

Assessing the SOGIE Bill from the Framework of the UN Legal Identity Agenda

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ABSTRACT

This paper seeks to evaluate the Sexual Orientation, Gender Identity or Expression, or Sex Characteristics or the “SOGIESC Equality Bill” (the Philippines’ version of the global LGBTQ+ activism that seeks to affirm the basic rights of all people regardless of SOGIE) within the context of the United Nations Legal Identity Agenda, which emphasizes the relevance of legal identity for civil registration and vital statistics. It uses qualitative methodology utilizing conceptual and comparative analysis. The document begins with the structure of the Bill, outlining significant sections on gender and gender identity definition, as well as corresponding sanctions and penalties. The paper also examines current legislations that recognize the rights and identity of other marginalized elements of society, such as senior citizens and persons with disabilities. It then looks at the UN Legal Identity Agenda and how it relates to the SOGIESC Bill, emphasizing the necessity of legal gender identity recognition and the responsibility of the state in guaranteeing equitable access to legal identification for everyone. Using the UN Legal Identity Agenda as a framework, the study argues that Legal Gender Identity is an important provision in the Bill to assure acknowledgment and, eventually, objective recognition of a person’s gender identity.

Keywords: Gender, Gender Identity, Legal identity, LGBTQ++, SOGIE

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Introduction

According to Sustainable Development Goal (SDG) 5, Gender equality is a fundamental human right and a vital basis for a peaceful, successful, and sustainable society. One of its targets is to “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality...” (United Nations, 2015, 5.c). Correlating this goal is to provide a legal identity for all (United Nations, 2023, 16.9). What is highly relevant to the issue is the recognition of an individual based on his or her self-proclaimed identity to acknowledge him/her in his/her claim for rights within the social framework. To ensure this recognition, a specific form of legislation to this effect is to be designed so that lesbians, gays, bisexuals, transgender, and other (LGBT)¹¹ individuals can obtain identity documents that reflect their preferred gender without abusive requirements.

However, the challenge is, “Would a United Nations (UN) agenda and the worldwide LGBT groups be heralding enough to put pressure on its (UN, and sectoral groups) member states to enact explicit legislation or implement specific initiatives promoting gender equality?” The UN report on gender equality acknowledges progress and reactions from member states but calls for greater intensity in proactive planning and execution of gender-oriented initiatives.

One of the biggest cities in the Philippines-Quezon City, enacted the Gender-Fair Ordinance through Ordinance SP 2357, s. 2014 (An Ordinance providing for a comprehensive anti-discrimination policy on the basis of sexual orientation, gender identity, and expression (SOGIE) (Quezon City Council, 2014). Its subject is widened as it encompasses the protection of Lesbian, Gay, Bisexual, Transsexual, Transgender, Queer, Questioning, Intersex, Ally, Asexual, Pansexual- plus people from all forms of discrimination, such as refusing to give service based on gender identification, as well as verbal and nonverbal harassment. The urgency of implementing the ordinance was the reported issues of discrimination and harassment incidents, which sparked a public rebellion, mostly 1 LGBT, for the purpose of this paper, refers not only to lesbian, gay, bisexual, and transgender but includes everyone, including queer, questioning, intersex, ally, asexual, pansexual- plus, and/or others, as claimed or identified by its support groups or communities.

within LGBT and support communities. Other local government units (LGU) strive to follow suit, but only the Quezon City government has been able to implement a gender-based resolution at this time.

At the House of Representatives, the Committee on Women and Gender Equality has already accepted the substitute bill crafted by the technical working group (TWG), which consolidated House Bills (HB) 222, 460, 3418, 3702 4277, 5551, 6003, and 7036 seeking to prohibit discrimination of people based on their sexual orientation, gender identity, and expression (Lalu, 2023).

At the national level, Senate Bill (SB) 1600, an Act Prohibiting Discrimination on the Basis of Sexual Orientation, Gender Identity or Expression, or Sex Characteristics (SOGIESC) and Providing Penalties Therefor, known as the “SOGIESC Equality Act” (Senate of the Philippines, 2022) remains pending at the Senate. In its policy declaration, the bill is grounded from experiences of discrimination, marginalization, and violence on the basis of one’s SOGIESC. It seeks recognition and protection of LGBT rights and secures access to and enjoyment of opportunities, benefits, or privileges otherwise available to other persons. With nineteen (19) out of twenty-four (24) senators already signed at the committee level, the bill is merely waiting for a chance to be sponsored in the senate plenary session.

