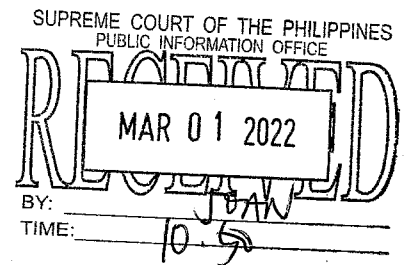




Republic of the Philippines
Supreme Court
Manila



EN BANC

NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated **FEBRUARY 15, 2022**, which reads as follows:*

“**A.M. No. 21-11-25-SC** (Re: Proposed Rules on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette).- Acting on the Letter dated November 20, 2021 of Associate Justice Amy C. Lazaro-Javier, Chairperson, Committee on Gender Responsiveness in the Judiciary, the Court Resolved to **NOTE** and **APPROVE** the attached ‘Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette.’” (adv6)

By authority of the Court:

MARIFE M. LOMIBAO-CUEVAS
Clerk of Court

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Chief Justice
HON. ESTELA M. PERLAS-BERNABE (x)
HON. MARVIC MARIO VICTOR F. LEONEN (x)
HON. ALFREDO BENJAMIN S. CAGUIOA (x)
HON. RAMON PAUL L. HERNANDO (x)
HON. HENRI JEAN PAUL B. INTING (x)
HON. RODIL V. ZALAMEDA (x)
HON. MARIO V. LOPEZ (x)
HON. SAMUEL H. GAERLAN (x)
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HON. JAPAR B. DIMAAMPAO (x)
HON. JOSE MIDAS P. MARQUEZ (x)
Associate Justices
Supreme Court

OFFICE OF THE CLERK OF COURT-EN BANC (x)
Supreme Court

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Division Clerk of Court
OCC - First Division
Supreme Court

ATTY. TERESITA A. TUAZON (x)
Division Clerk of Court
OCC - Second Division
Supreme Court

ATTY. MISAEL DOMINGO C. BATTUNG III (x)
Division Clerk of Court
OCC - Third Division
Supreme Court

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Assistant Court Administrator and Chief
Public Information Office
Supreme Court

ATTY. BASILIA T. RINGOL (x)
Deputy Clerk of Court & Chief
Judicial Records Office
Supreme Court

ATTY. JED SHERWIN G. UY (x)
Deputy Clerk of Court and
Chief Technology Officer
Management Information Systems Office
Supreme Court

MANDATORY CONTINUING LEGAL EDUCATION
OFFICE (reg)
4th Flr., IBP Bldg., 15 Doña Julia Vargas Ave.
Ortigas Center, Pasig City

ATTY. SOCORRO D'MARIE T. INTING (x)
Acting Executive Officer
JBC, Supreme Court, Manila

HON. AMY C. LAZARO-JAVIER (x)
Associate Justice and Chairperson
Committee on Gender Responsiveness in the Judiciary
Supreme Court

ATTY. AMOR P. ENTILA (x)
Assistant Bar Confidant
Office of the Bar Confidant, Supreme Court

ATTY. RAQUEL M. LADRILLANO (x)
Chief, Office on Halls of Justice
Office of the Court Administrator, Supreme Court

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Acting Chancellor
PhilJA, Supreme Court

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Deputy Clerk of Court & Chief
Fiscal Management & Budget Office, Supreme Court

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Deputy Clerk of Court and Chief Administrative Officer
Office of Administrative Services, Supreme Court

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Deputy Clerk of Court and Reporter
Office of the Reporter, Supreme Court

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S.P. GUERRA (x)
Deputy Clerk of Court and Chief Attorney
Office of the Court Attorney, Supreme Court

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Deputy Clerk of Court and
Judicial Reform Program Administrator
Program Management Office, Supreme Court

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Chief, Medical & Dental Services, Supreme Court

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Acting SC Senior Chief Staff Officer
Printing Services, Supreme Court

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Acting SC Senior Chief Staff Officer
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Judicial and Bar Council
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HON. FRANKLIN J. DEMONTEVERDE (x)
Supreme Court

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Deputy Court Administrator and Officer-In-Charge
Office of the Court Administrator
Supreme Court

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Supreme Court

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Asst. Chief of Office, Financial Management Office
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Office of the Court Administrator and
Acting Executive Director, Judicial Integrity Board
Supreme Court

ATTY. ROMULO A. PARAS, JR. (x)
General Counsel
Judicial Integrity Board
Ground Floor, Old Building
Supreme Court

HON. REMEDIOS A. SALAZAR-FERNANDO (x)
Presiding Justice
ATTY. ANITA JAMERLAN REY (x)
Executive Clerk of Court IV
Court of Appeals
Manila

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Presiding Justice
ATTY. MA. TERESA S. PABULAYAN (reg)
Executive Clerk of Court IV
Sandiganbayan
Commonwealth Ave., Diliman
1121 Quezon City

