

A Rawlsian Critique of the Gender and Development Mainstreaming Program of the Philippines

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Abstract

Consistent with the liberal-democratic principles of the Constitution and its international commitments, gender justice has been a key executive and legislative agenda for the Fifth Philippine Republic. Numerous laws and policies have been promulgated and employed to close the existing gender-based inequality in all aspects of human society. Despite these landmark policies ensuring and promoting gender justice, the Philippines lacks anti-discrimination laws protecting the LGBTQIA+ community and the inclusion of SOGIESC in its Gender and Development Mainstreaming initiatives. This article aims to expose the Government's understanding of gender and the possible factors that hinder legislative attempts to enact anti-discrimination bills for the LGBTQIA+ community. Through a survey of available literature, several Philippine policymakers still have reservations about the legislation of an anti-discrimination bill that will protect the rights of the LGBTQIA+ community (SOGIE bill). To curtail rigid understanding of gender, the author suggests that policymakers adopt a gender-inclusive liberal conception of justice using Rawls's Theory of Justice.

Keywords: Gender Mainstreaming, SOGIESC, SOGIE Bill, Gender Justice, Justice as Fairness

Introduction

A key advocacy of the Fifth Republic of the Philippines has been dismantling gender-based inequality and violence by fostering gender inclusivity in all aspects of Philippine society, i.e., economic, political, social, and cultural life. In current terminology, this societal advocacy is called “gender justice.” The concept of gender justice is a relatively recent term used to “convey the need for transformative changes encompassing equity (equal distribution of resources, access, and opportunity) and equality (equal outcomes) to break the structural and systemic barriers holding women back.”¹

Gender justice combines two official concepts frequently utilized by the United Nations (UN) in discussing gender concerns: gender equality and gender equity. In the UNICEF Regional Office for South Asia’s *Glossary of Terms and Concepts*, gender equality is “the equal valuing by society of the similarities and the differences of men and women, and the roles they play.”² On the other hand, gender equity “refers to differential treatment that is fair and positively addresses a bias or disadvantage that is due to gender roles or norms or differences between the sexes.”³

Different approaches can be implemented to promote gender justice. In the case of the Philippines, gender justice is engrained within its current Constitution, specifically within the State’s policies to uphold human rights, recognition of women’s role in nation-building, and equality of both men and women before the law.⁴ Moreover, Section 2 of Article II of the Constitution (1987) declares that the Philippines “adopts the generally accepted principles of international law as part of the law of the land.”⁵ As a result, the Philippines became a consistent adoptee of intergovernmental

¹Irene Khan (Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), *Promotion and protection of the right to freedom of opinion and expression*, ¶ 7, U.N. Doc. A/76/258 (July 30, 2021).

²UNICEF Regional Office for South Asia, *Glossary of Terms and Concepts*, at 3 (November 2017), <https://www.unicef.org/rosa/media/1761/file/Gender%20glossary%20of%20terms%20and%20concepts%20.pdf>

³ *Ibid.*

⁴ See Const., art. II, §§ 11 & 14.

⁵ *Ibid.*, §2.

commitments and a supporter of international resolutions that protect and ensure women's rights, gender equality, and empowerment.⁶

However, Philippine administrators and policymakers still have reservations on the topic of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) and the legislation of an anti-discrimination bill that will ensure equal protection of the rights of the lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) community. As shown later in this paper, this is rooted in the misunderstandings about the purpose of the SOGIE bill (i.e., the proposed anti-discrimination bill for the equal protection of the LGBTQIA+ community). Hence, they often offer excuses for rejecting the promulgation and endorsement of the proposed anti-discrimination bill, such as the cultural unpreparedness of the Filipino people for such liberal legislation.

Overall, this paper aims to expose the Government's understanding of gender in its Gender Mainstreaming policy frameworks and uncover possible factors that hinder legislative attempts to enact anti-discrimination bills for the LGBTQIA+ community through a survey of available literature.

As a response to these overt reservations of administrators and policymakers to the promulgation of an anti-discrimination bill for the equal protection of the rights of individuals of diverse SOGIESC, the author would introduce John Rawls's theory of justice. According to Rawls's ideas on society and citizenship, every individual, as a member of a specific society, has an indefeasible share of public goods and social burdens found within society. Moreover, appealing to Rawls's principles of justice, the public system of rules established within a given society must ensure that every citizen can partake in a similar scheme of basic political liberties and enjoy fair equality of opportunity.

However, Rawls's theory of justice is subjected to numerous feminist critiques. Feminist commentators have identified and proposed solutions to issues of gender and inclusivity within Rawls's theory of justice. To accommodate these pertinent discussions, the author would also include the commentaries of Susan Moller Okin and Karen Green.

⁶ See "Gender Mainstreaming," Philippine Commission on Women, accessed November 14, 2022, <https://pcw.gov.ph/gender-mainstreaming/>

Gender Mainstreaming and Gender Justice

Women are considered second-class citizens in patriarchal societies. In such societies, cultural prejudice dictates that women are relegated only to domestic duties, leaving other duties to the hands of men. Subsequently, women are socially and politically discriminated against, and their concerns are disregarded due to their gender. For example, fundamental rights such as the right to suffrage and property rights are withheld from women; women are given lesser wages and recognition in the workplace compared to their male counterparts; women are also sexually objectified by men. Therefore, justice (comprised of equality and equity) between males and females, that have come to be known as gender justice has become a concern within the international community.⁷

To establish the institutional foundation that would promote and ensure gender justice, the UN hopes to produce policies, treaties, and initiatives that would raise every member state's awareness regarding the social and political marginalization experienced by women. This concern was later called Gender Justice, supplemented by gender accommodating or gender-responsive policies such as Gender Mainstreaming or Gender and Development (GAD) Mainstreaming.

Since its establishment, the UN has been women's partner in pushing the agenda of gender justice around the globe. The UN adopted the Universal Declaration of Human Rights (UDHR) in 1948.⁸ The UDHR was the first of its kind; not only did it establish the priority of human rights by paving the way for the ratification of inter-governmental treaties, but also the equal recognition of women's rights. This implicit recognition of women's equal rights became an international imperative when the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) was signed, adopted, and then accessioned by the General Assembly in 1979 and became an international treaty in 1981.⁹ However, the UN recognized

⁷ See notes 1–3 above.