The House of Representatives and the Senate have similar legislative processes where bills have to undergo three (3) readings and votes. Having two-chamber documents, the enrollment form for the final version is produced if the version approved by the Lower House and the Senate are compatible. If there are disagreements, a bicameral conference committee is convened to resolve inconsistencies between the Senate’s and the House of Representatives’ versions. The conference committee submits a report on the reconciled version of the bill duly approved by both chambers. The Senate prints the reconciled version in its enrolled form (Senate of the Philippines, 2021). The final phase to realize this into law is the signature of the President of the Republic, otherwise, its veto power manifests disapproval. The President may veto a bill, but the House of Representatives may overturn a presidential veto by garnering a 2/3rds

vote. If the President does not act on a proposed law submitted by Congress, it will lapse into law after 30 days of receipt (Senate of the Philippines, 2021).

This paper seeks to evaluate the Sexual Orientation, Gender Identity or Expression, or Sex Characteristics or the “SOGIESC Equality Bill” (the Philippines’ version of the global LGBTQ+ activism that seeks to affirm the basic rights of all people regardless of SOGIE) within the context of the United Nations Legal Identity Agenda, which emphasizes the relevance of legal identity for civil registration and vital statistics.

The document begins with the structure of the bill, outlining significant sections on gender and gender identity definition, as well as corresponding sanctions and penalties. The paper also examines current legislations that recognize the rights and identity of other marginalized elements of society, such as senior citizens and persons with disabilities. It then looks at the UN Legal Identity Agenda and how it relates to the SOGIESC Bill, emphasizing the necessity of legal gender identity recognition and the responsibility of the state in guaranteeing equitable access to legal identification for everyone. Using the UN Legal Identity Agenda as a framework, the study argues that Legal Gender Identity is an important provision in the bill to assure acknowledgment and, eventually, objective recognition of a person’s gender identity.

Methodology

The study employs a conceptual and comparative analysis. The key concept of sexual identity and expression will draw and compare the Senate Bill’s definition on gender identity with the United Nations agenda on legal identity and current policies that rigidly enforce identities. This comparison will aim to highlight the potential strengths and weaknesses of the Senate bill in relation to international standards and current practices. The ultimate goal of the analysis is to challenge the Bill to produce the legal relevance of gender identity suggesting its significance to protect other members of the society who may fall into situations of misgendering. The document analysis will provide a comprehensive understanding of the Senate bill’s approach to gender-based identification and its potential implications for legal

frameworks and individual rights.

SOGIESC’s Definitions of Terms

How terms are defined is a very significant element of legislation. Definitions are powerful provisions because they control the meaning of terms used throughout a legislative text and, in the absence of a contrary intention, the meaning of terms in all other enactments relating to the same subject matter. They strongly influence the interpretation of legislative texts (Government of Canada, 2022). They ought to explain what the text means in their definitions. As soon as terms are formalized in writing, it obtains authority and is followed by subsequent interpretations.

The present version of the SB 1600 is a significant improvement over prior iterations.

The following are terms and definitions from the bill that will be relevant to this study (Senate of the Philippines, 2022) (arranged in no particular order):

Gender Identity refers to a person’s innermost concept of self as man, woman, or another non-binary identity which may or may not correspond with their sex or gender assigned at birth (Sec. 3.G); **Intersex** refers to people born with sex characteristics (including genitals, gonads and chromosome patterns) that do not fit typical binary notions of male or female bodies, all of which are natural bodily variations along a spectrum (Sec. 3.J); **Sex** refers to the civil status of a person acquired by birth having a system of reproduction corresponding to that belonging to either male, female or intersex (Sec. 3.O); **Sex Characteristics** refers to a person’s physical traits that indicate their biological sex, such as chromosomes, external genitalia, gonads, hormones, and internal reproductive organs, traits present at birth are called primary sex characteristics, whereas those that develop during puberty are called secondary sex characteristics (Sec. 3.P); **Transgender** refers to a person whose gender identity does not align with the sex or gender assigned at birth, frequently abbreviated to “Trans” (Sec. 3.S).

Several human rights groups, such as the Human Rights Campaign (2023) and the

Psychological Association of the Philippines (PAP) (2020), define gender identity as derived from the human person's innermost core. Interestingly, all other definitions of SOGIE found in the bill likewise concurred with PAP's statement upholding the basic human rights and well-being of LGBT persons based on the psychological science of SOGIE (Psychological Association of the Philippines, 2020).