HON. ROMAN G. DEL ROSARIO (reg)
Presiding Justice
ATTY. DANILO B. FERNANDO (reg)
Executive Clerk of Court IV
Court of Tax Appeals
National Government Center
Agham Road, Diliman 1128 Quezon City

A.M. No. 21-11-25-SC
sarah 021522 (adv6) 022322

***For circularization**

**GUIDELINES ON THE USE OF GENDER-FAIR LANGUAGE IN THE
JUDICIARY AND GENDER-FAIR COURTROOM ETIQUETTE**

WHEREAS, Article II, Section 11 of the 1987 Constitution recognizes the policy of the State to value the dignity of every human person and guarantee full respect for human rights;

WHEREAS, Article II, Section 14 of the 1987 Constitution recognizes the role of women in nation-building, with the State mandate to ensure the fundamental equality of women and men before the law;

WHEREAS, to attain such equality, Congress enacted Republic Act No. 7192, otherwise known as "Women in Development and Nation Building Act," requiring all government departments and agencies to review and revise all their regulations, circulars, issuances, and procedures to remove gender bias;

WHEREAS, under Section 13 of Republic Act No. 9710, or "The Magna Carta for Women," gender-sensitive language shall be used at all times to further the avowed policy of abolishing the unequal structures and practices that perpetuate discrimination and inequality in society;

WHEREAS, the Supreme Court issued Administrative Circular No. 82-2006 dated 19 September 2006 on the use of Gender-Fair Language in the Judiciary, adopting *in toto* Memorandum Circular No. 12, S. 2005 of the Civil Service Commission entitled "Use of Non-Sexist Language in All Official Documents, Communications and Issuances";

WHEREAS, the said Administrative Circular was further reiterated by the Supreme Court through Memorandum Order No. 90-2021, on 24 September 2021;

WHEREAS, in Republic Act No. 11313, the State recognized the dignity of every human person, and penalized various acts, including the use of words that ridicule on the basis of sex, gender or sexual orientation, identify and/or expression such as sexist, homophobic, and transphobic statements and slurs;

WHEREAS, the said Memorandum Circular must be expanded, reinforced, supplemented and contextualized for wider and more nuanced adaptation and application in the Judiciary's multi-faceted systems and processes;

NOW, THEREFORE, upon the recommendation of the Committee on Gender Responsiveness in the Judiciary, the Court *en banc* **RESOLVES TO ADOPT** the "GUIDELINES ON THE USE OF GENDER-FAIR LANGUAGE IN THE JUDICIARY AND GENDER-FAIR COURTROOM ETIQUETTE."

GUIDELINES ON THE USE OF GENDER-FAIR LANGUAGE IN THE JUDICIARY

Language is the most widely used medium of communication, both written and oral. It articulates consciousness (thoughts, feelings, needs), reflects culture (encodes and transmits cultural meanings and values), and affects socialization (the absorption of cultural assumptions and biases affects the younger society members' behavior and beliefs).¹ Hence, the need to recognize the importance of transforming language from traditional usage to a more liberating one, that which is gender-sensitive.²

Sexist language “devalues members of one sex, almost invariably women, and thus fosters gender inequality.”³ Indeed, it has been pointed out that “[t]he use of gendered generics can communicate subtle sexism, distract, and create ambiguity.”⁴

Our courts are courts of evidence, and its power to take judicial notice of matters is limited.⁵ Therefore, courts cannot and should not perpetuate gender stereotypes, which rest on unfounded generalizations regarding the characteristics and roles of binary and non-binary genders,⁶ but indisputably influence the perspectives of the judges and litigants alike. This is evident with respect to matters at issue before the courts, as well as in the language the courts employ in adjudication.

I. ELIMINATE language, written and spoken, that excludes or renders invisible persons of another gender and/or people with diverse sexual orientation, gender identity and expression, and sex characteristics (SOGIESC).⁷

1. The use of the generic masculine.

¹ THELMA B. KINTANAR, ed., *GENDER-FAIR LANGUAGE: A PRIMER*, University Center for Women's Studies, University of the Philippines (1998), at 5.

² Civil Service Comm'n Memorandum Circular No. 12, s. 2005, dated 19 September 2006.

³ KINTANAR, *supra* note 1, at 5.

⁴ Leslie M. Rose, *The Supreme Court and Gender-Neutral Language: Setting the Standard or Lagging Behind?*, 17 DUKE J. GENDER LAW & POL. 81 (2010), at 94.

⁵ RULES OF COURT, rule 129, secs. 1 and 2.

⁶ See Bangkok General Guidance for Judges on Applying a Gender Perspective in Southeast Asia, Bangkok, Thailand, 25 June 2016.

⁷ See KINTANAR, *supra* note 1, at 5.

STOP using the generic term “man” and similar terms to subsume all of humanity.

START using gender-neutral mass nouns such as people, person(s), human(s), human being(s), humankind, humanity, the human race.