⁸ G.A. A/RES/217(III), Universal Declaration of Human Rights (Dec. 10, 1948).

⁹ See, United Nations Convention on the Elimination of All Forms of Discrimination against Women, September 3, 1981, 1249 U.N.T.S. 1981.

that this legal framework alone would not resolve the existing gender gap within societies.

As a result, the UN began gradually establishing a comprehensive policy framework to advance women's concerns. Later, this was officially termed Gender Mainstreaming or Gender and Development (GAD) Mainstreaming. Though GAD Mainstreaming would only have its operational definition in 1997,¹⁰ seminal GAD Mainstreaming initiatives in the UN began as early as 1975 during the First World Conference of the International Women's Year held in Mexico City. At the said Conference, participating Member States duly recognized and adopted seminal policy directives for GAD Mainstreaming, such as the full integration of women into nations' national development, equal access to education and training, equal opportunities, etc.¹¹

In the subsequent conferences following up the policy directives for GAD Mainstreaming in Mexico City, the demand for implementing GAD Mainstreaming policies has become a growing imperative to the Member States. Take Paragraph 78 of the Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace:

By the year 2000, all Governments should have adequate comprehensive, and coherent national women's policies to abolish all obstacles to the full and equal participation of women in all spheres of society.¹²

Soon, the General Assembly's commitment to this imperative to formulate and employ policy directives for GAD Mainstreaming was further reinforced when Member States unanimously adopted the

¹⁰ See Rep. of the ECOSOC for 1997, at 24, U.N. Doc. A/52/3/Rev.1 (1997).

¹¹ See World Conference of the International Women's Year, *World Plan of Action for the Implementation of the Objectives of the International Women's Year*, at 8-41, U.N. Doc. E/CONF. 66/34 (1976).

¹² World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, *Nairobi Forward-looking Strategies for the Advancement of Women*, at 23, U.N. Doc. A/CONF.116/28/Rev.1 (1985).

Beijing Declaration and Platform of Action in 1995, a commitment consistently reviewed and appraised every half a decade after its adoption.

Philippines and Gender Mainstreaming

Looking at available records and documents, one cannot deny that the Philippines has consistently contributed to the development of GAD Mainstreaming in the abovementioned conferences. During the First World Conference of the International Women's Year in Mexico City, the Philippines, along with fellow Southeast Asian countries, endorsed the creation of a permanent committee on women's affairs.¹³ The Philippines' participation is also evident in both the Nairobi and Beijing conferences, with the Philippines' representative, Rosario Manalo, serving as the Presiding Officer of the Nairobi Conference's Second Committee and Patricia B. Licuanan being the one responsible for the draft resolution of the Beijing Declaration and Platform of Action.¹⁴ The same vigor for promoting gender justice is reflected in the Philippines' local Administrative policies.

Coinciding with the Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace, Former President Marcos Sr. established the National Commission on the Role of Filipino Women (NCRFW). Through Presidential Decree No. 633, President Marcos, Sr. establishes NCRFW as a Governmental body responsible for "the full integration of women for economic, social, and cultural development at national, regional, and international levels" and for the "further equality between men and women."¹⁵

¹³ See World Conference of the International Women's Year, *World Plan of Action for the Implementation of the Objectives of the International Women's Year*, ¶ 122, U.N. Doc. E/CONF. 66/34 (1976).

¹⁴ See, World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, *Nairobi Forward-looking Strategies for the Advancement of Women*, at 104, U.N. Doc. A/CONF. 116/28/Rev.1 (1986); See World Conference on Women: Action for Equality, Development and Peace, *Report of the 4th World Conference on Women*, at 154, A/CONF.177/20/Rev.1 (1995).

¹⁵ Creating A National Commission on the Role of Filipino Women, Pres. Dec. No. 633, (1975), <https://www.officialgazette.gov.ph/downloads/1975/01jan/1975/0107-PD-0633-FM.pdf>

This was a crucial step in introducing GAD Mainstreaming in the Philippines. However, Honculada and Ofreneo state that due to political issues surrounding its implementation, the whole women's rights movement fell into political disarray, only gaining renewed and consolidated traction in the 1980s to topple the dictator and lobby for gender-responsive provisions in the forthcoming Constitutional reform.¹⁶

While drafting the 1987 Constitution, the reformed women's rights movement was successfully able to lobby for Filipino women's causes. Aside from the enshrinement of fundamental human rights, the Constitutional provisions that explicitly mention equal recognition of women's role in the State and their rights were also added:

- a) The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.¹⁷
- b) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.¹⁸
- c) The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly,

¹⁶ Jurgette Honculada and Rosalinda Pineda Ofreneo, "The National Commission on the Role of Filipino Women, the women's movement and gender mainstreaming in the Philippines," in *Mainstreaming gender, democratizing the state?* ed. Shirin Rai (New York: Routledge, 2003), 131-6.

¹⁷ Const., art. II, §14.

¹⁸ *Ibid.*, art. VI, §5(2).

- disabled, women, and children. The State shall endeavor to provide free medical care to paupers.¹⁹
- d) The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.²⁰

Following these Constitutional mandates, various forms of GAD mainstreaming frameworks and programs were formulated and then adopted by the Executive department due, in part, to the country's international obligations, such as the CEDAW and adaptation of proposed GAD Mainstreaming initiatives produced by the international Conventions mentioned above.

Through Executive Order Number (E.O. No.) 348, series of (s.) 1987, President Corazon Aquino directed the Executive branch of the Government to adopt and implement the *Philippine Development Plan for Women 1989-1992* as the first GAD Mainstreaming framework of the Philippines.²¹ The main goal of the *Philippine Development Plan for Women 1989-1992* was “[t]he integration of women’s concern [i.e., individual, family, socio-cultural, economic, political, and legal] into mainstream programs and processes of development...” through Government and Non-Governmental assistance such as funding, training, etc.²²

President Fidel Ramos adopted the same approach as his predecessor but with a long-term vision for GAD Mainstreaming by extending its goals to the succeeding three decades. Through E.O. No. 273, s. 1995, President Ramos directed the Executive branch to adopt and implement the Administration’s *Philippine Plan Framework of the*

¹⁹ *Ibid.*, art. XII, § 11.