The bill agrees on the idea of gender, stating that it is a social construct. Gender identification relates to a person's fundamental sense of self, while gender expression refers to the means through which this identity is transmitted. The definition of sex and its connection to gender is a more engaging setting in the bill. In day-to-day usages, both sex and gender are, at times, interchanged. Consequently, definitions are emphasized in questions of sex itself, orientation, and expression. Although expected, the introduction of a third 'gender', termed in the bill as intersex (defined as another variant other than the fundamental binary qualities such as male and female), is rather noteworthy. The point of curiosity is its authoritative foundation, boldly claiming a third feature when science has yet to establish this phenomenon.

Transgender is referred to as "persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth." Previously, this condition was recognized with a clinical diagnosis of "gender identity disorder" (Bedford & Eberl, 2016). The diagnostic term now favored by the Diagnostic and Statistical Manual of Mental Disorders-5th Edition (DSM-V), "gender dysphoria," denotes not only differing gender identification but also consequent significant feelings of distress. This is assented to by PAP, as it reiterated that being lesbian, gay, bisexual, and transgender are part of the normal variation of human sexuality and gender identity and expression (Psychological Association of the Philippines, 2020). Transgender is therefore not reducible to gender dysphoria—since not all persons with differing gender identification experience distress about this perception—and one need not experience distress to seek out hormonal or surgical interventions. It is notable that the linguistic and diagnostic shift emphasizes the assertion that distress is a problematic phenomenon, not the self-identified incongruence between sex and gender

(Bedford & Eberl, 2016). To put it in simpler terms, a person with gender dysphoria is not mentally ill; they are dissatisfied with the gender assigned at their birth.

Transgender is categorically distinct from Disorders of Sex Development (DSD). Also known as "intersex" conditions, DSD is "defined by congenital conditions in which development of chromosomal, gonadal, or anatomic sex is atypical." Lack of a DSD is, in fact, one of the diagnostic exclusion criteria in a differential diagnosis for gender dysphoria (Bedford & Eberl, 2016). In the context of SB 1600, DSD is not aligned with the definitions of identity or expressions because of its exclusion from the realms of SOGIE advocacy. This type of intersex is physiologically abnormal and is not accompanied by emotions. Under the bill, the basis of sexual orientation, gender identity, and expression is on the person's "innermost concept of self" as man, woman, or another non-binary identity, which may or may not correspond with their sex or gender assigned at birth.

Supporters of the Bill highlight that it is inclusive to preserve its discriminatory aspect. The SOGIE Equality Bill, according to Miss Trans Global 2020 winner Mela Habijan, would shield ALL Filipinos from prejudice. Everyone, even individuals the organization refers to as cisgender, is covered by this claim. Speaking in Filipino, Habijan said: "(Translated): All of us will be protected by the SOGIE Equality Bill against discrimination because there are many forms of discrimination experienced by each Filipino in their homes, workplaces, schools, and most especially in public places. Each Filipino, each person has a sexual orientation, gender identity, and expression" (CNN Philippines, 2021).

Amnesty International affirms that the SOGIE Equality Bill recognizes the fundamental rights of every person regardless of sexual orientation and gender identity (Amnesty International, n.d.). It adheres that the sex assigned at birth falls under the purview of SOGIE. It conveniently assumes that everyone has SOGIE. While this affirmation encompasses male and female or the conventionally recognized binary genders, SOGIE is obviously intended for LGBT people who confront disproportionately high levels of inequality in accessing social services, education,

and work. The majority of LGBT advocacy groups serve as evidence for this claim.

It is without a doubt evident that the bill follows comparable policies that are put out and are the subject of discussion by international organizations. Filipino acceptance of homosexuality recorded a high rate at seventy-three percent (73%), and the highest among Asian participants (Abad, 2020). Despite demand from the LGBT groups and its reputation as a country that is welcoming to LGBT people, a law has not yet been resolved. For more than two (2) decades, a bill that would criminalize discrimination based on sexual orientation, gender identity, gender expression, or sex characteristics has languished in the Philippine Congress (De Guzman, 2023). According to legislative documents, the initial draft of the SOGIE Equality Bill was submitted to the Philippine House of Representatives on January 26, 2000. The measure has made varied degrees of progress in the legislative process with each succeeding Congress, but it always ends up with the same result: at most, the lower house as a whole could adopt it, but the higher chamber, the Philippine Senate, will let it stall in discussions (De Guzman, 2023).

Gender Identity According to the Bill

The bill widely assumed that sex and gender are interchangeable. To begin with, a baby's genitals determine whether he or she is male or female at birth. Sex, as noted above, is defined in the bill as the "civil status of a person acquired by birth who has a reproductive system that corresponds to either male, female, or intersex." The perplexing concept of intersex as a third characteristic in the bill requires solid arguments before it is legally established. If unfounded, this can be an entry portal to validate ambiguous notions on gender and sexuality. Its moral-theological foundations have to be carefully discerned. Generally, male or female sex as an identity assigned at birth is recorded on a legal document commonly known as a birth certificate or registration. By the nature of "assignment" being granted or given by another, sexual identity is objectively identified.