Examples:

Negligence is the omission to do something which a reasonable man would do.⁸

Negligence is the omission to do something which a reasonable person would do.

Piracy is a crime not against any particular state but against all mankind.⁹

Piracy is a crime not against any particular state but against all of humanity.

START including women in a general statement about the human condition.

Example:

Man is naturally endowed with the faculties of understanding and free will.¹⁰

Men and women are naturally endowed with the faculties of understanding and free will.

It was difficult to justify inequality in religious treatment by a new nation that severed its political bonds with the English

⁸ BJDC Construction v. Lanuzo et al., G.R. No. 161151, 24 March 2014, citing Layugan v. Intermediate Appellate Court, G.R. No. L-73998, 14 November 1988.

⁹ People v. Lol-lo and Saraw, G.R. No. 17958, 27 February 1922.

¹⁰ People v. Madarang, G.R. No. 132319, 12 May 2000.

crown which violated the self-evident truth that all men are created equal.¹¹

It was difficult to justify inequality in religious treatment by a new nation that severed its political bonds with the English crown which violated the self-evident truth that all men and women are created equal.

2. The unwarranted use of masculine pronouns.

STOP using singular masculine pronouns unless the antecedent is unequivocally male.

START using plural nouns to avoid using third person singular pronouns.

Examples:

A lawyer shall avoid testifying in behalf of his client.¹²

Lawyers shall avoid testifying in behalf of their clients.

In protecting his home, the poorest and most humble citizen or subject may bid defiance to all the powers of the State.¹³

In protecting their homes, the poorest and most humble citizens or subjects may bid defiance to all the powers of the State.

The judge, *motu proprio* or upon motion of the accused, is entitled to make his own assessment of the evidence on record to determine whether there is probable cause.¹⁴

¹¹ Estrada v. Escritor, A.M. No. P-02-1651, 4 August 2003, 455 Phil. 411.

¹² RULES OF COURT, rule 40, sec. 7(b).

¹³ City Engineer of Baguio and Hon. Domogan v. Baniqued, G.R. No. 150270, 26 November 2008, 592 Phil. 348.

¹⁴ Reyes v. Ombudsman, G.R. Nos. 212593-94, 15 March 2016, 783 Phil. 304.

Judges, *motu proprio* or upon motion of the accused, are entitled to make their own assessment of the evidence on record to determine whether there is probable cause.

START using articles (a, an, the) as substitute for pronouns.

Examples:

Within 15 days from receipt of the appellant's memorandum, the appellee may file his memorandum.¹⁵

Within 15 days from receipt of the appellant's memorandum, the appellee may file a memorandum.

Merely testifying does not render the witness immune from prosecution notwithstanding his invocation of the right against self-incrimination.¹⁶

Merely testifying does not render the witness immune from prosecution notwithstanding an invocation of the right against self-incrimination.

3. The use of masculine terms for professions, occupations and roles.

STOP using terms ending in “-man” to refer to functions that may be performed by individuals of either sex.

START using widely-used gender-neutral forms of professions, occupations and roles.

Examples:

¹⁵ CODE OF PROFESSIONAL RESPONSIBILITY, rule 12.08.

¹⁶ Galman and Galman v. Hon. Pamaran et al., G.R. Nos. 71208-09, 30 August 1985, 222 Phil. 588.

Respondent is Chairman of the Philippine National Red Cross Board of Governors.¹⁷

Respondent is Chairperson of the Philippine National Red Cross Board of Governors.

The concept of piercing the veil of corporate fiction is a mystique to many people, especially the layman.¹⁸

The concept of piercing the veil of corporate fiction is a mystique to many people, especially the layperson.

Petitioners being of age and businessmen of experience, it must be presumed that they acted with due care.¹⁹

Petitioners being of age and business owners of experience, it must be presumed that they acted with due care.

CONTINUE using gender-neutral terms that the law employs.

Examples:

Complainant assumed office as Barangay Chairman in hold-over capacity by operation of law.²⁰

Complainant assumed office as Punong Barangay in hold-over capacity by operation of law.

The pork barrel process commenced with local government councils, civil groups, and individuals appealing to Congressmen or Senators for projects.²¹

¹⁷ Liban et al. v. Gordon, G.R. No. 175352, 18 January 2011.

¹⁸ Philippine Veterans Investment Development Corp. v. Court of Appeals and Borres, G.R. No. 85266, 30 January 1990, 260 Phil. 724.

¹⁹ Spouses Rigor v. Consolidated Orix Leasing and Finance Corp., G.R. No. 136423, 20 August 2002.

²⁰ Bogabong v. Hon. Balindong, A.M. No. RTJ-18-2537, 14 August 2019.

²¹ Belgica et al. v. Ochoa, G.R. No. 208566, 19 November 2013, 721 Phil. 416.

The pork barrel process commenced with local government councils, civil groups, and individuals appealing to Members of the House of Representatives or Senators for projects.

