

**MORO LEADERS' PERSPECTIVES ON ISLAMIC LAWS FOR
HOMOSEXUALS IN THE BANGSAMORO
PROPOSED GOVERNMENT
MOHAMAD MASUKAT KUDAY**

Abstract

Homosexuality is one of the sensitive issues globally. Several countries have been implementing brutal policies and laws for homosexuals. In the Philippines, homosexuals are experiencing varied injustices and human right violations. In some cases, it is a result of religious perspective and other cases are influenced by traditional belief, norms, and ethics prescribed in the certain locality. Knowledge of the leaders towards religious teachings for homosexuals influenced them to implement such regulations for homosexuals.

In the places populated by Muslim people, homosexuals are facing very challenging environment and limited legal rights. This is really happening in many Islamic countries like Saudi, Uganda, and many more others. In Mindanao particularly those places included in the proposed Bangsamoro government, homosexuals are under threat and skepticism on what will happen to them when Bangsamoro government will take over. Two major contradicting perspectives between the professional Moro leaders in the key positions and the local commanders in the grassroots provided apprehensions and alarming situations among homosexuals. Moreover, the significant role of fast but accurate information dissemination is direly needed to effectively address this issue.

Keywords: Moro Leaders, Perspectives on Islamic Laws, Bangsamoro Government, Homosexuals

INTRODUCTION

The Constitution guarantees that every individual deserves equal treatment regardless of gender, ethnicity, religion, preferences and many others. This is embodied in Philippine Constitution specifically on Article 3, Section 1 which states “*No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of Laws*”.

The Universal Declaration of Human Rights is in consonance with the Philippine Constitution. It is clearly stated in almost all the articles that human beings are of equal rights. Everyone is protected by this declaration regardless of sex preference, tribes, religion and nationality. There are also international laws such as the Magna Carta for all Mankind, International Bill of Human Rights, and European Convention for Human Rights that also recognize equality among individuals. This is to ensure that everyone enjoys humane treatment in all dimensions of life.

However, many of these rights are not observed in reality especially to the homosexuals. Trifkovic (2003) mentioned that gays in the Islamic countries are fighting for the recognition of their basic human rights. In fact, prejudice among homosexuals has been happening everywhere in the Islamic countries.

Being homosexuals should not be a reason to be discriminated. Some of them have shown exemplary skills and talent in different fields that made them globally known. Hence, it is unfair to generalize them as people who do not have manner, unethical and immoral if some of them committed mistakes.

This study would like to find out the perspectives of Moro Leaders on Islamic laws for homosexuals in the proposed Bangsamoro government since the projected Bangsamoro territory is dominated by Islam believers. Although crafting, exercising and implementing Islamic laws is unclear yet but the implementation of an Islamic Laws towards homosexuals might be

pursued. The draft of the BBL in relation to homosexuals is still a puzzle and might undergo challenges to compromise both the human rights in the International Laws and the Philippine Constitution versus the Islamic Laws. It is important to note that there is no provision under the BBL that specifically addresses the issue on homosexuality hence this study is conducted.

METHODS

This study utilized pure qualitative research design since it is exploratory in nature. The Focus Group Discussion (FGD) and Key Informant Interview (KII) were employed. The interview guide was used to get the needed data on the perspective of the Moro leaders on Islamic Laws for homosexuals from the Key Informant. It was validated through Focus Group Discussion (FGD).

This study was conducted in the municipalities of Datu Piang, Datu Salibo, and Datu Saudi in the province of Maguindanao. These municipalities are dominated by Moro people where the leaders of the MILF resided. Datu Salibo and Datu Saudi Municipalities are originally barangays included in the municipality of Datu Piang. From Cotabato City, Datu Saudi comes first to be followed by Datu Salibo, and then Datu Piang.

The study purposively selected five professional MILF key officials as the Key Informants during the interviews that provided the necessary data pertaining to the Islamic teachings in relation to homosexuals. Three of them were male and other two were female. To validate the data gathered through KII, forty five (45) participants from the three municipalities were the respondents of the study during the Focus Group Discussion (FGD). There were 15 participants in each municipality. They were composed of 3 females and 12 male Moro leaders each community. Respondents were all Moro leaders.

This research used purposive sampling in selecting five (5) Key Informants for the interview and forty five (45) participants for the Focus Group Discussion. Key informants were the Moro leaders who are in the key positions in the Bangsamoro organization while the participants were the ground commanders in the taken from three municipalities.

This study used KII guide and FGD guide as instruments in gathering the data. KII guide was used during the Key Informant Interview (KII) while FGD guide was used during the conduct of the Focus Group Discussion (FGD).

RESULTS AND DISCUSSION

Personal beliefs pertaining to homosexuals

Homosexuals have long been discriminated all over the country. Bullying and impartial treatment among male homosexuals have been experienced most of the time. Sometimes, discrimination begins in the home until the community members follow. This is rampantly happening especially among the Muslim dominated communities.

A male professional Key Informants said that gays are skillful, enthusiastic, and workaholic persons. They are very industrious and friendly with different kind of persons. They love their parents better compared to the real man does. Most of them are working for their family and parents after finishing their college. A female professional key informant said that “*mga bakla na mategel ando makamangon. Bagapas sila bamantiyali para kanu mga luk’s nilan taman den kanu pamilya nilan*” (gays are intelligent and industrious. They are working very hard for their parents and family).