Gender identity, according to the website

Gender Spectrum, is our internal experience and labeling of our gender. It may be the same as or different from the sex given to us at birth. It is an ongoing process that correlates to sentiments of gender harmony. In a person's life, the interests, activities, clothing, and professions considered the domain of one gender or another evolve both small and large. People have sought gender congruence and emotional harmony throughout history. Gender identity has progressed from the more prevalent binary ideas of boy and girl or male and female to what many civilizations now consider to be a continuum. Other identities already exist, and the facets of many gender and sexual identities are changing. Perhaps the double plus sign (++) succeeding the abbreviation LGBTQIA infinitely foreshadows the next gender identity. Accordingly, gender is personal since each dimension is influenced by the individual's particular fusion of identities, experiences, and personal characteristics.

SOGIESC'S "Discriminatory Practices"

Discriminatory activities are clearly described in Section 5 of the Bill, "which shall be unlawful for any person, natural or juridical, to engage in discrimination." Consequent penalties ranging from PhP5,000.00 to half a million pesos, or an imprisonment of not less than six (6) and not more than twelve (12) years if a violation is committed by a corporation, subject to the discretion of the court, will be imposed (Senate of the Philippines, 2022, Section 5). The following are the discriminatory practices according to the bill:

- The mandatory **disclosure** of one's SOGIESC;
- **Refusing admission** or expelling a person from any educational or training institution open to the general public, including police and military academies or training institutions;
- **Imposing disciplinary sanctions**, penalties harsher than customary or similar punishments, requirements, restrictions or prohibitions that infringe on the rights of the students on the basis of SOGIESC;
- **Refusing or revoking** the accreditation, formal recognition, registration or plan to organize

of any organization, group, political party, institution, or establishment solely on the basis of the SOGIESC;

- **Denying** a person access to emergency and/or necessary health services open to the general public on the basis of such person's SOGIESC; access to public services to any person on the basis of SOGIESC; an application for or revoking a professional or other similar kind of license, clearance, certification, or any other similar document, issued by the government due to the applicant's SOGIESC; access to or the use of establishments, facilities, utilities, or services, including housing, open to the general public on the basis of SOGIESC;
- **Subjecting a person** deprived of liberty to extortion, physical, verbal abuse, or sexual abuse, and cruel and degrading punishment, because of their SOGIESC; to undertake any medical or psychological examination or procedures, invasive or non-invasive, western or traditional, to determine or alter, or both, their SOGIESC; any person or groups to unwarranted investigatory activities on the basis of their SOGIESC or presumptions about their SOGIESC;
- **Preventing a child** under parental authority, custody, or guardianship, whether court appointment or otherwise, from exhibiting or expressing one's SOGIE.

With concurrence to the PAP statement, the above incidents of discrimination are attempts against individual's SOGIE, which are ineffective and harmful to them (Psychological Association of the Philippines, 2020). At the House of Representatives, the Committee on Women and Gender Equality approved the substitute version crafted by the TWG. Under the consolidated version of the bill, here are some of the following actions deemed discriminatory of a person's SOGIESC:

- Advertising, producing, and publishing materials promoting, encouraging, and perpetuating stigma or inciting violence and sexual abuse against any person or group based on SOGIESC;
- Denying access to public services to any person

on the basis of SOGIESC; including SOGIESC, as well as the disclosure of one's SOGIESC, in the criteria for hiring, promotion, transfer, designation, work assignment, re-assignment;

- Refusing admission or expelling a person from any educational or training institution, such as police and military academies or training institutions, on the basis of SOGIESC;
- Imposing disciplinary sanctions, penalties harsher than customary or similar punishments, requirements, restrictions, or prohibitions that infringe on the rights of the students on the basis of SOGIESC.

Both the Senate and the House of Representatives emphasize all forms of denial, including access to facilities and organizations, and specifically access to services that may discriminate against LGBT individuals. While the discriminatory infractions stand out as harsh in the bill, penalties are undoubtedly important. Thereby, proper and reasonable reparations must be just and in accordance with the damages, particularly its moral values. Accordingly, policies and legislation promoting SOGIE can lead to better mental and physical health. This can decrease the risk of mental and physical problems and improve the well-being of LGBT individuals (Psychological Association of the Philippines, 2020).

