

**MOTION FOR RECONSIDERATION**

**REPUBLIC OF THE PHILIPPINES  
COMMISSION ON ELECTIONS  
MANILA, SECOND DIVISION**

**IN THE MATTER OF THE  
PETITION FOR THE  
REGISTRATION OF ANG LADLAD LGBT PARTY**

**FOR THE PARTY LIST SPP  
NO. 06-071(PL)  
LIST SYSTEM REPRESENTATION  
IN THE HOUSE OF REPRESENTATIVES**

**ANG LADLAD LGBT PARTY**

**REPRESENTED HEREIN BY  
CHAIRMAN DANTON REMOTO,**  
Petitioner.

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**MOTION FOR RECONSIDERATION**

(Of the Resolution Denying Accreditation dated 27 February 2007)

**COMES NOW**, Petitioner, Ang Ladlad LGBT Party ("Ang Ladlad"), represented by its Chairperson, Danton Remoto, by undersigned counsel and unto this Honorable Commission on Elections (COMELEC), by way of a motion for reconsideration on the resolution of the Commission on Elections dated 27 February 2007 (received by the Petitioner only on 27 February 2007) denying Ang Ladlad Party accreditation for the party-list elections of May 14, 2007, signed by Commissioners Florentino A. Tuason, Jr., Rene V. Sarmiento, and Nicedemo T. Ferrer, respectfully alleges:

**PRELIMINARY STATEMENT**

1. The dispositive portion of the Resolution denies the application of the petitioner upon the ground that its membership is not national in scope.
2. With all due respect to the Commissioners of the Commission on Elections, Ang Ladlad would like to move for the reconsideration of the foregoing findings upon the reasons stated below.
3. Ang Ladlad would like to stress that it is a sectoral organization representing a marginalized group of people on account of their sexual orientation as evidenced by their sexual preference or physical outward appearance.

4. Ang Ladlad is capable of launching a nationwide campaign as evidenced, not only by their membership, but also by the strength of their provincial coordinators.

## **I. ANG LADLAD IS A BONA FIDE SECTORAL ORGANIZATION**

5. Ang Ladlad is a sectoral organization of like-minded individuals with the same concerns and interests. It is not a national political party. This sectoral organization of lesbians, gays, bisexuals and transgender Filipinos has a national constituency composed of members from all over the country, led by a duly-constituted set of officers, and assisted by provincial coordinators. It is capable of launching a full electoral campaign to get its representatives in Congress.

6. Being a marginalized sector, its provincial coordinators mostly have offices in their respective residences. It is not expected to have established and fully-equipped offices, given the financial constraints that this involves for a marginalized sector. However, we do have strong linkages and connections with LGBT individuals and organizations all over the country.

## **II. LGBT: MARGINALIZED AND UNDERREPRESENTED**

7. Petitioner, Ang Ladlad, is a sectoral organization of like-minded individuals with similar concerns and interests. It is composed of Filipino lesbians, gays, bisexuals and transgenders (LGBT) organized pursuant to the party-list system provisions of the Constitution.

8. More specifically, the members of Ang Ladlad represent those:

a. Who belong to a marginalized and under-represented sector;

b. Who lack well-defined constituencies; but

c. Who could contribute to the formulation and enactment of appropriate legislation that will benefit the nation as a whole.

### **A. LGBT: Marginalized Sector in Philippine Society**

9. Although our society is viewed as tolerant to lesbians, gays, bisexuals and transgenders, this does not translate to equality of opportunities and parity before the law.

10. The LGBT community often becomes the recipient of stereotyping faults that extend to society's treatment of them in school, at work, and in various other settings.