Considering that Ester was only fourteen-years old and a newly employed housemaid, while Reylan Gimena a seventeen-year old houseboy, they were easily intimidated and cowed into submission by accused-appellant.²²

Considering that Ester was only fourteen-years old and a newly employed kasambahay, while Reylan Gimena a seventeen-year old kasambahay, they were easily intimidated and cowed into submission by accused-appellant.

4. The use of sex-appropriated terms.

STOP using terms as though they apply to adult males only, or are appropriated to a particular sex.

START using “spouses” for “wives,” “family” for “wife and child,” and similar terms.

Examples:

No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise.²³

No judge or judicial officer shall sit in any case in which such judge, or his or her spouse or child, is pecuniarily interested as heir, legatee, creditor or otherwise.

²² People v. Siao, G.R. Nos. 126021, 3 March 2000.

²³ Balleza v. Judge Astorga, A.M. No. 202-MJ, 30 April 1976, 162 Phil. 575.

It is not at all unnatural for a murderer, caught in the act of killing his wife and child, to fly into a passion and strike promiscuously at those who attempt to capture him.²⁴

It is not at all unnatural for a murderer, caught in the act of killing his or her family, to fly into a passion and strike promiscuously at those who attempt to capture him.

II. ELIMINATE language that trivializes or diminishes the stature of persons of another gender and/or people with diverse SOGIESC.²⁵

1. The use of diminutive feminine suffixes.

STOP using feminine suffixes such as *-ess*, *-ette*, *-trix*, or *-enne*, which make unnecessary reference to the person's sex and suggest triviality, unimportance, or inferiority of women occupying such a position.

START using gender-neutral terms.

Examples:

There, they saw Annie Ferrer, a popular movie starlet.²⁶

There, they saw Annie Ferrer, a popular movie actor.

Said items refer to certain expenses for transportation and subsistence incurred by the executrix.²⁷

Said items refer to certain expenses for transportation and subsistence incurred by the executor.

²⁴ U.S. v. Vaquilar, G.R. Nos. 9741 and 9742, 13 March 1914, 27 Phil. 88.

²⁵ See KINTANAR, *supra* note 1, at 10.

²⁶ Sison et al. v. People and Court of Appeals, G.R. Nos. 108280-83, 16 November 1995.

²⁷ In Re: Estate of Reyes v. Reyes de Ilano, G.R. No. 42092, 28 October 1936, 63 Phil. 629.

She would have dressed herself up as she was in a smart usherette uniform to avoid any suspicion that she was the victim of a forced copulation.²⁸

She would have dressed herself up as she was in a smart usher's uniform to avoid any suspicion that she was the victim of a forced copulation.

2. The use of sex-linked modifiers.

STOP using gratuitous and patronizing sex-linked adjectives and modifiers.

START using gender-neutral forms of occupations and/or common nouns.

Examples:

Appellant pleaded to the lady doctor to do all she can to save the child.²⁹

Appellant pleaded to the physician to do all she can to save the child.

The respondent female lawyer actually cohabited with, bore the children of, and contracted a foreign marriage with a man whose previous marriage was still subsisting.³⁰

The respondent lawyer actually cohabited with, bore the children of, and contracted a foreign marriage with a man whose previous marriage was still subsisting.

²⁸ People v. Talaro, G.R. No. L-40436, 25 May 1984, 214 Phil. 371.

²⁹ People v. Tayag, G.R. No. 134362, 27 February 2002.

³⁰ Concerned Employee v. Mayor, A.M. No. P-02-1564, 23 November 2004, 486 Phil. 51.

Accused-appellant told her male secretary to prepare and sign a receipt for them.³¹

Accused-appellant told her secretary to prepare and sign a receipt for them.

3. The use of gender-linked modifiers.

STOP using gender-linked adjectives and modifiers that carry disrespectful, if not pejorative, connotations.

START removing references to gender identity and/or expression when irrelevant.

Examples:

Complainant often traveled to and from Japan as a gay entertainer in said country.³²

Complainant often traveled to and from Japan as an entertainer in said country.

His family watched the amateur singing contest and the gay beauty pageant at the fiesta in their barangay.³³

His family watched the amateur singing contest and the local beauty pageant at the fiesta in their barangay.

Appellant asserts that the hymenal laceration could have been caused by complainant's lesbian lover prior to the medical examination.³⁴

³¹ People v. Coral, G.R. Nos. 97849-54, 1 March 1994, 300 Phil. 527.

³² Philippine National Bank v. Pike, G.R. No. 157845, 20 September 2005, 507 Phil. 322.

³³ People v. Gregorio and Osorio, G.R. No. 153781, 24 September 2003, 458 Phil. 687.

³⁴ People v. XXX, G.R. No. 236562, 22 September 2020.

Appellant asserts that the hymenal laceration could have been caused by complainant's lover prior to the medical examination.

4. The use of outdated honorifics and forms of address.

STOP using honorifics that obscure women, trivialize their achievements, etc.