Another male participant said that “*So mga bayot na malimo sa luk’s. di silan babaya p’gkaluma. So langon nu pantialian nilan naipang’gay nilan ko manga luk’s nilan. Malini silan tumabang sa kapapangagi sa mga sul’d nilan. And’n nanto na apiya so mawatan den I kapagali nilan nun nakadtabangan nilan sa kapangilay sa mapiya ukit a uyag-uyag.*”(Gays are parent-loving persons. Since they usually don’t get married, then most of their income is allotted to their parents. They are willing to help their parents and sending their siblings to school. Sometimes, they also help their distant relatives to elevate their quality of living.)”

A similar statement revealed by a key informant that Gays in the Philippines have a distinctive culture depending on the type of environment they live and generally enjoy limited legal rights. They are generally tolerated, if not accepted, within the Filipino society. They are the most privileged and talented members of the LGBT group and sometimes they take advantage of this acceptance leading some of them to go beyond the limitations of the norms and

ethics. Nevertheless, there is still widespread discrimination particularly in some *Bangsamoro* communities.

The acceptance for gays has increased over the years due to higher education and unexceptional talents they have. However, they may face different social judgments and legal challenges if the proposed *Bangsamoro* community will be fully implemented. *Bangsamoro* government can still protect the rights of homosexuals by engaging advocacy program and convince them to stop acting like a woman. Cross-dressing must be fully prohibited so that they will start to behave as prescribed by the teachings of Islam. Abdullah (2013)

The professional key informants said that gays are very significant members of the community. They believed that gays are very creative people. Most of them are intelligent. *“Niaka bantang na nia tatap sa mga bagumbal anan sascript na mga movie na mga bakala. Mga mategel silan a mga taw ando makamangon labi den sa katuganul samasla a pakalagiyan”* (in fact some of the Moro gays are script writers, choreographers and event organizers). These qualities should not be overlooked by the *Bangsamoro* people. They added that those skills and talents become even more recognized if these gays act and make use of these talents and skills parallel to Islamic principles. Wearing a prescribe dress for a man and not acting like a woman are the characteristics that could help gays be recognized and accepted in the *Bangsamoro* community. In support, a professional key informant was convinced that, as a human condition, homosexuality should not be considered a disease, personal defect, or a mental disorder in itself. He added that it is incorrect, misleading, injustice and degrading to speak of homosexuality as “curable”. It is no less wrong for religious people to label homosexual behavior a curse, an affliction, or a depravity. Nor should all homosexual behavior be indiscriminately condemned in advance as invariably and gravely sinful without much further and more careful study of scripture as well as the many varieties of homosexual experience, attitudes, and activities.

Professional male key informant expressed that their skills and talent would be great assets for future governance of the *Bangsamoro* government. The creativity of the gays could even make the *Bangsamoro* government a well-functioning government. These will even gradually regain the tainted dignity and reputation of many gays in the eyes of many Moro leaders.

It was sustained by the data revealed by the Key informant who articulated that *“Mga bakla na magidsan bon sa apaia entayin a taw a aden bun kawaguib nin”* (male homosexuals are like any other people who are still human beings who need guidance for the right path of life). She insisted that homosexuals should not be discriminated because it is not their fault to become such. Instead, the latter should be guided accordingly. The primary persons to discipline homosexuals are their parents. However, the relatives of these gays are the first ones who disrespect them. Sometimes they even disown their children who are homosexuals. Some parents force them to join the so called *JIHAD* (Holy War) to discipline their children. In some points, there are parents tolerate their children to act like women. Aside from having their gay son accepted in the family, parents tolerate the demands of their children to buy dolls and other female accessories.

In support to that, there were two male professional key informants said that *“gays should not be under estimated. Their skills and talent could be very useful if the leaders will be able to guide them and motivate them to become assets of the Bangsamoro community. They just need acceptable explanations and humane treatment. They need to understand further how to utilize their inborn skills that straight man does not have”*. This statement is supported by the statement of a woman key informant who made mentioned that *“su Nabi Muhammad SAW na dala pameges. Nganin-nganin a mga panduwan s agama Islam na inipangenggatin sa mapia kanu langon nu mga bagunot salkanin”* (the Prophet Muhammad SAW never used coercive approach in propagating Islam. Whatever he wanted for his followers to do was made through diplomatic manner in the form of advocacy).

In contrast, a key informant said that *“Allah created only man and a woman. Parents should play a vital role in molding the young minds of their children as they grow up. The principle of Islam must be thought at the young age of the kids. Parents should not tolerate the wrong act of their children and should correct it immediately. Being a gay is a crime. Islam prohibited that man act as woman. Islam never allow gay.*

Similarly, other participants further said that *“Su mga Bayot na pakagkalat sa kapendalepa na mga Muslim. Waguib a mapamandu silan sa kapagumbaya nilan. Silan so mga tao a mababa I maltabat nin. Dala gilek nilan sa Kadnan. Mga dala adat nin”* (gays are detractors of the Muslim community and they must be taught to stop their wrong doing. They are people of hell. They do not fear Allah. They belong to the lowest class individuals. They are immoral and unethical).