11. In the Philippines and elsewhere in the world, there have been documented cases of undue discrimination against the LGBT community, among which are:

1. Gays who are effeminate are refused entry from certain schools or are automatically put on probation;

2. Effeminate gays and butch lesbians are kicked out of schools, NGOs, and choirs because of their identity;
3. Effeminate gays being beaten up by their parents and/or guardians to make them conform to standard gender norms of behavior;
4. Denial of jobs, promotions, and work benefits once one's orientation or gender identity is revealed is also rampant;
5. Denial or entry or services in certain establishments is also practiced today;
6. Exorcism or religious cures are also enacted so that gays and lesbians could be "reformed;"
7. In General Nakar, gays are arbitrarily beaten up in order to be shown the error of their ways;
8. Consensual relationships are broken up through the use of the anti-kidnapping law. One's partner allegedly abducted the other since it is believed that lesbian relationships exist only when one partner is forced into it;
9. Several murders from the years 2003-2006 were also targeted towards gay men, but without the police acknowledging them as hate crimes or acts of bigotry;
10. Fathers and/or guardians who allow their daughters who are butch lesbians to be raped to "cure" them into becoming straight women;
11. Transgenders, or gay men who self-identify as women and dress as such, are denied entry or services in certain restaurants and other establishments.
12. Up to 1975, being gay or lesbian was listed by the American Psychological Association as a mental disorder that necessitates a cure. Despite such de-listing, the negative perception of homosexuality persists in Philippine society.

## **B. LGBT: Underrepresented in Philippine Society**

12. Afraid of the negative attitudes directed at them by society, many members of the LGBT community are forced to hide their sexual orientation, thus becoming invisible not only to their families, but in the workplace and political arena, as well. This has prevented the members of the LGBT community to live affirmative, complete, and productive lives.
13. It is accepted statistics<sup>1</sup> that six to ten percent (10%) of any given population is gay, lesbian, bisexual and transgender. Our country's current population is 87.5 million. Conservative estimate places the LGBT population at 8.75 million. Comelec statistics shows that there were 43.5 million registered voters in 2004. Understanding this, the LGBT sector can be estimated to be 4.35 million.
14. Despite such large numbers, our society's general exposure to the LGBT experience

is limited to the fields of fashion, beauty and entertainment. Although we are often aware that some of the best minds in the traditional professions come from the LGBT community, there are still no openly gay, lesbian, bisexual, or transgender heads in any of the legislative, executive, or judicial branches of government. This is proof that being gay, lesbian, bisexual or transgender is perceived as a hindrance to a professional or political career.

15. There have been heterosexuals who have directly or indirectly advocated for equal protection and implementation of human-rights principles relative to the LGBT community, but these have been few and far between.

16. As such, there are no open role models—and more importantly—no positive, consistent, or reputable "out" advocates for equal rights for the LGBT community.

17. The members of the LGBT community contribute to the richness of a diversified community, not only through their intellectual and cultural legacy but also through their contribution—as members of the working force—to the gross national product of the country. For example, HACAP, FILHAIR and HAIR ASIA, which is composed of 80,000 owners of beauty parlors have, on average, five gay workers who earn and contribute taxes to the government. This statistic does not include the many members of the LGBT community who are "invisible" in the work force.

18. In a democratic system of inclusion and participation, it is important to hear the point of view of the LGBT, a minority sector that deserves equal protection and respect. More importantly, as economically productive members of the society who have a right to be represented, the LGBT community can be deemed underrepresented in the legislative branch.

## **PROOF OF LEGITIMACY**

### **A. Constituency and Membership**

19. As previously stated the LGBT community is estimated to be eight million, seven hundred thousand people (8.7 million) based on ten percent (10%) of the current population. According to the COMELEC statistics, there are forty-three million, five hundred thousand (43.5 million) registered voters in the Philippines. Using the same formula the LGBT constituency, therefore, can be estimated to be four million, three hundred fifty thousand (4.35 million) people.

20. To date Ang Ladlad has 16,100 members and affiliates. A copy of its Provincial Coordinators with their respective addresses are attached and marked as **ANNEX "A"**, herein.

21. Moreover, it has approximately 3,100 members in its electronic discussion group.<sup>2</sup> A copy of the title page of the electronic discussion group, which shows the number of members, is attached as **ANNEX "B"** herein.

