



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

SECOND DIVISION

IN THE MATTER OF THE
PETITION FOR REGISTRATION
OF ANG LADLAD LGBT PARTY
FOR THE PARTY-LIST SYSTEM
OF REPRESENTATION IN THE
HOUSE OF REPRESENTATIVES.

SPP Case No. 09-228 (PL)

REPRESENTED HEREIN BY
CHAIRMAN DANTON REMOTO,
Petitioner.

Promulgated:

NOV 11 2009

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Ferrer, N.T., Presiding Commissioner

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Ang Ladlad LGBT Party

RESOLUTION

We resolve the verified Petition¹ for registration of ANG LADLAD LGBT PARTY (Ang Ladlad, for brevity) as a sectoral party under the party-list system of representation.

Petitioner is a corporation duly organized and existing under and by virtue of the laws of the Philippines with postal address at Unit 304 Golden Legacy Condominium, 98 Xavierville Ave., Cor. Esteban Abada St., Loyola Heights, Quezon City.

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¹ Rollo, page 3.

In its Petition filed on August 17, 2009, petitioner alleges the following, to wit:

- 1) That it is composed of Lesbians, Gays, Bisexuals, and Transgenders, "like-minded individuals with the same concerns and interests, comprising a bona fide sectoral organization";
- 2) That it seeks to participate in the Party-list system as a sectoral party to represent the "Filipino Lesbian, Gay, Bisexual, and Transgender (LGBT) Community";
- 3) That it has nationwide constituency;
- 4) That Petitioner "is not a religious sect or denomination";
- 5) That it does not "advocate violence or unlawful means to seek its goal";
- 6) That it "or any of its nominees/party-list representatives have not violated or failed to comply with laws, rules, or regulations relating to the elections";
- 7) That it is "not and endeavors not to receive any support from any foreign government, foreign political party, foundation, organization, whether directly or through any of its officers or members or indirectly through third parties for partisan election purposes"; and
- 8) That it "is not a party or organization that is an adjunct of, or a project organized or an entity funded or assisted by, the government;

Attached to the Petition are its Certificate of Incorporation², By-laws³, Articles of Incorporation⁴ and List of Officers and Members.

An Order⁵ dated September 4, 2009 was issued directing Regional Election Directors to verify the existence of petitioner in

² Rollo, page 175.

³ Rollo, page 182.

⁴ Rollo, page 177.

⁵ Rollo, page 247.



Regions I-XIII, Autonomous Region in Muslim Mindanao (ARMM), Cordillera Administrative Region (CAR) and the National Capital Region (NCR).

The case was set for hearing on September 24, 2009 in an Order⁶ of the Commission dated September 9, 2009 which also directs petitioner to publish its petition as well as the said Order in two (2) daily newspapers of general circulation.

The Petition was heard as scheduled on September 24, 2009. Petitioner, through counsel, presented on the witness stand Prof. Danton Remoto, the President of the party, who, having authenticated the documents establishing the jurisdiction of the Commission all the documents attached as annexes to the Petition, testified on direct examination and identified all the documents attached as annexes to the Petition, and answered clarificatory questions propounded by the members of the Second Division.

Thereafter, petitioner was directed to formally offer its evidence the following day during office hours. However, it failed to comply with the order.

This Petition must fail.

There are two (2) issues to be resolved in the present case, these are:

1. Whether or not the documents establishing the jurisdiction of the Commission and other documents

⁵ Rollo, page 247.

⁶ Rollo, page 249.



can be admitted as evidence considering that the same were not formally offered; and

2. Whether or not petitioner should be accredited as a sectoral party under the party-list system of representation.

Anent the first issue, we hold that the evidence of petitioner may be admitted. The general rule when evidence is not formally offered is found in Section 34⁷, Rule 132 of the Rules of Court which forbids the courts from considering evidence not formally offered. However, when evidence has been duly identified by testimony duly recorded and incorporated in the records of the case, the rule may be relaxed such that evidence not formally offered may be admitted.⁸

The exception may be applied to the case at bar. Petitioner, through its witness and President, Danton Remoto, sufficiently identified the pieces of evidence presented. The testimony was duly recorded and incorporated in the records of the case. Hence, the documents authenticated and testified on by witness Remoto are hereby admitted, although not formally offered in evidence by the petitioner.

Despite the foregoing, however, this Petition is dismissible on moral grounds. Petitioner defines the Filipino Lesbian, Gay, Bisexual and Transgender (LGBT) Community, thus:

“xxx a marginalized and under-represented sector that is particularly disadvantaged because of their sexual orientation and gender identity.”

⁷ “Section 34. Offer of evidence. – The court shall consider no evidence which has not been formally offered. The purpose for which the evidence is offered must be specified.”

