focus group discussions expressed strong convictions about becoming members of the public insurance systems for the protection of their loved ones, especially since employers are required to deduct the employee's contributions from their meagre salaries whether or not they can actually make use of the services. That some focus group participants were apprehensive about putting their same-sex partners as beneficiaries or dependants even if the law allowed them to do so should not deter advocates from pursuing efforts to push for more inclusivity in the language of social development policies. After all, the perceived 'insecurity' or 'impermanence' of LBT relationships that sexual minorities themselves often feel is itself a result of the heteronormative bias of Philippine family law.

A review of the gender- and sexuality-neutral Solo Parents' Welfare Act and the UDHA indicates that implementation is often rife with heteronormative assumptions, restricting the access of sexual minorities to solo parent benefits and decent housing in resettlement areas. While this audit falls short of encouraging same-sex couples to push for marriage equality in the Philippines solely for the purpose of gaining access to social protection and, like most key informants, cautions against unwittingly replicating heterosexual marriage practices, it must be said that having the option to get married would certainly allow Filipino LBTs and their families more opportunities to escape poverty. This is consistent with the view of many focus group participants that, if given the chance, they would definitely want to marry their same-sex partners, not only to have improved access to public insurance, but also to enjoy the feeling of security and acceptance that comes with societal recognition.

The research team would not have been able to develop these insights solely on the basis of a review of the text of the policies in question. Exclusion arises, not necessarily from the phrasing of the drafts, but from the implementation on the ground. The Philippine National Housing Authority's unwritten policy of de-prioritising LBT-headed households, for instance, would not have come to light without focus group discussions and interviews. Participatory research methods played a central role in GALANG's heteronormativity audit of social protection policies and should continue to do so in similar audits in the future.

5 Next steps

As a result of this audit, GALANG proposes that:

- 1) Amendments be made in the Family Code definitions of marriage and family, and in the definitions of dependants and beneficiaries in the selected social protection policies in order to raise consciousness about the effects of exclusion on poverty reduction. This must be undertaken carefully and deliberately to prevent backlash from the Roman Catholic hierarchy and other conservative groups.
- 2) Amendments be made to the Family Code provisions that include lesbianism and homosexuality as grounds for legal separation and annulment, and consciousness be raised about the effect of existing laws pathologising people with non-traditional SOGIE on LGBT self-esteem, commission of hate crimes, workplace discrimination, and ultimately, poverty and quality of life.
- 3) SOGIE rights advocates, especially in developing countries like the Philippines, include and/or emphasise economic implications of discrimination and exclusion for sexual minorities, in order to push for inclusive development in a fast-growing economy.
- 4) Awareness of women's and LGBT groups be expanded to include an understanding of the economic implications of exclusion and discrimination, to underscore the cross-cutting nature of gender and sexuality issues. Institutions and individuals already working in the sphere of policy and advocacy for economic justice must be engaged in this type of analysis and capacity-building.
- 5) Resources for women's and LGBT organisations be increased to enable them to participate in policy advocacy surrounding social justice legislation, not just laws explicitly benefiting women and LGBTs.
- 6) Dialogues and training with policy implementers, especially the Philippine National Housing Authority, be conducted to ensure that these institutions understand and mitigate the effects of the ambiguities in the law and raise consciousness about the effects of exclusion of sexual minorities on poverty reduction.
- 7) Government and civil society actors, including agencies working on poverty and social development, be encouraged to conduct studies and gather SOGIE-disaggregated data to determine the actual extent of the exclusion and marginalisation of sexual minorities.
- 8) Solidarity be promoted among the LGBT movement and other excluded, disenfranchised groups, such as single-headed households and small families.
- 9) The methodology for conducting heteronormativity audits be promoted so that others may take it up in analysing other social legislation.

Annex 1: Key informants quoted in the text who were interviewed individually or took part in focus group discussions

Baraoidan, Novita V. Telephone Interview, 12 November 2012
'Chubs'. Focus Group Discussion, 3 February 2013
Cuarez, Jetro. Focus Group Discussion, 17 January 2013
Dellera, Josie. Telephone Interview, 5 January 2013
Estrada-Claudio, Sylvia. Personal Interview 9 January 2013
Josef, Jennifer. Personal Interview, 15 January 2013
Leonin, Germaine Trittle. Personal Interview, 5 January 2013
Marin, Malu. Personal Interview, 8 January 2013
Millama, Blanche. Focus Group Discussion, 17 January 2013
Nemenzo, Ana Maria. Personal Interview, 9 January 2013
Padilla, Clara Rita. Personal Interview, 15 January 2013
Pagaduan, Maureen. Personal Interview. 9 January 2013
Ramos, Andielyn. Focus Group Discussion, 17 January 2013
Ravacio, Yvette G. Personal Interview, 10 January 2013
Roxas, Venus. Personal Interview, 30 September 2010
Santos, Aida. Personal Interview, 16 January 2013
Sarabia, Ana Leah. Personal Interview, 8 January 2013
'Sarge'. Focus Group Discussion, 17 January 2013
Villar, Giney. Personal Interview, 10 January 2013