Existing Laws on Legal Identity for the Marginalized

The 1987 Philippine Constitution guarantees equal protection for every Filipino and prohibits discrimination of persons, including SOGIE. Subsequently, laws have been duly enacted, such as for senior citizens, women, single parents, juveniles, PWD, indigenous peoples, etc. These marginalized groups are already enjoying benefits and privileges in ways that mechanisms are in place for its implementation.

A significant component of the regulation is for the individual to secure and present a legal identity in order to enjoy the benefits. The implementing guidelines for the identification of beneficiaries require a legal identity, which comes handily through an identification (ID) card and

other valid documents as support. Below are a few legislations and legal requirements for identity:

A. Expanded Senior Citizen's Act of 2010

Section 4 of Republic Act (RA) 9994 or the Expanded Senior Citizens Act of 2010 requires senior citizens to provide evidence of entitlement by any of the following in order to benefit from the privileges provided: (1) an identification card issued by the Office of the Senior Citizen Affairs (OSCA) of the place where the senior citizen resides: Provided, That the identification card issued by the particular OSCA shall be honored nationwide; (2) the passport of the senior citizen concerned; and (3) other documents that establish that the senior citizen is a citizen of the Republic and is at least sixty (60) years of age as further provided in the implementing rules and regulations. The issuance of birth certificates can prove the latter (this also applies to laws relevant to age, such as the Juvenile Justice System and Welfare; and Marriages). This means that, regardless of the elderly person's appearance, the ID card or other legal document must be produced for verification and validation in order to receive the desired advantages and entitlements.

B. Act Expanding the Benefits and Privileges of Persons with Disability (PWD)

In the Expanded Benefits and Privileges of Persons with Disability Act or RA 10754, the PWD is required to have an ID card issued by the city or municipal mayor or the barangay captain of the place where the PWD resides in order to avail of benefits and privileges provided under RA 10754. According to RA 7277 (An Act Providing For The Rehabilitation, Self-Development And Self-Reliance Of Disabled Person And Their Integration Into The Mainstream Of Society And For Other Purposes), the obvious basis for disability is the physical handicap in many cases, but as the rule clearly states, (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment; are classified as disability, and their classification shall be issued by the Department of Health (DOH).

Legal identities are authenticated and provided

by the state through their (state) representatives in both of the aforementioned laws; or created by objective factual conditions. In this context, theories and personal interpretations are not applicable to objective factual conditions. Professionals and authorities have rather checked and validated them. Senior citizens and PWDs have legal identities in the Philippines.

C. Gender Equality Law (RA 7192)

The UN General Assembly enacted the Universal Declaration of Human Rights on December 10, 1948, including gender equality into international human rights legislation. The foundational document in the history of human rights recognized that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion,... birth or other status." It also stated that "all human beings are born free and equal in dignity and rights" (United Nations, n.d.-a) The event was described as the birth of global feminism. With the same exposure to discrimination against women, countries enacted laws for women's protection.

RA 7192 is an Act Promoting the Integration of Women as Full and Equal Partners of Men in Development and Nation Building and for Other Purposes, also known as Women in Development and Nation Building Act (Official Gazette of the Republic of the Philippines, 1992). The Act's main goal is to support the participation of women as full, equal partners with men in national development. The law's obvious subject is women. Its approach did not define a "woman" as a gender or biological sex, rather emphasized that they (women) should be treated equally with "men". As a testament to this, Section 5 of the law invokes capacity, which is that women are of legal age, regardless of civil status. Logically, the more practical and acceptable interpretation of women in this law is those assigned "female" at birth.

D. Other Laws and Prescribed Identity Requisites

Other than the legislations stated above, objective, circumstantial, and documentary proofs are likewise demanded to avail privileges and benefits. This means, constancy and objectivity are essential basis for legal documents. The country's juvenile

law has designated a particular age. State-issued certifications attest to this need. On the other hand, although the state's economic board did not define the poverty line with exact figures, marginal poverty is quantified objectively by employment, non-employment, and productivity. Similar trends are seen with other groups like indigenous people who have descended from heritage and culture and were considered marginalized. In other words, unlike gender, these laws have objective classifications in line with marginalization, thereby, legitimate organizations can allocate entitled people to the appropriate legal identities.

These explicit legal identification documents do more than just helping the underprivileged get access to rights and benefits. A verified registration ensures accountability and legal determination, which will be advantageous to the entire system. It also rapidly identifies membership and gives a specific feature and profile of an organization.

The UN Legal Identity Agenda

A responsibility designated for states that are assigned to communities and micromanagement under the UN Strategy for Legal Identity also assures a comprehensive installation and development of civil registration, vital statistics, and identity management systems. The United Nations Legal Identity Task Force was established to operationalize the decision of the Executive Committee to try to assist member states in achieving SDG 16, which targets that in 2030, all be provided legal identity, including birth registration.