²⁰ *Ibid.*, § 14.

²¹ Approving and Adopting the Philippine Development Plan for Women for 1989 to 1992, Exec. Order No. 348 (1987). <https://www.officialgazette.gov.ph/downloads/1989/02feb/19890217-EO-0348-CCA.pdf>

²² National Commission on the Role of Filipino Women, National Economic Development Authority, *Philippine Development Plan for Women 1989-1992*, at 3, 8-11, 18-21 (1989), <https://library.pcw.gov.ph/philippine-development-plan-for-women-1989-1992/>

Plan for Gender-Responsive Development 1995-2025 (PPGD).²³ Its vision for the succeeding decades is “to help bring about a future that is peaceful and just, unmarked by gender and other biases, respectful of human rights and democratic processes” by outlining a “gender-responsive” as well as a “humane and people-centered” development.²⁴

The PPGD’s long-term vision for gender justice is appropriately integrated into three different time-slice plans, each corresponding to the respective GAD Mainstreaming framework plans of succeeding Administrations. President Gloria Arroyo is the first GAD Mainstreaming framework plan for the first time-slice plan. Its title was *Framework Plan for Women 2001-2004*, formally adopted and implemented through E.O., No. 77, s. 2002.²⁵ It was followed by President Ninoy Aquino’s *Women’s Empowerment, Development and Gender Equality Plan 2013-2016*. Finally, the latest GAD Mainstreaming framework plan for the final time-slice plan is President Rodrigo Duterte’s *Gender Equality and Women’s Empowerment Plan 2019-2025*, which was later updated in 2022 to address the special additional needs caused by the COVID-19 Pandemic.

Gender in the Philippines’ Gender Mainstreaming Plans

Prevalent in earlier versions of the Philippines’ GAD Mainstreaming framework plan is the understanding that gender-based concerns are only restricted to the traditional gender binary of man and woman. In the *Philippine Development Plan for Women for 1989-1992* and the PPGD, the Government had identified gender-based

²³ Approving and Adopting the Philippine Plan for Gender-Responsive Development, 1995 to 2025, Exec. Order No. 273 (1995). <https://www.officialgazette.gov.ph/downloads/1995/09sep/19950908-EO-0273-FVR.pdf>

²⁴ National Commission on the Role of Filipino Women, *Philippine Plan for Gender-responsive Development 1995-2025*, at 19-20 (1989), <https://neda.gov.ph/wp-content/uploads/2020/01/PPGD-1995-2025.pdf>

²⁵ Approving and Adopting the Framework Plan for Women [2001-2004] and Intensifying the Implementation of the 5% Budget Provision for Gender and Development Programs and Projects, Exec. Order No. 77 (2002), <https://www.officialgazette.gov.ph/downloads/2002/03mar/20020306-EO-0077-GMA.pdf>

concerns of women as a marginalized group and suggested possible redress to them.²⁶ Fortunately, an intersectional approach that includes SOGIESC concerns within GAD Mainstreaming initiatives has been brewing within the international community, which will soon be introduced to the Philippines.

During the early 2000s, there was an instance to recognize the perspective of persons of diverse SOGIESC in the international community through inter-governmental bodies and mechanisms.²⁷ It was only in 2011 that such recognition was given through the resolution adopted by the Human Rights Council expressing “grave concern” over the discrimination and violence against persons of diverse SOGIESC.²⁸ This development within the UN gradually encouraged the international community to study and address the situation of persons of diverse SOGIESC and incorporate LGBTQIA+ perspectives in the pursuit of gender justice.

In the case of the Philippines, Civil Society Organizations submitted reports to the UN’s Human Rights Council during the country’s Universal Periodic Review in 2012, illustrating the marginalization that LGBTQIA+ Filipinos experience due to their SOGIESC.²⁹ This discussion paved the way for an intersectional

²⁶ See National Commission on the Role of Filipino Women, National Economic Development Authority, *Philippine Development Plan for Women 1989-1992* (1989), <https://library.pcw.gov.ph/philippine-development-plan-for-women-1989-1992/>; National Commission on the Role of Filipino Women, *Philippine Plan for Gender-responsive Development 1995-2025*, at 19-20 (1989), <https://neda.gov.ph/wp-content/uploads/2020/01/PPGD-1995-2025.pdf>

²⁷ In 2003, the Brazilian delegation proposed an unprecedented “resolution prohibiting discrimination on the basis of sexual orientation to the United Nations Commission on Human Rights,” which received strong opposition from other countries. See International Gay and Lesbian Human Rights Commission, *Resolution on Sexual Orientation and Human Rights: United Nations Human Rights Commission campaign dossier* (n.d.), <https://www.iglhrc.org/sites/default/files/213-1.pdf>

²⁸ See United Nations Human Rights Council, Res. 17/19, U.N. Doc. A/HRC/RES/17/19 (2011). This resolution resulted in the publication of the first UN report recognizing LGBTQIA+ and gender-based violence related to SOGIESC. See United Nations High Commissioner for Human Rights, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, U.N. Doc. A/HRC/19/41 (November 17, 2011).

²⁹ See Rainbow Rights Project and Philippine LGBT Hate Crime Watch, *The Status of Lesbian, Gay, Bisexual and Transgender Rights in the Philippines: Submission to the Human Rights Council for Universal Periodic Review 13th Session* (2012), <https://www.ohchr.org/sites/default/files/lib->

approach to understanding not only the concept of gender and gender justice but also the methods of tackling GAD Mainstreaming initiatives, especially regarding gender response and gender sensitivity, here in the Philippines.