It was supported by the eldest participant who insisted that homosexuals are great threats to the community. They devastate the teachings of Islam. They are *fitna* (bringing threat to the community). They must be warned and even referred to the authority before they will cause bad luck to the public. Community cooperation and participation are required in order that these people will be guided accordingly. Although most of them are intelligent and stable in their work station, they prefer to help other people than their relatives.

Parallel to that, the participants said “*Apiya ad’n sakataw bo a bayot siya kano inged, namapakay a makabinsa kano papalangayan nu mga taw siyakodalpa. So bayot na pakatapik sa mulka labi labi den siya sa dalpa nu Islam. Mapakay a masugat a linog ataw kabagyo so dalpa a madak’l I bayot nin. Omayka zambayang silan samasgit. Na niyadaitna lon silan makamb’tad sa taligkuran nu mga babay loo sa liyo nu masgit. Niya pan salakaw, na umayka makapamanik siya sawalay, nap’nggagasan so kadampuwanin ando di matabon so mulka.*” (The presence of gay in a community can cause distraction in the place. A gay can bring wickedness especially to Islamic community. There is tendency that the community may experience earthquake or typhoon. If they tend to join in a congregational prayer, they must be placed at the back of the women outside the mosque. Further, when a gay enters a house, then his footstep should be washed immediately with water and cite a verse to prevent from possible wickedness he would bring.

In fact, one of the participants narrated that there was a case that three male homosexuals in their locality were arrested by local commanders due to wearing a woman’s dress and acting like a woman. According to the participant, the incident happened during the celebration of the school anniversary in the municipality in 2001. These gays were brought to the marsh area and being soaked standing in the water for more than 12 hours. Their hands were tied at their back.

In addition, the statement of a participant avowed similar belief by saying that “*makabinasa sa inged I mga bayot. Mauma na tiyuba su dalpa a madakel I bayotnin*” (the community that is populated by gays will be destroyed. A curse will be coming to the community that has greater number of gays). Other respondents and participants said that gays are “Haram” (dirty or uncleaned). They also believed that being gay is a crime. They even said that gays are “*naawanna kaya, silan so mga taw a natadin*” (shameless, they are misled).

In spite of so many negative statements revealed during the Focus Group Discussion, the participant of the three groups and the key informants were able to enumerate some behaviors which they believed desirable among gays within the Bangsamoro community. Some participants said, “*So manga bayot na dait na maka among sa training nu MILF. Maka jogging silan uman mapita* (gays should join MILF training and do jog every morning)”. They also commend that gays should act as a man, they should perform five times a day prayer, observe and practice the principle of Islam, observe the Islamic ethics and morals as well as the norms, marry opposite sex and have their own children, and practice sports for men.

In relation to that, majority of the participants have expressed that gays are not needed by the Bangsamoro community. They believed that gays are problems and they could not help the Bangsamoro until they will not help themselves first. “*magumbaya muna silan antupan ka amapakay a maka pagiguiamong silan sa kanu mga galbekan nu Bangsamoro*” (gays should change themselves to be a man before they can participate and contribute to any activity of the Bangsamoro government).

It was affirmed by a statement revealed by the majority of the participants said that gays have no rights in the Bangsamoro community. The Bangsamoro people would not allow the presence of the gays within the identified Moro communities. Similarly, the participants said that “*Nia dait a kapakayd sa kanu mga bayot na paawan silan sia kanu inged nu Bangsamoro. Umayka dili silan mawa na pasangkipun silan sa ambalingan silan sa galbekan na mama. Mag Islam silan. Adsasambayang sa lima a wakto and mapangenggat nilan su tagapeda nilan a mga bayot sa kanggalbek s aula-ulana agama Islam*” (The right things for gays to do is leave the Bangsamoro community, otherwise, they must promise to get back to their origin as male and act like a true man. They should set themselves as Islam believers and should convince other gays to practice Islam principles. They also need to practice the five times daily prayers and advocate to others gays to do the same).

Further, the participants revealed that there are four (4) types of homosexuals commonly observed in the *Bangsamoro* community. First, those who unintentionally behave like women. These gays are usually observed from the professionals like professors or teachers, office workers, nurses, and many others.

Second, those who act like real men but they are having secret relationship with the same sex. They are popularly known as bisexuals. Some of them introduce their affairs as best friends or relatives to avoid suspicion.

Third, they are those who are noticeably behaving like a woman with all the accessories like earrings, necklace, makeup kits, and others. They are cross-dressing. Some of these gays are known as transgender. They usually own their beauty salons. They are in demand during beauty contests and Muslim royal ceremonies due to their expertise in makeup, stage decoration, dance choreography and playing classical *Maguindanaon* musical instruments like *kulintang* ensemble. They also serve as wedding planners and organizers.

Fourth, are those who are real men but impotent. These are the real gays because they cannot satisfy the sex urge of their wives. They are not capable of performing any form of sexual activity due to erectile dysfunction. Although they are sexually inutile, they never fall in love with same sex.