References

- Agraviador v. Agraviador, G.R. No. 170729, Philippine Supreme Court, 2010, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)
- Amorin, O.V. (1995) 'Social Security System in the Philippines', *Manila Bulletin*, 11 June 1995: 17 and 35.
- An Act Amending Republic Act No. 7875, Otherwise Known as 'An Act Instituting a National Health Insurance Program for All Filipinos and Establishing the Philippine Health Insurance Corporation for the Purpose', Republic Act No. 9241, 10 February 2004.
- Ang Ladlad v. COMELEC, G.R. No. 190582. Philippine Supreme Court. 2010, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)
- Aragon-Choudhury, P. (1996) 'Is the Philippine Family Code Anti-women?', *Manila Chronicle*, 28 April 1996: 5
- (1998) 'Health Insurance Law and the Civil Service Code Work Against Women', *Today* 6.59, 11 November 1998
- Bernal, E. (2008) 'Shadow Preying on Shadows: LGBTs in Philippine Criminal Law', oral presentation at ILGA ASIA Third Regional Conference: Equality in Diversity Now, Chiang Mai, Thailand, June 2008
- 'Bills to ban same-sex marriage filed in Senate, House of Representatives', LAGABLAB, 28 June 2006, <http://lagablab.wordpress.com/2006/06/28/bills-to-ban-same-sex-marriage-filed-in-senate-house-of-representatives/#more-43> (accessed 4 February 2013)
- Butler, J. (1990) *Gender Trouble: Feminism and the Subversion of Identity*, New York: Routledge
- Castro, A. (2011) 'Why Lending Does Not Help The Poor Own a Home', *Malaya*, 13 January 2011: A9–A10
- 'Committee Report on HB No. 10615', 15 March 2000
- Dedel v. Court of Appeals, G.R. No. 151867, Philippine Supreme Court, 2004, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)
- 'Executive Order 209', www.gov.ph/downloads/1987/07jul/19870706-EO-0209-CCA.pdf (accessed 5 February 2013)
- 'Family Code: Catching Up with Reality', *Philippine Agenda* 2.6, February 1989: 2–3
- Gualberto v. Gualberto, G.R. Nos. 154994 and 156254, Philippine Supreme Court, 2005, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)
- Home Development Mutual Fund Law of 2009, Republic Act. No. 9679, 21 July 2009

Implementing Rules and Regulations of Republic Act No. 9679

Implementing Rules and Regulations of the National Health Insurance Act of 1995, 18 March 2004

Implementing Rules and Regulations of the Solo Parents' Welfare Act of 2000

Implementing Rules and Regulations to Govern Section 18 of Republic Act No. 7279, Otherwise Known as the Urban Development and Housing Act of 1992, 8 June 1992

Karaos, A.M. (2002) 'Uncertain Situation', *Intersect*, 17.4, May 2002: 25–27

Luib, R.T. (2003) 'Emerging Nontraditional', *Business World*, 24 January 2003: 23–24

Mangahas, M. (2012) 'A Catholic country?', *Inquirer Opinion*, 26 October 2012, <http://opinion.inquirer.net/39506/a-catholic-country> (accessed 15 May 2013)

National Health Insurance Act of 1995, Republic Act No. 7875 as amended by Republic Act No. 9241, 14 February 1995

People v. Balbuena, G.R. Nos. L-44859-60, Philippine Supreme Court, 1984, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Gamboa, G.R. Nos. 98007-08, Philippine Supreme Court, 1993, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Gil, G.R. No. 172468, Philippine Supreme Court, 2008, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Mosquera, G.R. No. 129209. Philippine Supreme Court, 2001, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Payot, Jr, G.R. No. 175479, Philippine Supreme Court, 2008, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Ramos. G.R. No. L-64656. Philippine Supreme Court. 1988, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Uyboco, G.R. No. 178039, Philippine Supreme Court, 2011, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Valdesancho, G.R. Nos. 137051-52, Philippine Supreme Court, 2001, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

People v. Villahermosa, G.R. No. 186465, Philippine Supreme Court, 2011, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

Philippine Government Service Insurance System Act of 1997, Republic Act No. 8291, 30 May 1997

'Philippine Health Insurance Corporation. Philhealth', PhilHealth, 2012, www.gov.ph (accessed 6 February 2013)

Republic Act No. 8291 – Implementing Rules and Regulations

Republic v. Court of Appeals and Molina, G.R. No. 10876, 1997, Philippine Supreme Court, 1993, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

Rufino, M.V. (1998) 'Divorce, a remedy for luckless marriages' in 'The Proposed FAMILY CODE and its Implications', *Philippine Journal of Education* 66,10 March 1998: 470–473

Santos v. Court of Appeals and Bedia-Santos, G.R. No. 112019, Philippine Supreme Court, 1995, The Lawphil Project, www.lawphil.net (accessed 18 January 2013)

Social Security Act of 1997, Republic Act No. 8282, 1 May 1997

Solo Parents' Welfare Act of 2000, Republic Act No. 8972, 7 November 2000

Tan, K.J. (2013) 'Initial poll results show "Catholic vote" had little effect on votes', GMA News Online, 15 May 2013, <http://www.gmanetwork.com/news/story/308530/news/nation/initial-poll-results-show-catholic-vote-had-little-effect-on-votes> (accessed 15 May 2013)

The Civil Code of the Philippines, Republic Act No. 386, 18 June 1949

The 1987 Philippine Constitution, 2 February 1987

Torrevillas-Suarez, D. (1998) 'Husband-wife laws brought up to date' in 'The Proposed FAMILY CODE and its Implications', *Philippine Journal of Education* 66, 10 March 1998: 470–473

Urban Development and Housing Act of 1992, Republic Act No. 7279, 24 March 1992

Xinhua (2011) 'Income disparity in Philippines worst in ASEAN', *Interaksyon*, 6 August 2011, www.interaksyon.com/business/10258/income-disparity-in-philippines-worst-in-asean (accessed 1 May 2013)



Brighton BN1 9RE

T +44 (0)1273 606261

F +44 (0)1273 621202

E ids@ids.ac.uk

www.ids.ac.uk



Building Community Strength.
Fueling Community Growth.

galang
www.galangphilippines.org