In its operational definition, the UN defined "Legal Identity" as the basic characteristics of an individual's identity, such as name, sex, place, and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth (United Nations, n.d.-b). Birth certificates, identity cards, or digital identity credentials that are recognized under national law and in accordance with emerging international norms and principles are proof of legal identity.

Recognizing that the legal identity issue for all is paramount in fulfilling the Sustainable Development Agenda, the United Nations Deputy

Secretary-General initiated the establishment of the United Nations Legal Identity Expert Group (UN LIEG) (United Nations, n.d.-b). It focuses on ensuring that the UN system and the World Bank Group apply both policy and implementation coherence when it comes to supporting countries to strengthen civil registration, vital statistics, and identity management systems in a holistic and interoperable manner.

A book published by the Asian Development Bank raised the question of whether legal identity matters in people's daily lives (Asian Development Bank, 2007). While legal identity clearly provides official state recognition of an individual's existence, it asks if it can realistically deliver in terms of promoting social and economic inclusion. The report's context on gender identity is closely associated with paternal or maternal relations, which is distant from the LGBT inclusiveness agenda. Ironically, the UN technical group on legal identity gave no definition to gender in the context of the LGBT agenda. Its overarching definition as regards gender is centered on abuses due to discrimination, which has become the focal point of legislation in most of its member nations. No significant mention of SOGIE was emphasized.

On the other hand, the UN Human Rights Office of the High Commissioner's Standard of Context in combating LGBT discrimination does not stress legal identity (United Nations - Office of the High Commissioner for Human Rights, n.d.). The Five (5) Standards address respect for human rights, the eradication of employment discrimination, as well as workplace support, the prevention of discrimination against customers, suppliers, and distributors, and standing up for LGBT in the communities where they do business.

There is a gap within the SDG's zero backlog, which aims for legal identity in connection with legal gender identity. As worldwide legislations push for gender equality, it likewise calls for legal identity but is not appealing enough toward emotional and personal gender identity. The UN's legal identity agenda lacks a specific clause to formally define gender since SOGIE is based on a person's deepest core, which is susceptible to interpretation.

Legal Gender Identity

Legal recognition of the gender identity of LGBT on the basis of human rights norms and without abusive preconditions is critical to the protection of all of their human rights, including protection from violence, torture, ill-treatment, and discrimination, rights to health, education, employment, housing and access to social security, and freedom of expression, peaceful assembly and association. Argentina adopted a pioneering law that enshrines the right of all individuals to recognize their gender identity and to be respected by others. The law establishes a simple administrative process for modification of name and sex markers on official documents through the Civil Registry, without any abusive requirements of medical diagnosis, medical treatment, sterilization, and divorce. It also guarantees this right for children with relevant safeguards. The law further guarantees access to hormone treatment and surgery based on free and informed consent through the public health system. However, there is insufficient attention paid to the procedure in light of their SOGIESC. It urges further to act and stop attacks against LGBT people (United Nations - Office of the High Commissioner for Human Rights, 2017).

Locally, while SB 1600 precisely articulated the concept of (gender) identity that seeks equality, it does not stipulate measures for weighing a legitimate authentication for gender. From an outside perspective, it would be difficult to analyze gender identity if it is personal. According to Judith Butler, an American philosopher, and gender studies writer, gender is performative (Big Think, 2011). For Butler, gender as an objective natural form does not exist. This makes institutionalizing an identity problematic if it derives from consistency. Gender must be legally identified since it gives rise to a right. Violations of these rights have punitive and legal ramifications. In order for society to safeguard those who may mishandle an LGBT engagement, the latter must seek and file for legal registration.

Legal Feelings: Aquinas on Legal Identity

The great philosopher and theologian Thomas Aquinas did not explicitly discuss the

concept of legal identity as it is understood in contemporary legal and philosophical contexts. He rather describes law as “a certain rule and measure of acts whereby man is induced to act or is restrained from acting” (Aquinas, n.d.-a1). Law is important to reason because reason serves as the standard by which human behavior is judged. This relationship is first with divine reason and then with human reason when it operates appropriately, in line with the goal or ultimate cause that God has enshrined in it. Law is directed by nature to the good, especially the universal or common good (Aquinas, n.d.-a3). It is directed to the entire people gathered in a shared space or to those in charge of the community as a whole, rather than exclusively to private individuals. The nature of the law requires promulgation or the application of the law to those to whom it is applied and the dissemination of this law to them. God promulgates the natural law: “God has instilled it into human minds so that they may know it naturally.” Divine and human rules may be propagated orally or, better yet, in writing.