START using Ms. instead of Mrs. when the woman's marital status is irrelevant to the issues, or the woman's preferred form of address is unknown.

Example:

Mrs. dela Cruz

Ms. Dela Cruz

START using a married woman's name instead of her husband's.

Example:

Mrs. Juan dela Cruz

Ms. Maria Santos-dela Cruz

START using gender-neutral honorifics or terms.

Dra. Concepcion Reyes

Dr. Concepcion Reyes

Dear Sir

Dear Editor, Dear Manager,
Dear Colleague

III. ELIMINATE language which disparages and marginalizes persons of another gender and/or persons of diverse SOGIESC.³⁵

1. The use of disparaging language.

³⁵ KINTANAR, *supra* note 1, at 11.

STOP perpetuating unfounded generalizations.

Examples:

She belongs to the weaker sex and any effort on her part to help would amount to nothing but raw and reckless courage.³⁶

It is obvious the witness' curiosity and inquisitiveness as to what was happening, the Filipino "*usisero*" trait, overcame the natural timidity of the woman.³⁷

Until the time comes when *Ladlad* is able to justify that having mixed sexual orientations and transgender identities is beneficial to the nation, its application for accreditation under the party-list system will remain just that.³⁸

STOP using antiquated terms.

START using non-oppressive, modern terms.

Examples:

Carmen, a spinster, a retired pharmacist, and former professor, was declared incompetent by judgment.³⁹

Carmen, unmarried, a retired pharmacist, and former professor, was declared incompetent by judgment.

It attacked Fat's testimony as full of motherhood statements.⁴⁰

It attacked Fat's testimony as full of vague platitudes.

³⁶ People v. Danque, G.R. No. 107978, 19 November 1993, 298-A Phil. 23.

³⁷ People v. Acob et al., G.R. No. 114382, 20 July 1995.

³⁸ Ang Ladlad LGBT Party v. COMELEC, G.R. No. 190582, 8 April 2010, 632 Phil. 32, quoting Separate Op. of public respondent COMELEC.

³⁹ Cañiza v. Court of Appeals et al., G.R. No. 110427, 24 February 1997, 335 Phil. 1107.

⁴⁰ Republic v. Ng, G.R. No. 182449, 6 March 2013, 705 Phil. 556.

The negligence of petitioner's salesgirl is not excusable.⁴¹

The negligence of petitioner's sales employee is not excusable.

START using the term "woman" instead of unnecessary metaphors.

Examples:

Nor does it prove that it was preceded by an unlawful aggression attributed to a person of the weaker sex.⁴²

Nor does it prove that it was preceded by an unlawful aggression by the woman.

2. Gender stereotypes.

STOP using terms with sexist assumptions that the occupant has a particular sex or are demonstrable only by a certain sex.

START using gender-fair terms.

Examples:

The rules of sports do not consider exceptions; it exacts obedience to the rules to promote and develop a keen sense of fairness in the field of competition and in the spirit of sportsmanship.⁴³

The rules of sports do not consider exceptions; it exacts obedience to the rules to promote and develop a keen sense of fairness in the field of competition and in the spirit of fair play.

⁴¹ Cruz v. Ernest Oppen, Inc. et al., G.R. No. L-23861, 17 February 1968, 130 Phil. 600.

⁴² U.S. v. Ison, G.R. No. 4519, 7 August 1908, 11 Phil. 64.

⁴³ Philippine Soap Box Derby, Inc. v. Court of Appeals et al., G.R. No. 108115, 27 October 1995.

The policeman did not see the appellant knock the priest down.⁴⁴

The police officer did not see the appellant knock the priest down.

Petitioner was employed as a flight stewardess of the respondent company since 1947.⁴⁵

Petitioner was employed as a flight attendant of the respondent company since 1947.

Soon after, male nurse Armando came to render assistance.⁴⁶

Soon after, nurse Armando came to render assistance.

Defendants have impliedly admitted the truth of plaintiff's allegations relative to the unwritten 'gentleman's agreement' which the former had failed to observe.⁴⁷

Defendants have impliedly admitted the truth of plaintiff's allegations relative to the unwritten agreement which the former had failed to observe.

STOP using imprecise terms to identify non-binary SOGIESC.

START conscientiously using language and terms commonly used to describe specific SOGIESC.⁴⁸

⁴⁴ U.S. v. Samonte, G.R. No. 5649, 6 September 1910, 16 Phil. 516.

⁴⁵ Northwest Airlines Employees Ass'n and Matue v. Northwest Airlines, Inc. and Court of Industrial Relations, G.R. No. L-24592, 29 May 1970, 144 Phil. 243.

⁴⁶ Spouses Ong v. Metropolitan Water District, G.R. No. L-7664, 29 August 1958, 104 Phil. 397.

⁴⁷ Arrieta v. Malayan Sawmill Co. et al., G.R. No. L-24140, 31 July 1968.