22. Furthermore, the following form part of the national umbrella organization that is Ang Ladlad:

- Abra Gay Association -- Abra
- Albay Gay Association -- Albay
- Arts Center of Cabanatuan City – Nueva Ecija
- Can't Live in the Closet, Inc. – Metro Manila
- Cebu Pride – Cebu City
- Dipolog Gay Association – Zamboanga del Norte
- Gahum -- Cebu City
- Gay Men's Support Group – Metro Manila
- Iloilo City Gay Association – Iloilo City
- Kabulig Writers' Group – Camarines Sur
- Lesbian Advocates Philippines! – Metro Manila
- Lumina -- Baguio City
- Marikina Gay Association – Marikina City
- Naga City Gay Association – Naga City
- Order of Saint Aelred – Metro Manila
- San Jose del Monte Gay Association -- Bulacan
- Sining Kayumanggi Royal Family -- Rizal
- Society of Transsexual Women of the Philippines – Metro Manila
- The Link -- Davao City
- Tayabas Gay Association -- Quezon
- Zamboanga Gay Association – Zamboanga City

23. Ang Ladlad has never ceased to exist since its organization on 01 September 2003.

24. This is the first time that Ang Ladlad has filed a petition before the Comelec for its registration as a party list.

## **B. Organizational Structure**

25. Ang Ladlad is governed by a Board composed of the following people and their addresses:

Danton Remoto (Unit 304, Golden Legacy Condominium, 98 Xavierville Ave., Loyola Heights, QC)

Doni Santos (2347-C Marconi St., Palanan, Makati City)

Bembol Aleeh Benedito (19 Kubili St., Proj. 2, QC)

Danicar Mariano (32 Daet St., Damar Village, QC)

Jay Espinosa (38 Fordham St., St. Ignatius Village, QC)

26. At present, the officers of the organization are the following:

Chairperson – Danton Remoto

Vice-chairperson – Doni Santos

Secretary – Bembol Aleeh Benedito

Media Officer – Danicar Mariano

Treasurer – Jay Espinosa

### **C. Organizational Activities**

27. Summarized herein are the salient activities of the organization since its inception in 2003.

Counselling services by Professor A.J. Sagmit of the Ateneo de Manila University and Professor Allan Natividad of the University of the Philippines. Ongoing.

Medical missions in Eastern Visayas by Patrick Joseph Ty. Ongoing.

Anti-HIV AIDS awareness programs in cooperation with the Angeles City HIV/AIDS Office. Ongoing.

Lobbying for the Anti-Discrimination Bill filed by Akbayan Rep. Loretta Anne P. Rosales. Ongoing.

Organizer of the Pride March of LGBT Filipinos. Ongoing.

LGBT Arts and Culture Night. Every quarter of the year.

Golden Acres for Old People Fellowship. Every December.

28. Selected pictures of some of the above activities are attached and marked herein as **ANNEX "C"**.

## **PROOF OF FINANCIAL CAPABILITY**

29. Ang Ladlad is financially capable of launching and sustaining a campaign for the congressional elections of 2007.

30. To date, the organization has approximately one (1) million and five hundred thousand pesos broken down into the following:

1. Php 500 000.00 cash (bank statement herein attached as **ANNEX "K"**).
2. Php 500 000.00 worth of paintings, sculptures, Baccarat crystal, and coffee table books inventory for auction sale (pictures of the items herein attached as **ANNEX "L"**).
3. Php 500 000.00 in pledges by members and supporters to pay for goods/products – t-shirts, tarpaulin banners, food for the campaign.

31. Ang Ladlad is supported by its membership and other donors that is entirely composed of Filipino citizens. It does not 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.

## **PLATFORM OF GOVERNMENT**

32. As a party list, Ang Ladlad is willing to research, introduce, and work for the passage into law of legislative measures under the following platform of government:

1. Introduction and support for an Anti-discrimination Bill that will ensure equal rights to LGBT in employment and civil life.
2. Support for LGBT-related and LGBT-friendly businesses that will contribute to the national economy.
3. Setting up of micro-finance and livelihood projects for poor and physically challenged LGBT Filipinos.
4. Setting up of care centers which shall take care of the medical, pension, legal and other needs of old and abandoned LGBTs. These centers will be set up initially in the key cities of the country.
5. Introduction and support for bills seeking the repeal of certain laws used to harass and legitimize extortion against the LGBT community.