Since Aquinas’ time, the idea of legal identity has changed greatly and has been affected by social, cultural, and historical advancements. It is fairly obvious from the performative declarations that the LGBT community has evolved to accept gender identification. However, certain features of Aquinas’ philosophy may be indirectly tied to the idea of legal identity due to his preoccupation with moral and theological questions. For example, Aquinas believed that natural law is derived from reason and reflects the moral order of the universe. As a foundation of human law, certain legal rights and responsibilities could be grounded in understanding human nature and individuals’ inherent dignity. This includes sex assigned at birth as its biological foundation. This notion also identifies personhood and dignity inherent in the individual. This aspect of personhood is enshrined in the UN’s legal identity agenda and often relates to a person’s rights, responsibilities, and recognition as a legal subject.

However, there is a problem with the current social and political system. Aquinas spoke on the function of the law and civic powers in preserving order and advancing the common good. In order to ensure accountability and social order, the bill must be in line with its already-enacted counterparts, such as the Senior Citizens Act and the PWD,

when it comes to officially identifying its subjects or beneficiaries. Human emotions are typically irrational and dangerous as the foundation for impartial assessment. It is always subject to arbitrary alteration.

A complicated and comprehensive concept, a wide range of elements, such as biology, culture, society, and personal experiences, influence human identity. Among these factors, sentiments play a particularly important and deep role in developing one's identity. People learn about themselves and their role in the world via the raw material of their emotions. We must acknowledge the crucial role that sentiments play as we dive into this complicated fabric of identity, which leads to the investigation of gender identity.

Children start to learn about themselves and others via their emotional experiences at a very young age. These emotions merge with their sense of identity as they mature. For instance, a kid is more likely to have a strong feeling of self-worth and security if they frequently feel welcomed and loved by their caretakers. A youngster who is rejected or neglected, on the other hand, could struggle with inadequacy and insecurity issues that have a different impact on how they define themselves.

Through a complex interplay of emotions, people learn about their gender identity. The discrepancy between a person's internal sense of self and the gender that was assigned to them at birth can cause a severe emotional struggle for transgender and non-binary people. Their quest for self-awareness and gender affirmation is heavily influenced by their experiences with dysphoria, the pain or anguish brought on by the incongruence.

Emotions are the fundamental components of human identity and the blank canvas on which one creates one's own perceptions of both oneself and others. They impact how values are perceived, how connection happens, and how comprehension of abstract ideas like gender identity is acquired. Fostering empathy, understanding, and inclusion in society requires acknowledging the importance of sentiments in identity development, particularly in the context of gender identification. Respecting people's sentiments and embracing the variety of ways they experience and express their gender

identities are both essential components in reaffirming people's humanity.

Affirming Identity-Based on Objective Truth

Confirming acceptance in line with the projected identity is the most typical test for someone looking to be validated. Additionally, everything about their conduct that relates to their desired gender is desired to be accepted during this phase.

Outside of philosophy, the term 'personal identity' commonly refers to properties one feels a special sense of attachment or ownership. In this sense, personal identity consists of those properties one takes to "define as a person" or "make the person who he/she is" (Olsen, 2023). This attitude demands others' recognition of one's preferred identity. There is a huge hurdle to the position when it comes to the challenges being presented in the area of legislation. While there is a basis for identifying senior citizens, the youths, indigenous peoples, and PWDs through issued and assigned documents, the SB 1600's basis is way challenging in determining objective identity other than the fundamentally assigned at birth such as being male or female, and, in some organizations, the inclusion of intersex.

The challenge is grounding feelings in the form of SOGIE as the basis for legislation. Self-identity evolving from the innermost core of the person is subjective. Subjectivism encourages a way of seeing the world that isolates the ego and disallows contemplation of objective principles. The legacy of relativism is this. Subjectivism is a bad philosophy because it prevents the self from responding to opposition from the outside world, which hinders the growth of the self. Any part of reality that defies being shaped by subjective values is rejected by subjectivism. Subjectivity is glaringly oblivious to itself due to this inability to embrace human reality on its own terms. Philosophical subjectivism is a type of relativism because of this, among other things. Subjectivism has gained much traction in our day because it gives individuals the impression that they may reinvent themselves at will based on what is fashionable. This is what, existentially, is meant by inauthenticity. Without a

doubt, subjectivism looks for security in numbers (Gonzales, 2019).