⁴⁸ See United Nations International Organization for Migration, SOGIESC Full Glossary of Terms (as of Nov 2020), at <https://www.iom.int/sites/g/files/tmzbd1486/files/documents/IOM-SOGIESC-Glossary-of-Terms.pdf>.

Instead of discussing the problem (of not feeling any sexual excitement and attraction toward her) with him candidly, she accused him of being gay.⁴⁹

Instead of discussing the problem (of not feeling any sexual excitement and attraction toward her) with him candidly, she accused him of being a homosexual.

If immoral thoughts could be penalized, COMELEC would have its hands full of disqualification cases against both the "straights" and the "gays."⁵⁰

If immoral thoughts could be penalized, COMELEC would have its hands full of disqualification cases against all sexual orientations.

IV. ELIMINATE language that fosters unequal gender relations.⁵¹

1. Words and phrases which lack parallelism.

STOP treating the sexes with lack of parallelism.

START adopting parallelism in word choices.

Examples:

They were married in the City of Manila and lived together as man and wife.⁵²

They were married in the City of Manila and lived together as husband and wife.

⁴⁹ Lontoc-Cruz v. Cruz, G.R. No. 201988, 11 October 2017, 820 Phil. 62.

⁵⁰ Ang Ladlad LGBT Party v. Comm'n on Elections, G.R. No. 190582, 8 April 2010, 632 Phil. 32.

⁵¹ KINTANAR, *supra* note 1, at 12.

⁵² Barreto Gonzalez v. Gonzalez, G.R. No. 37048, 7 March 1933, 58 Phil. 67.

For this failure he had to withdraw from the dance, unable to endure his shame before the crowd of young men and girls.⁵³

For this failure he had to withdraw from the dance, unable to endure his shame before the crowd of young men and women.

2. Calling attention to a person's sex.

STOP using terms that call attention to a person's sex when not relevant for communication.

START using gender-neutral terms.

Example:

Appellant, aged 20, was employed as a delivery boy.⁵⁴

Appellant, aged 20, was employed as a deliverer.

It was done through her insistent request by reason of the fact that she was on her way to motherhood.⁵⁵

It was done through her insistent request by reason of the fact that she was on her way to parenthood.

Their high regard for their chastity and womanly virtues, would not permit complainant to accept the offer of love, much less allow it to be the cause of her defilement.⁵⁶

Their high regard for their chastity and virtues, would not permit complainant to accept the offer of love, much less allow it to be the cause of her defilement.

⁵³ People v. Dedal et al., G.R. No. L-1687, 2 December 1948, 82 Phil. 203.

⁵⁴ People v. Cando et al., G.R. No. 128114, 25 October 2000, 398 Phil. 225.

⁵⁵ People v. Pineda et al., G.R. No. 35753, 26 March 1932, 56 Phil. 688.

⁵⁶ People v. Beso, Jr., G.R. No. 44033, 30 September 1982, 202 Phil. 618.

V. ELIMINATE sexist language in quoted material.⁵⁷

1. Sexist language in quoted material.

STOP quoting unfair conclusions about the sexes and retaining sexist language.

Example:

“We cannot but express the considered view of this Court that the fair sex is as much entitled to this grant of benefits not alone by reason of the frailty and fragility of their bodies and faculties but also, if not more, because in the fullness of their endowments and physical qualities which must be protected and preserved in fact and in law, they hold the survival of mankind and the continuity of all human endeavors and institutions.”⁵⁸

START paraphrasing the quote using non-sexist language.

Example:

“The law considers what would be reckless, blameworthy, or negligent in the man of ordinary intelligence and prudence and determines liability by that.”⁵⁹

In *Picart v. Smith, Jr.*, the Supreme Court ruled that liability for negligence is anchored on the standard of diligence observed by a person of ordinary intelligence and prudence.

“Indeed, a man is king in his own house.”⁶⁰

Indeed, it has been said, that a person is the ruler of one’s own home. [*City Engineer of Baguio and Hon. Domogan v.*

⁵⁷ KINTANAR, *supra* note 1, at 22.

⁵⁸ *Almaiz v. Workmen’s Compensation Comm’n and Province of Negros Occidental*, G.R. No. L-42794, 31 August 1978, 174 Phil. 394.

⁵⁹ *Picart v. Smith, Jr.*, G.R. No. L-12219, 15 March 1918

⁶⁰ *City Engineer of Baguio and Hon. Domogan v. Baniqued*, G.R. No. 150270, 26 November 2008, 592 Phil. 348.

Baniqued, G.R. No. 150270, 26 November 2008, 592 Phil. 348.]

START adding *sic* in a direct quotation.

Example:

“Despite the egalitarian commitment in the Declaration of Independence that ‘all men are created equal,’ the framers of the original Constitution of the United States omitted any constitutional rule of equal protection.”⁶²

“Despite the egalitarian commitment in the Declaration of Independence that ‘all men are created equal’ [*sic*], the framers of the original Constitution of the United States omitted any constitutional rule of equal protection.”