This budding recognition of the LGBTQIA+ perspective can be explicitly seen within President Ninoy Aquino's *Women's Empowerment, Development and Gender Equality Plan 2013-2016*, in which an entire subsection was dedicated to this marginalized perspective.³⁰ Specifically, the framework plan proposed for the recognition and inclusion of LGBTQIA+ persons through proposals for the promulgation of gender-responsive policies and laws, the "creation of an interagency on [LGBTQIA+] and gender rights sensitivity sessions," review of Gender-Sensitivity modules, and SOGIESC mainstreaming.³¹

The succeeding GAD Mainstreaming framework plan was able to pick up on the emerging intersectional understanding of gender justice. In the Duterte Administration's *Gender Equality and Women's Empowerment Plan 2019-2025*, the continuation of SOGIESC mainstreaming can be glimpsed, especially in its explicit statement indicating its aim to "[improve the] representation and voice of marginalized groups – PWD, diverse SOGIE, IPs and Muslims, elderly, children and youth – in governance systems and processes..."³² However, in its updated version, the Philippine Commission on Women recognized gaps within the Duterte Administration's GAD Mainstreaming legal framework in protecting marginalized groups,

[docs/HRBodies/UPR/Documents/session13/PH/JS1 UPR_PHL_S13_2012_JointSubmission1_E.pdf](https://www2.ohchr.org/english/bodies/hrc/docs/ngos/iglhrc_philippines_hrc106.pdf) International Gay and Lesbian Human Rights Commission, *Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and Homosexuality in the Philippines: Submitted for consideration at the 106th Session of the Human Rights Committee for the fourth periodic review of the Philippines* (October 2012), https://www2.ohchr.org/english/bodies/hrc/docs/ngos/iglhrc_philippines_hrc106.pdf

³⁰ See Philippine Commission on Women, *Women's Empowerment, Development and Gender Equality Plan 2013-2016*, at 141-153 (2014), <https://tile.loc.gov/storage-services/service/gdc/gdcovop/2018333295/2018333295.pdf>

³¹ *Ibid.*, 150.

³² Philippine Commission on Women, *Gender Equality and Women's Empowerment Plan 2019-2025*, at 1, 87 (2020), <https://itdi.dost.gov.ph/images/GAD/UpdatedPlan20192025.pdf>

which includes persons of diverse SOGIESC.³³ Despite this setback, the addition of SOGIESC concerns within recent GAD Mainstreaming frameworks remains a sign of intersectional development.

(Mis)understanding Surrounding the Promulgation of an Anti-discrimination Bill for the Protection of LGBTQIA+ Persons

The intersectional developments indicated above may signify that SOGIESC concerns are becoming a matter of national interest. However, this does not mean this recognition of LGBTQIA+ perspectives within administrative policy frameworks translates to *de facto* action from Government officials. At best, concrete implementations of the intersectional GAD Mainstreaming frameworks mentioned above are the recent publication of a gender-inclusive Gender-Sensitivity Training module³⁴ and the implementation of local anti-discrimination ordinances protecting persons from diverse SOGIESC.³⁵ This limited realization of intersectional GAD Mainstreaming frameworks is all the more compounded by the fact that prejudice against the LGBTQIA+ community, or the idea of diverse SOGIESC, still exists among Government officials. Below are recent instances of gender-based bias and misunderstanding of gender-responsive policy initiatives and legislation.

First, the current Administration's policymakers seem to completely back off from the growing development of an intersectional perspective of gender justice by outrightly rejecting

³³ Philippine Commission on Women, *Updated Gender Equality and Women's Empowerment Plan 2019-2025*, at 236 (2022), <https://itdi.dost.gov.ph/images/GAD/UpdatedPlan20192025.pdf>

³⁴ See Department of Social Welfare and Development, *Gender Sensitivity and GAD Perspective: A trainer's guide* (2020), https://issuu.com/acfeje/docs/resized_trainers_manual-final2

³⁵ According to the 2022 Joint Report submitted by ASEAN Sexual Orientation, Gender Identity and Expression (SOGIE) Caucus, 27 local government units (LGU) have local anti-discrimination ordinances protecting persons of diverse SOGIESC. See ASEAN SOGIE Caucus, *Universal Periodic Review Joint Submission of the Civil Society Organizations (CSOs) on the Situation of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Persons in the Philippines (4th Cycle, 2022)*, ¶ 3.6 (2022), <https://aseansogiecaucus.org/images/2022/20220922-1-UPR-LGBTQIA-Submission-JSTMP11 UPR41 PHL E Main.pdf>

recommendations for the SOGIE bill, i.e., an anti-discrimination bill for the protection of persons of diverse SOGIESC. According to a press report, incumbent Department of Justice Secretary Jesus Crispin Remulla has relayed information at a radio program that the Philippine delegation rejected several recommendations, including the adoption of the SOGIE bill, during the country's 4th Cycle of the Universal Periodic Review since they were "not acceptable."³⁶ When asked to elaborate on his opinion regarding the rejection of the recommendation for the SOGIE bill, he argued that the decision was based on the Government's assumption that Filipino people are culturally unprepared for the values this proposed legislation will impose upon Filipino values once this bill is promulgated.³⁷

Moreover, the Legislature is also a divided front in the matter of the SOGIE bill. Data gathered by Xavier Javines Bilon from the Legislative's archives indicate that attempts to legislate an anti-discrimination bill have been unsuccessful since the 11th Congress.³⁸ Within the past Congress alone, ASEAN SOGIE Caucus reported that four versions of the SOGIE bill had been presented to the Upper House and another ten in the Lower House.³⁹ Within the current Congress, a version of the SOGIE bill authored by Senator Risa Hontiveros has passed through its second reading.⁴⁰ But despite this development, it

³⁶ Robertzon Ramirez, "Phl Rejects Calls to Pass SOGIE, Same-Sex Marriage, Divorce Bills," *OneNews*, November 20, 2022, <https://www.onenews.ph/articles/phl-rejects-calls-to-pass-sogie-same-sex-marriage-divorce-bills>

³⁷ Jesus Crispin Remulla, "PH rejects same-sex marriage: We're not ready for that, says DOJ's Remulla," clip by *Philippine Daily Inquirer*, Nov 22, 2022, video recording, 1:50, <https://www.youtube.com/watch?v=RZ-vIFuyWUM>

