Whether gay marriage should be allowed or not, has always been a controversial topic. People seem to be concerned about the matters of legalizing the partnership of same-sex couples. The Philippines despite being considered one of the most “gay-friendly” countries in Asia with 73% believing that homosexuality should be accepted, still lacks legislative measures to afford equal rights and privileges for same-sex couples that are enjoyed by heterosexual couples. This may contribute to the Philippines also being a Catholic-majority country. However, despite being a catholic-majority and conservative country, the Philippines should legalize same-sex union for three motives:

1. (Human rights)

A. To deny the LGBTQ community the option to marry would be discriminatory and a violation of human rights.

B. Same-sex civil unions are based on the constitutional right to freedom of association. The Bill of Rights in the Constitution protects “the right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law.” By logic, because people are free to associate with one another, any two people can enter into a contract that would guarantee them the civil rights enjoyed by a married couple. Marriage, however, is defined by the Family Code as between a man and a woman. That’s why

C. The fight to legalize same-sex marriage in the Philippines has always been put to uncertainty due to the dominance of Catholic belief in the country and the legislation. The LGBTQ community counters the argument of conservative faith as they are pushing for legality more than morality. Let me cite a situation, “a gay couple that have been together for years or until death has acquired properties together but in cases of one’s sudden death, his relatives, who likely despised him, are the ones receiving the property in his name, not his partner.” Under the law, in cases of death without the last will and testament, the wife, ascendants, and descendants will receive the inheritance. But without any marriage certificates to show, no matter how long a gay couple has been together, the partner will not get any share. This leads us to our second motive

1. Allowing gay couples to be legally married, will give them Legal rights and benefits

A. According to House Bill 6595, civil unions would be given “all benefits and protections as are granted to spouses in a marriage under existing laws.”

B. If same-sex union is passed, they would enjoy the same rights and privileges granted to married couples in social security and insurance memberships.

C. Civil union couples would be able to adopt children. They would just need to satisfy the same qualifications under [existing adoption laws](https://www.rappler.com/nation/how-to-adopt-philippines). This is an important point as currently according to data from the Philippines Orphanage Foundation, there were at least 2 million orphaned children in the Philippines. And for the last and the most important motive,

1. (Love and Mental health)

A. We need to legalize it, For the sake of love itself. We should not deprive any person of the right to be happy with someone for the rest of their lives. Moreover, there are already 41% of respondents in a survey that are in favor of legalizing same-sex union. The support is already there we just need to push this through into our law. A study also found that same-sex married couples were “significantly less distressed than lesbian, gay, and bisexual persons not in a legally recognized relationship.” We don’t want to risk more mentally unstable people when there’s a solution that is clearly attainable.

In conclusion, not allowing gay couples to marry in the Philippines jeopardizes the fundamental rights of LGBT partners and families. Why should we deprive them of the right that heterosexual couples have when it’s not within their control to be homosexual. With same-sex union, it gives them the hope that they can also have a future. This community has always been the subject of hate and discrimination just by existing. Their right to marry whomever they wish irrespective of gender or sex is the least the Philippines could do. Thank you for listening this is Jane Ayop from BAELS3B.

A person in a civil union may give consent to medical treatments on behalf of his or her civil partner with a serious medical condition. Labor benefits and privileges given to employees based on marital status will also be applied to employees in civil partnerships. Tax laws for married couples will be applicable to civil partnership couples, too. Like married couples, civil partners legally owe each other respect, fidelity, support, and assistance. They are expected to live together and are jointly responsible for managing their household. Should the couple in a civil union become parents to a child under agreed terms, the couple has the same obligations to the child as provided for married couples.

The International Covenant on Civil and Political Rights (ICCPR)—to which the Philippines is a state party--bans discrimination based on sex. The Human Rights Committee held that “sexual orientation” was a status protected under the ICCPR from discrimination, finding that the reference to ”sex” in articles 2 and 26 was to be taken to include sexual orientation.[3](https://www.hrw.org/legacy/backgrounder/lgbt/civil-marriage.htm" \l "_ftn3) The same reasoning applies to civil marriage: excluding gay and lesbian people from the status of civil marriage is a form of discrimination based on sexual orientation

* International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999, 171, entered into force Mar. 23, 1976. art. 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

United Nations (General Assembly). (1966). International Covenant on Civil and Political Rights. *Treaty Series*, *999*, 171

* Wight, R. G., Leblanc, A. J., & Lee Badgett, M. V. (2013). Same-sex legal marriage and psychological well-being: findings from the California Health Interview Survey. American journal of public health, 103(2), 339–346. <https://doi.org/10.2105/AJPH.2012.301113> https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3558785/
* Rappler, (2020). 73% of Filipinos think ‘homosexuality should be accepted by society’ – report.

A new Pew Research report revealed that around 73% of Filipinos think that homosexuality should be accepted by society. The survey, conducted in 2019, looked at how 38,000 people across 34 countries perceived homosexuality. The full question wording was: “Which one of these comes closer to your opinion? ‘Homosexuality should be

* Const., (1987), art. III, § 8 (Phil.)  
    
  “The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.”
* CNN Philippines, (2019). House holds online poll on same sex unions.

“The House of Representatives is conducting an online survey on same-sex unions. The poll, posted on the chamber's website, asked whether the respondents are in favor, against, or undecided about the proposal on the legalization of same-sex unions as civil partnership in the country. As of writing, the survey has 65,216 respondents, with 38,332 or 59 percent saying they are against the proposal. More than 26,000 or 41 percent are in favor while only 3397 or 1 percent are undecided.”

A petition seeking to allow same-sex marriage in the Philippines filed by gay lawyer Jesus Falcis is pending before the Supreme Court. An oral argument on the proposal was held in June last year. The petition, filed in 2015, asked the High Court to declare Articles 1 and 2 of the Family Code unconstitutional. The provisions of the 31-year-old law limits marriage between a man and a woman. Falcis also wanted to nullify Articles 46(4) and 55 (6) of the Family Code, which include homosexuality or lesbianism as legal grounds for annulment and legal separation.

a good debater is a good note-taker