⁸ Dizon vs. Court of Tax Appeals and the Commissioner of Internal Revenue, G.R. No. 140944, April 30, 2008, citing the case Vda. de Oñate vs. Court of Appeals.

and proceeded to define sexual orientation as that which:

“xxx refer to a person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender, of the same gender, or more than one gender.”

This definition of the LGBT sector makes it crystal clear that petitioner tolerates immorality which offends religious beliefs. In Romans 1:26, 27, Paul wrote:

“For this cause God gave them up into vile affections: for even their women did change the natural use into that which is against nature: And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet”.⁹

In the Koran, the hereunder verses are pertinent:

“For ye practice your lusts on men in preference to women “ ye are indeed a people transgressing beyond bounds.”(7:81). “And we rained down on them a shower (of brimstone): Then see what was the end of those who indulged in sin and crime!” (7:84) “He said: “O my Lord! Help Thou me against people who do mischief!””(29:30).”¹⁰

As correctly pointed out by the Law Department in its Comment dated October 2, 2008:

“The ‘ANG LADLAD’ apparently advocates sexual immorality as indicated in the Petition’s par. 6F: ‘Consensual partnerships or relationships by gays and

⁹ Homosexuality: The Christian Perspective by Lehman Strauss, published in the website bible.org.

¹⁰ The Muslim View of Homosexuality by Roy Waller, published in the website of the National Association of Research & Therapy of Homosexuality.



lesbians who are already of age." It is further indicated in par. 24 of the Petition which waves for the record: 'In 2007, Men Having Sex with Men or MSMs in the Philippines were estimated at 670,000." (Genesis 19 is the history of Sodom and Gomorrah).

Laws are deemed incorporated in every contract, permit, license, relationship or accreditation. Hence, pertinent provisions of the Civil Code and the Revised Penal Code are deemed part of the requirement to be complied with for accreditation.

ANG LADLAD collides with Art. 694 of the Civil Code which defines nuisance as 'Any act, omission, establishment, business, condition of property, or anything else which xxx (3) shocks, defies; or disregards decency or morality xxx'

It also collides with Art. 1306 of the Civil Code: 'The contracting parties may establish such stipulations, clauses, terms and conditions as they may deem convenient, provided they are not contrary to law, morals, good customs, public order or public policy. Art. 1409 of the Civil Code provides that 'Contracts whose cause, object or purpose is contrary to law, morals, good customs, public order or public policy' are inexistent and void from the beginning.

Finally, to safeguard the morality of the Filipino community, the Revised Penal Code, as amended, penalizes 'Immoral doctrines, obscene publications and exhibition and indecent shows' as follows:

"Art. 201. Immoral doctrines, obscene publications and exhibitions and indecent shows. — The penalty of prison mayor or a fine ranging from six thousand to twelve thousand pesos, or both such imprisonment and fine, shall be imposed upon:

(1) Those who shall publicly expound or proclaim doctrines openly contrary to public morals;

(2) (a) the authors of obscene literature, published with their knowledge in any form; the editors publishing such literature; and the owners/operators of the establishment selling the same;

(b) Those who, in theaters, fairs, cinematographs or any other place, exhibit, indecent or immoral plays, scenes, acts or shows, whether live or in film, which are prescribed by virtue hereof, shall include those which (1) glorify criminals or condone crimes;



(2) serve no other purpose but to satisfy the market for violence, lust or pornography; (3) offend any race or religion; (4) tend to abet traffic in and use of prohibited drugs; and (5) are contrary to law, public order, morals, and good customs, established policies, lawful orders, decrees and edicts;

(3) Those who shall sell, give away or exhibit films, prints, engravings, sculpture or literature which are offensive to morals. (As amended by PD Nos. 960 and 969)."

Petitioner should be denied accreditation not only for advocating immoral doctrines but likewise for not being truthful when it said that it *"or any of its nominees/party-list representatives have not violated or failed to comply with laws, rules, or regulations relating to the elections"*.

Furthermore, should this Commission grant the petition, we will be exposing our youth to an environment that does not conform to the teachings of our faith. Lehman Strauss, a famous bible teacher and writer in the U.S.A said in one article that *"older practicing homosexuals are a threat to the youth"*¹¹. As an agency of the government, ours too is the State's avowed duty under Section 13¹², Article II of the Constitution to protect our youth from moral and spiritual degradation.

We are not condemning the LGBT, but we cannot compromise the well-being of the greater number of our people, especially the youth.

WHEREFORE, premises considered, this Petition is hereby **DISMISSED.**

¹¹ Ibid.

¹² "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. xxx"



SO ORDERED.


NICODEMO T. FERRER
Presiding Commissioner


LUCENITO N. TAGLE
Commissioner


ELIAS R. YUSOPH
Commissioner

CERTIFICATION

I hereby certify that the conclusions in the above resolution were reached in consultation among the members of the Commission before the case was assigned to the writer of the opinion of the Commission's Second Division.


NICODEMO T. FERRER
Presiding Commissioner