Considering the fact that key informants and participants said that male homosexuals are skillful and workaholic, these manifest that Moro leaders noticed the extra-ordinary performances of several gays within the Bangsamoro community. Given that, it is therefore the right time among Moro leaders to make use of the talent and skills that male homosexuals have. Male homosexuals are like straight male or female who make mistakes along the way, their personality must not be a reason to be treated harshly in the community nor be discriminated against in some ways. The Bangsamoro government must have clear guidelines, policies and laws inclusive for all that can regulate all members of the society not only the male homosexuals. This is affirmed by Gallardo (2012) who said that male homosexuals in the ARMM are also holding key positions. They are globally competitive and well equipped in doing their jobs.

However, it is undeniable that there are homosexuals who are taking advantage of the talents and skills that they have. They become abusive. They forgot to consider the kind of community they are living with. They also disregard the culture, norms and ethics observed by the people especially in the Basngsamoro community. With this, bad impressions and misconceptions towards male homosexuals by the Moro people in the Bangsamoro community.

The limitations of the knowledge among the Moro leaders on Islamic laws for homosexuals lead them to inappropriate treatment to male homosexuals. The culture, traditions, and ethics that have been observed by the people in the community contributed much to the kind of policy imposed to the homosexuals are manifested. Moreove, Moro leaders failed to explore the concept of Qiyas as one of the sources of Islamic laws. As presented by Hassan (2003) that Qiyas is the only Islamic concept that flexible to tie up with today's modernization. Further, he said that this concept is used to address unique and modern issue which has no specific verse from Qur'an and Hadith that can be used.

The study found different beliefs among Moro leaders towards homosexuals. Moro leaders who are occupying key positions in the Bangsamoro organization are objectively dealing about homosexuality. They considered and recognized the significant contributions of the homosexuals as the result of their skills, talents, and being workaholic persons. In fact, professional Moro leaders believed that male homosexuals can contribute much to the forthcoming Bangsamoro government by utilizing their exemplary skills and talent in the appropriate office. Further, they believe that appropriate approach and strategies are the two things needed to regulate the homosexuals and make them fit to the principle of Bangsamoro government.

It is significant to note that male homosexuals are like anyone. Some of them are naturally gifted with talent and skills. There were male homosexuals who were behaving desirably while others went beyond the prescribe policy. The problem is not about being gay but it is on how they behave and observe the Moro laws. This claim is strengthened by Yoder (2014) who articulated in his book that gays are normal people. They might have higher rates of reproduction if they are given freedom to enter marriages. However, a constatnt guidance and motivation should be given to them especially spiritual matters. Abdullah (2013)

These contributions were affirmed by the fact that male homosexuals in Cavite were hired as gay enforcers. They were considered to the position due to their never ending patience and polite manner of talking. These attitudes made them eligible to occupy the position. (Rogelio Limpin, February 24, 2015, the Manila Times)

It is apparent that male homosexuals are widely known for their exemplary performance as viewed in the social media. The history can say that even during the ancient time, male homosexuals have contributed much in the societal development.

Knowledge on Islamic Teaching regarding homosexuals

A professional gay in the ARMM revealed that gays find themselves discriminated by their sexual orientation in the eyes of the Bangsamoro people. It is no wonder that these kinds of people are again deeply troubled by a sense of guilt or rejection, isolated from their families and Islam religion, and even cautious in the work place and in the community because of their sexual orientation. Few of them live in quiet but constant fear of exposure, ridicule, and condemnation. For the most part in the Bangsamoro community, people have considered gays to be sick, immoral, and predatory misfits worthy of neither pity nor pardon. They have been shunned, hounded, ridiculed and denounced due to their actions.

It was revealed during focus group discussion that most of the participants said “*Diko bon mambo katawan o ngin I tidto a panduwan nu agama Islam sa makapantag sa mgabayot ba nan. Nakineg ko bu man abpon kani tuwa na maya ta kon sa mawag so kapamagigiling nu mama sa babay ka haram kon*” (I do not know what Islamic teachings for homosexuals. I just heard from my grandfather that being gay is bad). Most of their answers were based on what they heard from their ancestors. Their revelations about Islamic teaching for homosexuals were observed according to what they learned from their parents and grandparents.

Further, only few of the participants who have knowledge about Islamic teaching for homosexuals. They said that that “*aden bon ayatan sa Qur’an ando Hadith a makapantag sa mga bayot ugaidna diko bon mambo katawan ka nakineg ko bo sa ustadz*” (I heard of verses from the Qur’an and Hadith pertaining homosexuals but I just heard it from Ustadz, I cannot exactly recall it). While some of the key informants and participants said their undesirable understanding about gays as “*niako bo katawan na mga bayot na di makaludep sa sulga. Naia dait salkanilan na bagimatayan sa dili papebpulugon. Pakagkalat sialan sa inged ka paka Fitna kano madekel a tao*” (what I know is that gays have no chance to enter the paradise. They are a threat to the society for they bring bad luck to the community. They must be killed without dropping their blood. They destroy the community for they bring temptation that misled and disturbed the concentration of the religious group in doing their religious obligations).

Similar perspectives revealed by the participants who uttered very negatively about their understanding about gays. They even said that “*so mga bayotna taw sa apoy sa naraka*” (Gays are people of hell).