START partially quoting the material and rephrasing the sexist part.

Example:

“The law considers what would be reckless, blameworthy, or negligent in the man of ordinary intelligence and prudence and determines liability by that.” [*Picart v. Smith, Jr.*, G.R. No. L-12219, 15 March 1918]

“The law considers what would be reckless, blameworthy, or negligent in the [person] of ordinary intelligence and prudence and determines liability by that.” [*Picart v. Smith, Jr.*, G.R. No. L-12219, 15 March 1918]

CONTINUE attributing the material to the original author or source.

2. Distracting, pointless and gratuitous language which perpetuate stereotypes and double-meanings.

⁶² Central Bank Employees Ass’n. v. Bangko Sentral ng Pilipinas and Executive Secretary, G.R. No. 148208, 15 December 2004.

STOP using gratuitous metaphors that distract, trivialize, and demean.

Example:

“In a manner of speaking, bombardment of the drawbridge is invasion enough even if the troops do not succeed in entering the castle.”⁶³

CONTINUE adhering to the abandonment of stereotypes in jurisprudence.

Example:

In *People v. Amarela and Racho*,⁶⁴ the Supreme Court noted:

“[T]oday, we simply cannot be stuck to the Maria Clara stereotype of a demure and reserved Filipino woman. We, should stay away from such mindset and accept the realities of a woman's dynamic role in society today; she who has over the years transformed into a strong and confidently intelligent and beautiful person, willing to fight for her rights.

In this way, we can evaluate the testimony of a private complainant of rape without gender bias or cultural misconception. It is important to weed out these unnecessary notions because an accused may be convicted solely on the testimony of the victim, provided of course, that the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. Thus, in order for us to affirm a conviction for rape, we must believe beyond reasonable doubt the version of events narrated by the victim.”

In *Falcis III v. Civil Registrar General*,⁶⁵ the Supreme Court observed:

“In the realm of the social sciences, a great number of 20th-century psychoanalysts unfortunately viewed homosexuality as something pathological. This influenced the field of American psychiatry in the mid-

⁶³ *People v. Salinas*, G.R. No. 107204, 6 May 1994.

⁶⁴ G.R. No. 225642-43, 17 January 2018. (citation omitted)

⁶⁵ G.R. No. 217910, 3 September 2019.

20th century that when the American Psychological Association published the first edition of the Diagnostic and Statistical Manual in 1952, 'it listed all the conditions psychiatrists then considered to be a mental disorder. DSM-I classified 'homosexuality' as a 'sociopathic personality disturbance.'

It was not until the research of biologist Alfred Kinsey and other scientists challenged the orthodoxy that homosexuality was delisted as a mental disorder in the next iteration of the Diagnostic and Statistical Manual x x x.

However, the official removal of homosexuality from the Diagnostic and Statistical Manual as a mental disorder was not the last word on the subject. Homosexuality was still considered a 'disorder,' and it was not until several years later that all traces of what was mistakenly thought to be a 'disease' would be completely removed from the manual x x x.

Homosexuality was officially removed from the Diagnostic and Statistical Manual in 1986. x x x.

The American Psychological Association's revision marked the 'beginning of the end of organized medicine's official participation in the social stigmatization of homosexuality' as similar movements also followed. In 1990, the World Health Organization removed homosexuality *per se* from the International Classification of Diseases."

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LIST OF GENDER-FAIR TERMS⁶⁶

<i>Outdated terms</i>	<i>Gender-fair/ Gender-neutral</i>
man	human being, human
mankind, men	humanity, humankind, people, men and women
forefather	ancestor
layman	layperson, non-professional
manhood	adulthood, maturity
manning	staffing, working, operating,
one-man show	one-person show, solo exhibition
founding fathers	founders
manpower	human resources, staff, personnel, labor force
statesmanship	diplomacy
man-made	handmade, manufactured, artificial, synthetic, of human construction, of human origin

<i>Outdated terms</i>	<i>Gender-fair/ Gender-neutral</i>
anchorman	anchor
businessman, businesswoman	business executive, manager, business owner, retailer
cameraman	camera operator, cinematographer
congressman, congresswoman	Representative, Member of the House of Representative, legislator
craftsman	artisan, craftspersons
firemen	fire fighters
fishermen	fisher, fisherfolk
foremen	supervisors
lineman	line installer, line repairer
pressmen	members of the press
policemen, policewomen	police officers
repairmen	repairers

⁶⁶ Substantially culled from Thelma B. Kintanar, ed., GENDER-FAIR LANGUAGE: A PRIMER, University Center for Women's Studies, University of the Philippines (1998); and United Nations Economic and Social

Commission for Western Asia, Gender-Sensitive Language Guidelines, at https://www.unescwa.org/sites/default/files/services/doc/guidelines_gender-sensitive_language_e-a.pdf.