³⁸ Xavier Javines Bilon, "History of the Anti-Discrimination Bill in Philippine Congress," *xjbilon*, November 10, 2022, <https://sites.google.com/up.edu.ph/xjbilon/advocacy/history-of-anti-discrimination-bill-in-philippine-congress?pli=1>

³⁹ See ASEAN SOGIE Caucus, *Universal Periodic Review Joint Submission of the Civil Society Organizations (CSOs) on the Situation of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Persons in the Philippines (4th Cycle, 2022)*, ¶ 3.3-3.4 (2022), <https://aseansogiecaucus.org/images/2022/20220922-1-UPR-LGBTQIA-Submission-ISTMP11 UPR41 PHL E Main.pdf>

⁴⁰ Beatrice Pinlac, "'It's already 2022': Senate panel approves SOGIESC equality bill," *INQUIRER.net*, December 06, 2022, <https://newsinfo.inquirer.net/1702203/2022-na-senate-panel-files-report-recommending-sogiesc-equality-bill-2>

is still unclear whether it will be approved within the following levels of the legislative process.

A key legislator from the previous Congress shares the same sentiment with Secretary Remulla in defense of his reservations concerning the SOGIE bill. Senate President Vicente Castelo Sotto III stated that dissenting lawmakers “feared that SOGIE bill proponents might ‘smuggle’ into the anti-discrimination bill [...] the provision on same-sex marriage” or other transgressions against “religious freedom, academic freedom, women's rights.”⁴¹ A concrete manifestation of this fear is the proposal of a Heterosexual bill in the House of Representatives.

In its current version, House Bill Number 5717 proposes to “recognize, define, protect and guarantee the rights of heterosexuals in their dealings with their fellowmen including people of different sexual orientations, gender identities or gender expressions and in the exercise of the rights enshrined in the Constitution and the rights provided under this Act.”⁴² In the House Bill’s explanatory note, its principal author, Rep. Bienvenido M. Abante, Jr., argues that “If [...] we seek to ‘grant’ and/or ‘protect’ rights to homosexuals, bisexuals, transgenders and queers” then “we must also ‘grant’ and/or ‘protect’ rights to heterosexuals who are the actual and direct creations of God.”⁴³

Marginalization of the LGBTQIA+ Community

While the people’s religious and cultural beliefs are valid considerations for policymakers and legislators since they are, in principle, the representatives of the people, Government officials seem to: (a) hold the prejudice that the LGBTQIA+ community is asking for “special” rights or privileges and (b) confused about the primary concern of the SOGIE bill. Echoing the opinion made by Raphael A. Pangalangan against House Bill 5717, “the LGBTQ+ never claimed additional rights, but only the very same rights enjoyed by

⁴¹ Jose Cielito Reganit, “SOGIE bill won’t pass Senate even with PRRD certification: Sotto,” *Philippine New Agency*, September 11, 2019, <https://www.pna.gov.ph/articles/1080217>

⁴² An Act Recognizing, Defining and Protecting the Rights of Heterosexuals and For Other Purpose, H. B. No. 5717, 19th Cong., §2, (2022).

⁴³ *Ibid.*

heterosexual persons.”⁴⁴ The promulgation of gender-responsive legislation such as the SOGIE bill would have safeguarded the fundamental human and constitutional rights of LGBTQIA+ persons enrolled within the Bill of Rights from any form of discrimination against their SOGIESC.

As mentioned above, Civil Society Organizations submitted reports illustrating the marginalization faced by the Filipino LGBTQIA+ community due to their SOGIESC for the country’s 2nd Cycle of the Universal Periodic Review. In the information provided by the Rainbow Rights Project and Philippine LGBT Hate Crime Watch, the LGBTQIA+ community faces various forms of gender-based discrimination and violence that endanger their rights to security of person, equality and discrimination, right to health, equality before the law, and the family rights.⁴⁵ Along with the mentioned joint report was the International Gay and Lesbian Human Rights Commission’s coalition report, which focused on the Government’s role and inactivity on the issue of homophobia and gender-based violence.⁴⁶

To wit, Article XIII, Section 1, of the Constitution states, “The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.”⁴⁷ However, the only Philippine legislation that explicitly incorporates the legitimate concerns of the LGBTQIA+ community is Republic Act 11313, also known as the Safe Spaces Act.

⁴⁴ Raphael A. Pangalangan, “HB 5717: New name, same old homophobia,” *INQUIRER.net*, November 10, 2022, <https://opinion.inquirer.net/158604/hb-5717-new-name-same-old-homophobia>

⁴⁵ Rainbow Rights Project and Philippine LGBT Hate Crime Watch, *The Status of Lesbian, Gay, Bisexual and Transgender Rights in the Philippines: Submission to the Human Rights Council for Universal Periodic Review 13th Session* (2012), https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session13/PH/JS1_UPR_PHL_S13_2012_JointSubmission1_E.pdf

⁴⁶ International Gay and Lesbian Human Rights Commission, *Human Rights Violations on the Basis of Sexual Orientation, Gender Identity, and Homosexuality in the Philippines: Submitted for consideration at the 106th Session of the Human Rights Committee for the fourth periodic review of the Philippines* (October 2012), https://www2.ohchr.org/english/bodies/hrc/docs/ngos/iglhrc_philippines_hrc106.pdf

⁴⁷ Const., art. XIII, § 1.

To its merit, the Safe Spaces Act includes concepts such as “Gender” and “Gender identity and/or expression” to break the mold of the traditional binary of man and woman.⁴⁸ As such, gender-based sexual harassment would now encompass the whole gender spectrum, ensuring the protection of every individual from any public or online forms of sexual harassment regardless of their SOGIESC.