It was sustained by the statement of the participants who said that “*as far as I know, being a gay is prohibited (Haram) by Allah. There will be no chance for them to enter the Kingdom of paradise the day hereafter. As Islam, choosing circle of friends is one of the responsibilities of each person. Islam should not allow them to be friends with gays. Parents should monitor the friends of their son to prevent them from associating with gays.*”

On the other hand, there were few participants representing the religious sector revealed verses in the Qur’an and Hadith pertaining homosexuals. They articulated that “*For ye practice your lusts on men in preference to women: ye are indeed a people transgressing beyond bounds... And we rained down on them a shower (of brimstone) Qur’an 7:80-81*” They also added another verse “*La annallahu mutassab bihiyna wal mutasab bihaat*” (the one who is pretending to be others (man acts as woman) will be cursed by Allah).

It was supported by a key informant during the interview by saying that “*Fa man tashabah be kaw min fahuwa minhum*” (“whoever imitates a group, then he is one among them”) the key informant explained it further “*whenever a person pretend to do things which is not prescribed for him such as a male pretend to be female; they belong to those who are cursed by Allah.*”

However, a key informant explained that “*There is a man that born as gay. He is still not violating Islam as long as he is not acting as woman, not dressing like woman, and not wearing earrings, and most of all, not having relationships with his same sex.*”

Another key informant enumerated negative behaviors among gays such as pretending as woman, same sex kissing and sexual engagement, cross dressing, putting on make-up, wearing of earrings, same-sex marriage, and using illegal drugs. Those statements unanimously stated by the key informants and participants during the interview and the focus group discussion.

Having those data above, it reveals that only few among the Moro leaders have direct knowledge about the verses from the Qur’an and Hadith on homosexuality. Many of the respondents and participants rely much on their perspectives based on what they learned from their elders, ethics, culture, and norms in the certain community. It shows further that majority of

the respondents have no personal knowledge about the teachings of Islam about homosexuality. Consequently, the occurrence of harsh treatment against male homosexuals is of high tendency. The leaders themselves have limited understanding of the Islamic teachings for male homosexuals.

Further, the data show that only few Moro leaders who have the knowledge pertaining to male homosexuals based on Qur'an and Hadith. For them, homosexuality is a denial of personal identity that also means denial of the will of Allah. In the principle of Islam, only two genders are created referring to the male and female. Man should marry a woman. However, there are no categorical verses from the Qur'an directly mentioning about homosexuality.

Although there are several verses that can be linked and connected to address the homosexuality but those are not directly and specifically stated. In Hadith, there are verses that discussed homosexuality but those verses are not exactly known among the majority of the Moro leaders. The study found out that Moro leaders have very limited understanding and knowledge of the verses from the Qur'an and Hadith on homosexuals.

Moreover, it also revealed by some of participants and key informants that being homosexual is not a problem. What makes a homosexual bad in the eyes of the people especially in the Bangsamoro government is the abusive acts and behaviors they were doing that contradicts the Islamic laws, norms, ethics, and culture.

Perspectives on Islamic Teachings that may be implemented in the proposed Bangsamoro community

The participants from the three municipalities during the FGD believe that Islamic laws will be fully implemented when the Bangsamoro government would formally take off. They confess that there will be no specific law for homosexuals to implement within the Bangsamoro community. The law that is applicable for all is anchored from the Qur'an and Hadith. They even said that *"umayka di menda I mga bayot banan sa kapgkalini nilan ko pagisan nilan mama, mapakay den silan a pambidsulan. Bagamtap I ginawa ko sa makaylay ako den sa bayot a kaymatayansa di papebpulugon"* (If gays would not stop engaging sexually with the same gender, they will be executed by burning them alive. I believe I believe that strict implementation of Islamic laws will be started.). Another participant supported this statement by saying that *"umayka makaludso man su kanggubilno na Bangsamoro na andaw man I dili munot na makusi"* (When the Bangsamoro formally takes off, those who do not follow, she/he will be coerced).

A parallel statement exposed by the majority of the participants said that gays have no rights in the Bangsamoro community. The Bangsamoro people would not allow the presence of the gays within the identified Moro communities. The participants further said that *"Nia dait a kapakayd sa kanu mga bayot na paawan silan sia kanu inged nu Bangsamoro. Umayka dili silan mawa na pasangkupan silan sa ambalingan silan sa galbkan na mama. Mag Islam silan. Adsasambayang sa lima a wakto and mapangenggat nilan su tagapeda nilan a mga bayot sa kanggalbek s aula-ulana agama Islam"* (The right things for gays to do is leave the Bangsamoro community, otherwise, they must promise to get back to their origin as male and act as a male. They should set themselves as Islam believers and should convince other gays to practice Islam principles. They also need to practice the five times daily prayers and advocate to others gays to do the same).

In similar way, there were few participants who said that *"su gobierno na Bangsamoro na padsipat sa kanut alagoy no BBL gagalo. Makauma I timpo a inggulalan nu Bangsamoro bon so Qur'an ando Hadith magidsan pan a makaunot atawaka makasulang sa kano kitab no Pilipinas"* (Bangsamoro government will just observe the BBL temporarily. He further said that in such time, Bangsamoro government shall implement strictly the Qur'an and Hadith regardless if these will affirm or contradict the articles from the Philippine Constitution).