<i>Outdated terms</i>	<i>Gender-fair/ Gender-neutral</i>
salesman, saleslady, salesgirl	salesperson, sales representative, sales employee
spokesman, spokeswoman	spokesperson
statesmen	diplomats, political leaders
watchmen	guards
weathermen	weather reporter, weather anchor, meteorologist
actress	actor
comedienne	comedian
executrix	executor
heroine	hero
hostess	host
proprietyess	proprietor
usherette	usher
career woman	professional
house husband, housewife	homemaker
maid	household helper, kasambahay
busboy	waiters' assistant
chambermaids	hotel staff
fatherhood, motherhood	parenthood

<i>Outdated terms</i>	<i>Gender-fair/ Gender-neutral</i>
cowboy, cowgirl	ranch hand
bellman	bellboy
clergyman	member of the clergy, minister, rabbi, priest, pastor, etc.
mailman, postman	mail carrier, letter carrier
fathers (religious)	priests
cleaning woman, cleaning lady	cleaner
stewardess, steward	flight attendant, cabin attendant
waiter, waitress	waitstaff
brotherhood	solidarity, human fellowship, human kinship
fraternal twins	non-identical twins
gentleman's agreement	honorable agreement, unwritten agreement
landlord, landlady	owner, proprietor, lessor
to man	to staff, to operate, to run
manholes	utility holes, sewer holes
manpower	workforce, employees,

<i>Outdated terms</i>	<i>Gender-fair/Gender-neutral</i>
	personnel, human resources
man-made disaster	human-induced disaster
man-made climate change	anthropogenic climate crisis
Mother Nature	nature
Mother Earth	earth, planet earth
motherland, fatherland	country of origin, domicile
mother tongue	native language
mothering	parenting, child-rearing, childcare
noblemen	nobility, aristocrats
no-man's land	uninhabited land, <i>terra nullius</i> , neutral zone
caveman	cave dweller
prehistoric man	prehistoric human being
workmen's compensation	worker's compensation
yes-man	supporter, avid follower
young man, young woman	youth, adolescent, teenager

GENDER-FAIR COURTROOM ETIQUETTE

1. Address all lawyers neutrally as “counsel” or “attorney.”

Refrain from referring to female lawyers as “lady” or “female” counsel or male lawyers as “gentleman” or “male” counsel. Instead, use their surnames after the word “Atty.” (ex., Atty. Santos) or just use “Counsel.”

Refer to the Public Prosecutor and Public Attorney by name (ex., Prosecutor Paz, Public Attorney Ramos). Refrain from referring to the Public Prosecutor or Public Attorney as “Madam Fiscal” or “Mister Fiscal,” or “the Lady Public Attorney” or “the Gentleman Public Attorney.”

In making inquiries, use a question that applies to everyone, such as, “Will all attorneys please identify themselves to the court?”

2. Address all non-lawyer litigants, witnesses, and other court users as “Mister,” “Mrs.,” or “Miss,” “Sir” or “Ma’am” as appropriate.

Refrain from referring to litigants as “Madam Plaintiff” or “Mister Plaintiff,” but just “Plaintiff” or just refer to them by name (ex., Mr. Santos, Miss Dantes).

Refrain from referring to witnesses as “Mister Witness” or “Madam Witness.” Instead, use their name (ex., Mr. Cruz, Mrs. De Leon).

3. When addressing minors, refrain from using words like “little boy,” “little girl,” “*hijo/ihó*,” “*hija/ihá*.” Instead, use their first names or nicknames, if known, to put them at ease and to avoid the diminutive references.

4. Refrain from any act or proceeding that will demean, embarrass, humiliate, or degrade any party by reason of gender.

For example, in conducting arraignment in criminal cases, if the Information contains allegations that would expose either the offended party or the accused to ridicule or debasement related to their gender, the public should be excluded and the reading of the Information should be done only in the presence of the parties and their respective counsel, unless the reading of the Information is waived.

Similarly, reception of testimonial evidence that might invite gender-revilement or gender-bias, or has a tendency of exposing any party to embarrassment or degradation by reason of gender, should be restricted to the parties and their counsel.

5. Refrain from perpetuating gender stereotypes.

For example, do not make one counsel go first with her cross-examination because she is female, saying “ladies first.” Or do not make a male court attendee stand up to give up his seat for a female court attendee by saying “*lalaki ka naman.*”

Comments, jokes, and remarks with sexual content, or jokes and remarks that insinuate gender stereotypes, should not be tolerated in the courtroom setting. For example, remarking that a lawyer appears to be more organized because she is a woman is unacceptable.

6. Avoid comments on or insinuations related to physical appearance that may draw unwanted attention to one’s gender.

For example, calling attention to a lawyer’s pregnancy while she is conducting business may affect how others perceive her.

7. Justices, judges, court personnel, and litigants are all responsible in observing gender-fair language and etiquette in the courts. Gender insensitive acts or omissions committed in one’s presence should be courteously but discreetly corrected in the most respectful manner.