While the Safe Spaces Act helps address issues regarding sexual harassment, it leaves other areas of concern unresolved, such as the issue of gender-based violence. Recently, a transexual man was murdered and raped; despite evidence suggesting it was a gender-based hate crime, the case has been downplayed to homicide due to the lack of gender-responsive legislation.⁴⁹ Aside from gender-based violence, there are issues in other aspects of social life, such as the homophobic stigmas directed at LGBTQIA+ persons in HIV/AIDS treatment and gender-based discrimination in the workplace.⁵⁰ As such, there is a need for the SOGIE bill since it would safeguard the rights and liberties of the LGBTQIA+ community from acts of gender-based violence and marginalization and discourage societal stigmas that discriminate against one’s SOGIESC.

With this gap in the legislation and the reports from Civil Society Organizations above, the UN Human Rights Committee recommended during its 106th session last 2012 that,

[t]he State party should adopt a comprehensive anti-discrimination law that prohibits discrimination based on sexual orientation and gender identity and take

⁴⁸ An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor, R. A. No. 11313, §3, (2009).

⁴⁹ See Krixia Subingsubing, “Trans man found dead in QC; childhood friend, 2 others charged,” *INQUIRER.net*, May 24, 2021, <https://newsinfo.inquirer.net/1435675/trans-man-found-dead-in-qc-childhood-friend-2-others-charged>

⁵⁰ See Rowalt C. Alibudbud, “The triple stigma of HIV and chemsex among gays, bisexuals, and other men who have sex with men (GBMSM) in the Philippines,” *Asian Pacific Journal of Tropical Medicine* 15, 11 (2022): 477-478. DOI: 10.4103/1995-7645.359791; Chang Casal, “Survey finds that Filipino companies are not accepting of LGBTQ+,” *CNN Philippines*, Nov 14, 2018, <https://www.cnnphilippines.com/life/culture/2018/11/14/Filipino-companies-not-accepting-LGBTQ.html>

steps, including awareness-raising campaigns, to put an end to the social stigmatization of and violence against homosexuals.⁵¹

Although this recommendation of the UN Human Rights Committee was made a decade ago, the Philippine Government has yet to comply with the request at the cost of the continued discrimination of LGBTQIA+ individuals based on their SOGIESC.⁵²

As presented, the issue with the Philippines' GAD Mainstreaming program revolves around the lack of gender recognition in Philippine society's current laws and ordinances. Moreover, policymakers and legislators seem confused about what the SOGIE bill truly stands for: protecting LGBTQIA+ individuals from being marginalized due to their SOGIESC. Based on the standing principles of the Philippine Constitution, one's SOGIESC does not revoke one's claim for equal rights such as liberty and security of person. It would be best if policymakers and legislators reflect on the whole ordeal by consulting John Rawls' theory of justice and his ideas on society and citizenship.

⁵¹ Human Rights Committee, concluding observations on the 4th periodic report of the Philippines: adopted by the [Human Rights] Committee at its 106th session, 15 October-2 November 2012, U.N. Doc. CCPR/C/PHL/CO/4 (Nov. 13, 2012).

⁵² For more detailed reports of gender-based discrimination and violence experienced by LGBTQIA+ individuals due to their SOGIESC, See ASEAN SOGIE Caucus, *Universal Periodic Review Joint Submission of the Civil Society Organizations (CSOs) on the Situation of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) Persons in the Philippines (4th Cycle, 2022)* (2022), <https://aseansogiecaucus.org/images/2022/20220922-1-UPR-LGBTQIA-Submission-IJSTMP11 UPR41 PHL E Main.pdf> ILO & UNDP, *LGBTI People and Employment: Discrimination Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in China, the Philippines and Thailand* (2018), <https://www.undp.org/asia-pacific/publications/lgbti-people-and-employment-discrimination-based-sexual-orientation-gender-identity-and-expression-and-sex-characteristics> UNDP & Commission on Human Rights of the Philippines, *Legal Gender Recognition in the Philippines: A Legal and Policy Review* (2018), <https://www.aidsdatahub.org/sites/default/files/resource/undp-chr-legal-gender-recognition-philippines-legal-policy-review.pdf>

John Rawls's Theory of Justice

At the core of John Rawls's theory of justice was his proposal for a deontological conception of justice proper for democratic regimes. This new conception of justice is what he aptly termed "justice as fairness." Justice as fairness is composed of two normative principles (the second subdivided into two companion principles) arranged in lexical order of priority:

- 1) Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
- 2) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).⁵³

The role of justice as fairness is to ensure a reasonable distribution of the primary goods⁵⁴ and the burdens of social life among members of society by serving as society's fundamental organizing idea that would regulate both citizens' considered judgments⁵⁵ and the basic structure of society.⁵⁶ Despite the universality that justice as fairness claims, the distribution of primary

⁵³ John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Massachusetts: The Belknap Press of Harvard University Press, 2001), 42-3.

⁵⁴ For the list of primary goods, see *Ibid.*; See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 181.

⁵⁵ The term "considered judgments" refers to people's personal normative convictions concerning the nature of justice "...where we seem to have the ability, the opportunity, and the desire to make a sound judgment; or at least we have no apparent interest in not doing so, the more familiar temptations being absent." John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Massachusetts: The Belknap Press of Harvard University Press, 2001), 29.

⁵⁶ The term "basic structure of society" refers to "...the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that arises through social cooperation." John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 258.

goods and burdens of social life does not include all persons within the given society.

Society and Citizenship

Rawls based the conception of justice as fairness on a specific idea of society. He describes society as a “fair system of social cooperation between free and equal persons viewed as fully cooperating members of society over a complete life.”⁵⁷ The foundation of every society is the basic structure – i.e., the public system of rules and regulation – of society. As it is, society's basic structure serves as the standard basis of cooperation that every member is expected to honor and expects others to keep.

With this idea of society as a fair system of cooperation between cooperating individuals comes the introduction of the idea of reciprocity. The idea of reciprocity dictates that “all who are engaged in cooperation and who do their part as the rules and procedure require, are to benefit in an appropriate way as assessed by a suitable benchmark of comparison.”⁵⁸ This means that the scheme for the distribution of primary goods and burdens of social life relies on the expectation that every person belonging to that given society has the minimum capacity to comply with the basic structure of society. This expectation established by the idea of reciprocity brings forward the important question of citizenship or social membership within Rawls’s particular idea of society as a fair system of cooperation.