Another harsh statement voiced out by the participants during the FGD and they emotionally said with high tone that *"basta makapantag sa mga bayot ania na di man makadsandag I gobilnona Pilipinas ka andaw man I sumulang san sakitab-Qur'an ando so Hadith na masugat man na kawaguib. Nia mapagilay-ily na su kasupakan a na galbek nilan. Umayka nia nadtalona Qur'an ando su Hadith I mapakay den a imatayan a dili makaangga su kitab na Pilipinas kanu Kitab no Agama Islam"*. (For gays, the government of the Philippines can not hamper the implementation of Islamic Laws. Whoever would go against the Qur'an and Hadith will be punished accordingly. If their violation is tantamount to death penalty then it will be imposed upon to them. The Philippine Constitution can not stop the enforcement of Islamic Laws in the Bangsamoro community).

The discrimination against homosexuals is happening almost everywhere. The participants viewed homosexuals as “virus” of the Moro community. They uttered their statement with very high emotions by saying “*di mapakay a saki aden watanin a bayot ka saki bon mismo I sumumbali lon*” (I am not supposed to have a gay kid for I myself will kill him). Another participant seconded this statement by saying “*nia mapia san a padtalaguyin sa mapia I bitikan no agama a Islam. Inggulalan sa tidto su Qur’an ando so Hadith. Makapantag man sa kawaguib nu mga bayot na iganat man sa kinandupang-dupang nilan sa kabpamagigiling sa babay na dala man nasama sa kawaguib nilan. Nia nin kapantekan na dili den man silan dayt a makasimbol kano mga mama umayka zambayang silan sa timpo na Guiamat. Lu silan dayt sa taligkudan pan nu mga babay ugayd na lusilio no Masguit.*” (Good thing to do is to enforce and implement fully the Qur’an and Hadith. When it comes to the rights of gays, the moment that they begin pretending as a woman, they totally forfeit their right in the Bangsamoro community. If they want to join the congregational prayer during Friday, they must be placed at the back of the women section outside of the Masjid).

However, other key informants believe that Human Rights for all will be still at the present. They said “*The content of the FAB, CAB, and the BBL are all aligned with the Philippine Constitution. The provisions of human right in the Philippine Constitution are still be observed by the Bangsamoro government in making policies and laws*”. With regard to the Islamic laws for homosexuals, the respondents said that the present practice of the Bangsamoro government would also be even similar when the Bangsamoro government operates. They just foresee that the advocacy of the *Ulama* might be stronger.

A corresponding testimonial, of female key informant during the interview contradicted the statement of the participants. She said that the emerging Bangsamoro government would not change the Implementation of the current Islamic system as what is being practiced this time. Even without the Bangsamoro government, the Qur’an and Hadith do not accept the immoral act of gays in the community. Even before the coming of the Bangsamoro government, the Qur’an and Hadith are already there. In fact, she said that “*apaia dipan gambitiyala I Bangsamoro government ania na andang bon man na aden mgakitab a dayt a makanggulalan sa kanu mga bayot ka ando silan gatulanged*” (Even without the Bangsamoro government, there is already a law that regulate the gays to behave accordingly). She further said that the Philippine Constitution is there to protect the rights of everyone.

In addition, a key informant stressed that Bangsamoro government is not created to harm gays nor protect them. They themselves should protect themselves by abiding the Bangsamoro laws and the Philippine Laws.

Moreover, as the Focus Group Discussion and the Key Informant Interview yielded that if the vital information will not reach the people on the ground, this may result to enforcement of inappropriate courses of actions on gays. The presence of homosexuality in the Bangsamoro community cannot be avoided. Nevertheless, this could be regulated if there are locally agreed guidelines that would address the actions of the people of the community. Homosexuals destroy the image of the Islam community. The ethics of the *Bangsamoro* community is highly devastated if the existence of male homosexual is tolerated. Being gay is immoral. It is supported by scripture from Surrah 7:80-84 says that people who transgress the limit God rained his people with dry clay.

The contradicting statements between the key informants and the participants of the FGD implied differences of the level of understanding among Moro leaders. The key leaders of the Moro have the knowledge and understanding of the FAB, CAB and the BBL. However, the local Moro leaders in the ground are not updated on the status of the peace talk between the MILF and the GPH and not even knowledgeable about the content. This problem on information dissemination may lead inaccurate information dissemination among the Moro populace on the ground. The worst thing to happen when the local Moro leaders impose upon brutal punishment on gays which actually not mentioned in the BBL.

Professional key informant Moro leader believed that gays also entitled to the human rights. One of them said that “*human right is for everyone. It is entitled to a person regardless of his/her sexual preference. Sex should not be the reason for discrimination*”. Another female professional key informant has almost a parallel statement by saying “*gays are still entitled to the human right whether the Bangsamoro government would formally take off or not. The Philippine Constitution and other International conventions would still be applied even when the Bangsamoro government will formally operate its office*”. She added, “*in fact, the FAB, CAB, and BBL are all parallel to the provisions of the Philippine Constitution. The reason that the congress and the senate are thoroughly reviewing the draft of the BBL is to check all the articles and provisions of the BBL to assertion there will be no portion that contradicts the Philippine*

Constitution. Meaning, everyone is still safe by the Philippine Laws when it come to human rights". She further said, "Gays should not be worried about the change. The rest of the system is almost the same with the present government of the ARMM."