It is clear that international organizations play a huge role in the advancement of LGBT rights, including, in particular, the World Health Organization and the United Nations. As essentially stated in several of the SDGs, LGBT rights have become a battle cry in some political upheavals, as noted in several events in different countries. There is however, a basic principle in legislation that is supposed to consider a moral compass in drafting policies, such that a general rule of common good enshrined for the society is to be highly observed.

The definition of law by Aquinas as “an ordinance of reason promulgated by men with competent authority for the common good” attests to the idea that laws must be enforced consistently regardless of their applicability and conformity to natural law. This natural law requires all laws to take these fundamentals as the primary source of identity, where human confusion can emerge from disorders, misconceptions, or misplaced judgment. This natural law seeks the order of human beings from its fundamental characteristics towards the flourishing of these fundamental natures into a more mature relationship with the Creator.

There lies conflict in determining identity between what the individual thinks of themselves and how society sees them. The major contrast between the two is the objective perspective, in which one views “nature” as the source of identity, and the other sees the “self” as the basis of identity. In this case, objectivity should gain the upper hand.

Challenges to the Society

On top of challenges for authorities to authenticate gender, the assessment of other members of society is important. SB 1600 imposes stiff penalties due to discrimination, including denial and refusal of establishments and institutions. Education and awareness of society need to be strengthened, given that harsh penalties are proposed in the bill. Given that SB 1600 aims to improve and defend the rights of the LGBT, it is important that they are properly and legally identified. The identity must be well-founded, objective, and proportionate, providing the same

sense of security obliged from other marginalized members of the society. As a precaution, in the absence of a legal identity, anybody with ill will can pose as a member of the LGBT. As a concrete example, security personnel or any member of society cannot enforce complete deterrence of a crime that may be committed by an individual who poses as bisexual to occupy a space intended for females because a legal gender identification is not required. In accessing some government establishments, LGBT members already gain priorities in line, along with senior citizens, women, PWD, and others. Employment opportunities are given priority to LGBT, considering that one may find a cause to file for discrimination if not admitted to the job on the basis of SOGIE. This entitlement can not be benefited by someone who do not fall into the SOGIE category. Family values are also threatened if, for instance, segregation of male and female guests during a sleepover can be a violation of the bill (if enacted). With the proposed sanctions and penalties of the bill, establishments, institutions, families, and individuals are put under pressure to prioritize LGBT people. Government authorities may fail to conduct a valid census, endangering society and the economy by failing to account for the funds allocated to and used for the execution of LGBT and SOGIE policies.

The Foundation for Media Alternatives has previously stated the necessity for a gender ID system. Its point of departure, however, is the noted inconsistency of SOGIE with the formal gender markers determined at birth. This implies that LGBT are unable to get state services that are opposed to their desired SOGIE, like perhaps a maternity or paternity leave for transgender.

The instance of a transgender woman who was denied entry to a female restroom in a public area exemplifies a discrimination issue and how LGBT people are perceived and treated in society. The recorded Filipino high acceptability of homosexuality is underscored by how LGBT people are viewed and handled. This somehow reflects how SOGIE or transgenderism is perceived or misidentified.

Conclusion

As regards SOGIESC, the scenarios on gaps between equality and identity raise the question

of whether gender identity has to be legally documented. This necessitates a cautious attitude and management structure in order to avoid upsetting the LGBT community. Other disadvantaged groups that already have legislative assistance strengthen their identity through objective documentation. Regardless of the evident circumstances, such as handicapped and elderly looking, their rights and privileges are appropriately extended primarily upon presentation of their identification papers issued by authorities. The appeal for inclusion must also provide clear criteria for acknowledgment. It would be unjust for other members of society or non-LGBT people to mistakenly judge them because documentations were not presented. For the sake of the common good, all must have a common and marked identity, including gender. If there is no good cause for validation, the subjective gender affirmation, which favors those with bad motives to project a certain SOGIE, poses the bigger risk.

The UN LIA's aims for legal identity are civil registration and vital statistics. All forms of state registration imply monitoring. Funds are allotted for laws. Accounting credibility will be questioned for individuals or organizations that do not have a legitimate and distinct legal identity. There must be a legally defined individual (or group of) LGBT for whom programs are designed and funds are appropriated.

Consequently, the issues identified articulate the following questions: Will SB 1600 include provisions for LGBT individuals to have a legal identity in the form of an ID card or other document proving gender? Will the Local Government Units, the Department of Health, the Department of Social Welfare and Development, or other relevant government bodies issue issuances to validate gender? As previously stated, such issuances are classified as discriminatory under the bill.

Suppose the proposed legal identity cannot be secured. In that case, it is better to opt to defer and discern more reasonable means and maintain the Filipino status as the most LGBT-friendly culture in the region.

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