To answer the question of citizenship, Rawls presented his political conception of the person through moral psychology. His idea of moral psychology has undergone major reformulation from being a sketch of moral development based on psychological laws to a political conception of the person based on the “public political culture” of modern democratic societies.⁵⁹ This idea of reasonable moral psychology contains two interrelated sets of two companion

⁵⁷ Rawls, *Political Liberalism*, 15-7.

⁵⁸ *Ibid.*, 17

⁵⁹ According to Rawls, moral psychology utilizes a “conception of the person [that] is worked up from the way citizens are regarded in the public political culture of a democratic society, [that is,] in its basic political texts (constitutions and declarations of human rights), and in the historical tradition of the interpretation of those texts.” *Justice as Fairness: A Restatement*, 19-20.

principles: the conception of the person as rational and reasonable and as free and equal.

Choosing to maintain his moral concepts in his work *A Theory of Justice*, Rawls bases the idea of moral psychology on two fundamental moral powers of the human person: the capacities of rationality and reasonableness. He wrote:

Moral persons are distinguished by two features: first, they are capable of having (and are assumed to have) a conception of their good (as expressed by a rational plan of life); and second they are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree.⁶⁰

Despite being normative claims, these two moral powers are based on a political doctrine that modern democratic societies accept and acknowledge: equality and freedom of persons. He wrote: "Let's say they are regarded as equal in that they are all regarded as having to the essential minimum degree the moral powers necessary to engage in social cooperation over a complete life and to take part in society as equal citizens."⁶¹ On the other hand, persons are regarded as free due to two factors tied to their rationality:

First, "they view themselves as inevitably tied to the pursuit of the particular conception of the good which they affirm at any given time"; second, "they regard themselves as being entitled to make claims on their institutions so as to advance their conceptions of the good (provided these conceptions fall within the range permitted by the public conception of justice)."⁶²

Ultimately, the prerequisite for citizenship in Rawls's particular idea of society is the capacity to cooperate as rational and

⁶⁰ John Rawls, *A Theory of Justice* (Massachusetts: The Belknap Press of Harvard University Press, 1971), 505.

⁶¹ Rawls, *Justice as Fairness: A Restatement*, 19-20.

⁶² *Ibid.*, 20-23; See Rawls, *Political Liberalism*, 30-33.

reasonable individuals for the freedom and equality of persons. With this understanding of citizenship, each citizen is expected and can expect others to act by the fair terms of cooperation agreed upon by the rest of society since, as rational and reasonable individuals, they would respect the freedom and equality of every citizen.

Feminist Critique and Reconceptualization of Justice as Fairness

While Rawls's theory of justice has been presented in this paper as a gender-neutral liberal conception of justice that be interpreted along the lines of gender inclusivity, feminist critiques of his theory would not entirely agree with this claim. One of the proponents of these feminist critiques is Susan Moller Okin. In her work *Justice, Gender, and the Family*, she has criticized Rawls as a participant in the existing sexism in the tradition of Moral and Political philosophy as evidenced in his use of gendered concepts in his work *A Theory of Justice*.⁶³ This issue is further compounded by Rawls's failure to address the inequality between men and women inherent to the family structure within gender-structured societies.⁶⁴

Despite these issues, Okin still believes that Rawls' theory can be potentially re-conceptualized as a tool for feminist criticism in Moral and Political philosophy. She wrote, "The theory, in principle, avoids both the problem of domination that is inherent in theories of justice based on traditions or shared understandings and the partiality of libertarian theory to those who are talented or fortunate."⁶⁵ In re-conceptualizing justice as fairness, one of her arguments was to abolish the concept of gender.⁶⁶ She hopes that by androgeniz-ing the institutions upon which Rawls' principles of justice within society would be applied, both men and women would be treated as equals in the distribution of primary goods and social burdens among citizens.

While Okin's androgenized re-conception of justice as fairness seems sufficient in addressing gendered institutions Rawls has overlooked, Karen Green believes that androgyny was not necessary to achieve liberal feminism. She argues, "The liberal feminist ought to

⁶³ See Susan Moller Okin, "Justice as Fairness: For Whom?" in *Justice, Gender, and the Family* (New York: Basic Books, Inc., 1989), 90-1.

⁶⁴ See *Ibid.*, 90-7.

⁶⁵ *Ibid.*, 101.

⁶⁶ See *Ibid.*, 104.

adopt the principle of parity, that is, guaranteed equal representation of both sexes in parliament, rather than the requirement of androgyny.”⁶⁷ According to her, androgyny has two issues: there are positive aspects to sexual differences between men and women that will be disregarded, and it interferes with individual liberty.⁶⁸ Therefore, instead of abolishing gender differences in institutions, she advocates that the principle of parity is incorporated into the procedural processes of the basic structure of society.

Of these two feminist critiques, Green’s thoughts seem to be the adequate solution to the gender issues Okin has identified within Rawls’s theory of justice. Rawls’s theory already posits political equality, beginning with his idea of Original Position, and that there is only the need to include the concern for parity in choosing the terms of cooperation that would set a just balance over competing claims within society.

To recall, Rawls justified the preferability of justice as fairness over utilitarian and libertarian conceptions of justice by constructing the hypothetical device of the Original Position. He employs the Original Position as a “device of representation,” inspired by the Contractarian tradition, representing the initial situation of citizens of modern democratic societies in which they decide the normative principles that shall constitute a just conception of justice:

First, [...] what [they would] regard—here and now—as fair conditions under which the representatives of citizens, viewed solely as free and equal persons, are to agree to the fair terms of cooperation whereby the basic structure is to be regulated.