The opposing beliefs of the participants and key informants on this matter seem to imply that significant pieces of information are only disseminated to the key leaders of the Bangsamoro. The local commanders in the ground seem not fully aware of the exact score of the Bangsamoro especially about the FAB, CAB, and the BBL.

It is apparent that the perspectives of the Moro leaders were divided in to two disagreeing beliefs. The key informant believed that Bangsamoro government is still regulated by the Philippine government. While Moro leaders in the local communities believed that Bangsamoro government will overpower the Philippine Constitution. They believed that Islamic Laws will be fully implemented.

The limited knowledge among Moro leaders has significant implication especially on how they will enforce policies within their place. This connotes that Moro leaders in the community have different measures of regulating male homosexuals due to knowledge from that of the key leaders.

Furthermore, the policy to enforce within the specific Moro community might be different from others. For instance, the policy regulating male homosexuals within a municipality might be different from that of the others due to different views and understanding among leaders from the different Bangsamoro communities.

Few people who are knowledgeable about the verses from the Qur'an and Hadith on homosexuals would mean a lesser chance to enforce the appropriate norms of conduct towards homosexuals. The critical fact about this is when the local law enforcers in the community have no idea about the verse from Qur'an and Hadith for homosexuals, it may bring inappropriate decision making and even enforce an opinionated policy. The fact that most of the respondents and the participants expressed even the most negative understanding about gays, their understanding could affect in making a decision especially on issue pertaining to homosexuals. Another implication is that there is a need among the respondents to learn the verses from the Qur'an and Hadith so that they are guided to do such thing.

The poor and delayed information disseminations within the Moro organization while hinder the accuracy of understanding and the timeliness of such information for the Moro leaders in the ground to interpret and to implement effectively. Moro leaders in the local communities are not aware of the content of the BBL especially on homosexuals. They believed that the Bangsamoro government totally bans homosexuals in the Bangsamoro communities. They even start telling the gays that Bangsamoro government shall implement an Islamic state the moment it will take off.

This misunderstanding will lead to wrong dissemination of information that results to misconceptions of the innocent member of the community on what is Bangsamoro government all about. The homosexuals who are not also aware of the content of the BBL are hesitant to the establishment of the Bangsamoro government due to fear of discrimination or even banning from the Bangsamoro community.

However, professional Moro leaders do not see the possibility of the implementation of the Islamic Laws within the proposed Bangsamoro government. They believe that the Philippine Constitution would still be the main guide to be followed by the Moro law makers in crafting laws or policies for the Moro people especially in bringing out human rights. Since it is a government of the Moro, the advocacy of the Moro scholars, Ulama and Ustadz on Islamic principles is believed to be strengthened.

Summary of the Major Findings

1. The professional Moro leaders who are holding key position in the Bangsamoro organization believed that most male homosexuals were talented, skillful and workaholic persons. The extra exceptional qualities of the male homosexuals have been considered by the professional Moro leaders to be of great help for the forthcoming Bangsamoro government.

Further, the participants revealed the four types of male homosexuals. First, those who unintentionally behave like women. Second, those who act like real men but they are having secret relationship with the same sex. They are popularly known as bisexuals. Third, they are those who are noticeably behaving like women and wearing accessories like earrings, necklace, makeup kits, and the like. Fourth, those are looked like real man but impotent. These are the real gays because they cannot satisfy the sex urge of their wives due to erectal dysfunction.

The study surfaced that only very few Moro leaders have direct understanding of the Qur'an and Hadith pertaining to Islamic Laws for homosexuals. Majority of the Key informant and the participants do not know some verses in the Qur'an and Hadith that categorically refer to homosexuals. Their perspectives are based on what they heard from their ancestors and grandparents. The Moro norms, ethics and culture were their main reference pertaining to teachings for homosexual.

2. There were negative behaviors identified among male homosexuals in the Bangsamoro community. A male homosexual should not be pretending as woman, same sex kissing and sexual engagement, cross dressing, putting on make-up, wearing of earrings, same-sex marriage, and using illegal drugs.

Most of the Moro leaders do not know about Islamic teachings for homosexuals. Culture, ethics and norms are their reference in handling and regulating homosexuals aside from what they heard and learned from their parents and ancestors. These led them to indifference treatment for male homosexuals and impose abusive policy. Some Moro leaders also believed that the presence of homosexual in the Bangsamoro community is a societal threat.

Gays usually do not get married. This is advantageous on the part of their parents for their former's income goes to their parents and relatives. Moreover, guiding them to behave desirably is the primary responsibility of their parents. Homosexuals should observe the acceptable and permissible in the Bangsamoro community.

3. It is further revealed that male homosexuals can still be accepted in the Bangsamoro proposed government if the former will observe and practice the principle of Islam. Observing the Islamic norms, ethics, and culture will be of great attitude that would facilitate the acceptance of the Moro people among those male homosexuals.

The result of the study showed the opposing perspectives of the key informants and the participants on how Islamic teachings are to be implemented in the proposed Bangsamoro government. The key informants believed that the protection of the human rights will be observed not only for the homosexuals but for the entire Moro constituents since it is still anchored on the Philippine Constitutions. While in the other side, the participants believed that Islamic Laws (the Qur'an and Hadith) shall be fully implemented within the Bangsamoro proposed government.