33. Information on the platform of government has been disseminated among the LGBT community as evidenced by the Ang Ladlad fliers which have been regularly distributed to members and to the general public on various occasions such as LGBT Pride Marches, Halloween events, the White Party, exclusive women's events, etc. A copy of the said flier is attached and marked herein as **ANNEX "D"**.

34. Ang Ladlad does not advocate or espouse violence or unlawful means to attain its

objectives.

### **COMPLIANCE WITH THE PARTY LIST ACT**

35. Ang Ladlad or any of its nominees/ party-list representatives do not fall under any of the disqualifications set forth in Section 6 of RA 7941.

36. More specifically:

1. Ang Ladlad is not a religious sect or denomination, organization or association organized for religious purposes.
2. Ang Ladlad or any of its nominees/ party-list representatives do not advocate violence or unlawful means to seek its goal.
3. Ang Ladlad is an organization composed of members who are Filipino citizens. As previously stated, its nominees/ party-list representatives are all natural-born Filipino citizens.
4. Ang Ladlad has not, 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.
5. Ang Ladlad or any of its nominees/ party-list representatives have not violated or failed to comply with laws, rules or regulations relating to the elections. Ang Ladlad nominees/ party-list representatives are registered voters.

### **COMPLIANCE WITH THE 8-POINT GUIDELINES OF THE SUPREME COURT FOR SCREENING PARTY-LIST PARTICIPANTS**

37. By this Memorandum, Ang Ladlad has complied with the 8-Point Guidelines of the Supreme Court for the Screening of Party-List Participants.

38. More specifically, it has submitted evidence relative to its circumstances to prove that:

1. Ang Ladlad represents a marginalized and underrepresented group identified in Section 5 of RA 7941;
2. Ang Ladlad is not a political party;
3. Ang Ladlad is not a religious sector or organized for religious purposes;
4. Ang Ladlad does not have any of the disqualifications stated in Section 6 of RA 7941;
5. Ang Ladlad is not a party or organization that is an adjunct of, or a project organized or an entity funded or assisted by, the government;

6. Ang Ladlad and its nominees/ party-list representatives have complied with Section 9 of RA 7941. More specifically:

1. Its nominees or Party Representatives are natural-born citizens of the Philippines;
2. Registered voters;
3. A resident of the Philippines for a period of not less than one (1) year immediately preceding the day of the election;
4. Able to read and write;
5. A **bona fide** member of the party or organization which s/he seeks to represent for at least ninety (90) days preceding the day of the election;
6. At least 25 years of age.
7. Its nominees/ party-list representatives are also members of the class of people known as LGBT who are marginalized and underrepresented.
8. The nominees or Party Representatives are able and willing to contribute to the formulation and enactment of appropriate legislation.

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1 Mead, Margaret. **Male and Female (1949)**.

2 Please see <http://groups.yahoo.com/group/angladlad>

## **PRAYER**

**WHEREFORE**, premises considered, it is respectfully prayed that the petition for the registration of Ang Ladlad LGBT party for the party-list system representation in the House of Representatives be granted.

Petitioner prays for other reliefs just and equitable under the premises.

Submitted this \_\_\_\_th day of March 2007.

BY:

**F.D. NICOLAS B. PICHAY**

IBP No. 674319, 31

January 2006

Republic of the Philippines)  
Makati City ) s.s.

## **VERIFICATION**

I, **DANTON REMOTO**, after having been duly sworn in accordance with law hereby depose and state that:

1. I am the chairperson of the Ang Ladlad LGBT Party, petitioner in this case before the Commission on Elections;
2. I caused the preparation of the above memorandum;
3. I have read the foregoing memorandum and attest that the allegations contained therein are true and correct to my knowledge.

**FURTHERMORE, AFFIANT SAYETH NAUGHT.**

Submitted this 5th day of March 2007. Makati City.

DANTON REMOTO  
Affiant

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of January 2007 at Makati City, Philippines, affiant exhibited to me their Community Tax Certificate No. 07328571 issued on 14 September 2006 issued at Quezon City.

## **NOTARY PUBLIC**

Doc. No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 2007.