Second, [...] what [they would] regard—here and now—as acceptable restrictions on the reasons based on which the parties, situated in fair conditions, may

⁶⁷ Karen Green, “Parity and Procedural Justice,” *Essays in Philosophy* 7, no. 1 (2006): 2. <https://core.ac.uk/download/pdf/227471631.pdf>

⁶⁸ See *Ibid.*, 3.

properly put forward certain principles of political justice and reject others.⁶⁹

Moreover, a feature within the Original Position is the Veil of Ignorance. Behind the Veil of Ignorance, parties' knowledge of certain social features that may induce prejudice in choosing the conception of justice is inhibited. These social features are: "Features relating to social position, native endowment, and historical accident, as well as to the content of persons' determinate conceptions of the good, are irrelevant, politically speaking [since] they are not relevant for the status of equal citizenship shared by all members of society."⁷⁰ As a result, the parties behind the Veil of Ignorance would have to choose among the conceptions of justice without knowing anything other than that they represent free and equal persons.

Therefore, in the initial situation of the Original Position, the parties involved would choose the conception of justice that would also respect parity. Being all things equal, parties in the initial position would only agree to fair terms of cooperation that would eliminate inequality among members of society, including the implicit inequalities caused by gender roles within gender-structured societies. With the Veil of Ignorance in force, parties in the initial position cannot choose terms of cooperation that favor one party over the other; their concern is to devise a conception of justice that would ensure adequate distribution of primary goods and social burdens to each member of society.

Consequently, the implicit social inequality between men and women within gender-structured societies identified by Okin is surmounted in the Original Position without resulting in androgyny. Extending the argument for the case of the LGBTQIA+ community, social inequalities do not only exist between the traditional binary of men and women; LGBTQIA+ persons are also subjected to marginalization due to their SOGIESC. Hence, if the parties involved in the Original Position would choose the conception of justice that would be fair for all members of society, the principle of parity could also be applied to SOGIESC.

⁶⁹ Rawls, *Justice as Fairness: A Restatement*, 17.

⁷⁰ Rawls, *Political Liberalism*, 79.

Justice as Fairness as a Possible Foundation for an Intersectional Gender Justice

Recalling the issue above, it has been argued that there is a lack of gender recognition in the Philippines' GAD Mainstreaming program due to the lack of institutional safeguards that would protect the rights and liberties of LGBTQIA+ persons enrolled in the Bill of Rights. This lack of institutional safeguards, such as gender-responsive legislation, ordinances, and policies, is compounded by the fact that government officials harbor gender-based biases and misunderstand the nature and purpose of such institutional safeguards. Consequently, gender-based discrimination and violence directed at LGBTQIA+ persons remain unresolved despite it being a legitimate and pressing concern that the law must address.

It can be argued that the provisions of existing laws, ordinances, and policies are generally worded to accommodate the encompassing clauses of the Constitution protecting the rights and liberties of people regardless of their sex, gender, age, ethnicity, religion, etc. However, the case of the marginalization faced by the Filipino LGBTQIA+ community is institutionalized, so much so that there is a need to promulgate the SOGIE bill that would ensure the protection of LGBTQIA+ persons by curtailing acts of gender-based discrimination and violence. Therefore, this agenda of promulgating a special penal law is intended to safeguard the fundamental rights and liberties of LGBTQIA+ persons, as mandated by the Constitution – this clarifies the misunderstanding that the LGBTQIA+ community is asking for “special” rights or privileges and the purpose of the SOGIE bill.

From the standpoint of justice as fairness, with proper regard to the principle of parity that incorporates the diversity of SOGIESC, one cannot deny that Filipino citizens, regardless of their SOGIESC, have an infeasible share of primary goods and social burdens in Philippine society. Included in this list of primary goods that shall be shared equally among members of the Filipino society are the fundamental political liberties (e.g., the rights to suffrage, association, and liberty and security of person) that are also protected by Rawls's first principle of justice.⁷¹ Moreover, considering the gender-based

⁷¹ See notes 53 and 54 above.

discrimination faced by the LGBTQIA+ community in the workplace, the first co-principle of the second principle of justice dictates that institutional rules and regulations must ensure “that all should have a fair chance” to be employed in all offices and positions within society.⁷²

While the idea of the Original Position and its feature, the Veil of Ignorance, are hypothetical devices to justify the preferability of justice as fairness over other conceptions of justice, these “devices of representation,” complimented with proper regard to parity, could help Government officials clear their misunderstanding regarding the SOGIE bill. Justice cannot be achieved without a system of institutional regulations ensuring that fair terms of cooperation and the same adequate scheme of fundamental political liberties contained within the Constitution are guaranteed to every citizen, regardless of external factors such as gender.

Hence, the lack of a comprehensive anti-discrimination law that safeguards the equal recognition of fundamental political rights and liberties of Filipino citizens, regardless of their SOGIESC, worsens the situation of LGBTQIA+ individuals by having them prone to marginalization without any form of redress and protection from the law. To this end, Philippine legislators should be reminded of one of their duties mandated by the Constitution, i.e., “[to enact] measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.”⁷³

Conclusion

Philippine lawmakers and policymakers must understand that their sentiments and reservations concerning the SOGIE bill and other SOGIESC mainstreaming initiatives are prejudiced and unfounded. From the standpoint of justice as fairness, with proper regard to the principle of parity that incorporates the diversity of SOGIESC, their prejudice makes them unreasonable representatives of the people insofar as they fail to maintain reciprocity between the Government

⁷² Rawls, *Justice as Fairness: A Restatement*, 43.

⁷³ See note 47 above.

and LGBTQIA+ individuals. They must consider that LGBTQIA+ individuals, as fully cooperating citizens of Philippine society, have a legitimate expectation that their fundamental rights, enrolled in the Bill of Rights, are afforded to them and that the Government does its mandate to protect and serve them as citizens of the country.

Now, policymakers and legislators must recognize and overcome their prejudices concerning LGBTQIA+ individuals and their SOGIESC. Seminal initiatives are already established to initiate an intersectional understanding of gender justice. However, these administrative frameworks and initiatives will only be effective if the Government takes actual legislative measures to recognize LGBTQIA+ individuals and deal with existing practices of marginalization. A way of achieving this is by promulgating an anti-discrimination bill or adopting a national anti-discrimination policy using the issuance of an Executive Order that will serve as the legal basis for the actualization of GAD Mainstreaming platforms that pursue an intersectional understanding of gender justice.

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