Conclusions

Based on the summary of the gathered data from the key informants and the participants of Focus Group Discussion, the following conclusions are hereby drawn.

The professional Moro leaders and the local commanders have contradicting perspectives on Islamic teachings for male homosexuals in the Bangsamoro community.

The professional Moro leaders believe that being homosexual is not a problem provided that male homosexual should not act and behave like a woman cross-dress and the like. Male homosexuals are like anybody else. Some of them are talented and skillful. They are entitled of the human rights that anybody has. They also have ambitions and aspirations.

Male homosexuals should not be generalized by tagging them as immoral and curse. It is unfair and unpeaceful to discriminate them for the kind of behavior that genetics might be blamed of.

As to how the BBL be implemented, they still believed that the Philippine Constitution as the primary law would safeguard or guarantee the protection of human rights among the Bangsamoro people. The right to live of the male homosexual is still guaranteed by the Philippine Constitution.

But for the local commanders, they viewed homosexuals as threat to the Moro community. They lack knowledge on the content of the BBL that led them to make their own interpretation. Most of the Moro leaders also have knowledge limited on Islamic teachings for homosexuals. They relied much belief on what they heard from their parents about the ethics, norms, and culture towards homosexuals. They are expecting that once the BBL will be established, the Islamic law will be implemented.

Recommendations

Based on the forgoing discussion, the following are hereby recommended for consideration:

1. The Bangsamoro Transition Commission (BTC) should conduct seminars on the intensive understanding of the Bangsamoro Basic Law and Islamic Teachings on Homosexuals where the Moro Leaders both the upper and the ground will be the main participants
2. The municipal Sharia Court should initiate advocacy on Islamic Teachings and Laws with Emphasis on Homosexuality where the male homosexuals will be the main participants.
3. The Office of the Presidential Adviser on the Peace Process (OPAPP) should facilitate advocacy on governance with consistency, impartiality and equality among all levels of the Bangsamoro government.
4. The administrators of school/universities should initiate the incorporation of religious studies and consider the inclusion of the Urf and Qiyas as sources of Islamic Laws aside from Qur'an and Hadith for a broader understanding of homosexuals in Islamic context.

REFERENCES

Books

- Arlandson, J. (1998). *Women, Class, and Society in Early Christianity: Models from Luke-Acts*. Hendrickson Publishers.
- Ibn Abbas. (2011). *The Sayings of Ibn Abbas on Hadith and Islamic Jurisprudence*. Islamic Book Trust.
- Kugle, S. S. A. (2008). *Homosexuality in Islam: Critical Reflection on Gay, Lesbian, and Transgender Muslims*. Oneworld Publications.
- Hassan, R. (2003). *Inside Muslim Minds*. Melbourne University Press.
- Gallardo, G. (2012). *Understanding LGBT Rights in Muslim Communities*. Oxford University Press.
- Phelan, J. E., Whitehead, N., & Sutton, P. M. (2009). *Sexual Orientation and Faith: Identity Development in Christian, Jewish, and Muslim Communities*. InterVarsity Press.
- Sanders, D. (2013). *Sexual Orientation and Human Rights: International and National Perspectives*. Cambridge University Press.
- Yoder, K. (2014). *The Science of Sexual Orientation: Biological and Psychological Perspectives*. Harvard University Press.
- El-Rouayheb, K. (2005). *Before Homosexuality in the Arab-Islamic World, 1500–1800*. University of Chicago Press.
- Dawud, A. (2006). *The Foundations of Islamic Law: Traditionalism and Reform*. Routledge.
- Friedman, R. C., Downey, J. I., & McGuire, J. A. (1994). *Masculinity and Sexual Orientation: Theories and Research*. Springer.

- Maslow, A. H. (1943). *A Theory of Human Motivation*. Psychological Review.
- Abdullah, M. (2013). *Perspectives of Moro Leaders on Homosexuality in the Bangsamoro Community*. Mindanao State University Press.

News

- Limpin, R. (2015, February 24). *Cavite hires gay enforcers for community policing*. The Manila Times.
- New York Times. (1986, November 23). *Violence Against Homosexuals Rising, Groups Seeking Wider Protection Say*. The New York Times.

Websites

- Khan, Z. (n.d.). *Islam and Homosexuality: A Religious Perspective*. Islam Awareness Network. Retrieved from www.islamawareness.net
- ILGA. (2014, July 9). *LGBT Rights Around the World: A Comprehensive Overview*. Retrieved from www.ilga.org
- Deed Research Center. (2014, September 17). *Understanding Human Rights in Islamic Law*. Retrieved from <http://deedresearchcenter.com>
- Its Conceivable. (2014, September 23). *Famous Gay Politicians: A Historical Perspective*. Retrieved from <http://itsconceivablenow.com>
- Britannica. (n.d.). *Human Rights and Gender Identity*. Retrieved from <http://www.britannica.com>
- Truth Hand Grace. (n.d.). *The Impact of Islamic Law on LGBT Communities in the Middle East*. Retrieved from www.truthhandgrace.com