

Justices blast plea for same-sex union

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Supreme Court justices on Tuesday grilled lawyer Jesus Falcis about his petition to compel the state to recognize same-sex unions. Associate Justice Estela Perlas-Bernabe questioned the necessity and propriety of the petition, while Associate Justice Marvic Leonen quizzed Falcis on the readiness of the political structure and culture for such a union. The oral arguments resume on June 26.



A petition asking the Supreme Court to compel the State to recognize same-sex marriage was immediately met with strong opposition from magistrates on questions of “procedural issues and technicalities.”

“I think you are in great peril that your case will be dismissed,” Associate Justice Francis Jardeleza told lawyer Jesus Falcis on Tuesday when the high court discussed his petition. The main petitioner should have first raised the issue before the regional trial court in deference to the rule on the hierarchy of courts, Jardeleza said, quoting Associate Justice Lucas Bersamin.

Falcis, who described himself as an “open and self-identified homosexual,” filed a petition for certiorari and prohibition questioning certain provisions of Executive Order No. 209, or the Family Code of the Philippines, which only recognizes heterosexual marriage and declared homosexuality as a ground for annulment.

“The text of the Constitution is clear—marriage, as an inviolable social institution, is the foundation of the family. Nothing in... the Constitution limits the definition of marriage as [one] between a man and a woman,” he argued.

Constitutional right

Falcis said LGBT (lesbian, gay, bisexual and transgender) couples would be “in grave danger” if the state continued to disregard their constitutional right to be legally married.

But Associate Justice Estela Perlas Bernabe said that Falcis did not even claim that his individual right was violated by the prohibition on same-sex union.

Associate Justice Marvic Leonen quizzed Falcis about the readiness of the “political structure” and the Filipino culture in accepting same-sex marriage.

“This is a very dangerous case that you brought. It is dangerous to the movement that you apparently seem to have brought here, whether or not they had consent,” Leonen said.

Acting Chief Justice Antonio Carpio directed Falcis and Solicitor General Jose Calida to return on June 26 for the continuation of the oral arguments.