



## ENVIRONMENTAL STRUGGLES AND JUSTICE AMONG LUMAD FARMERS OF DAVAO CITY

Ranie Jeb G. Dungog, Bryan N. Nebria, and Jericho A. Suarez

*College of Criminal Justice Education,  
University of Mindanao, Philippines*

Corresponding Author: [j.suarez.512223@umindanao.edu.ph](mailto:j.suarez.512223@umindanao.edu.ph)

### ABSTRACT

This study describes the various environmental struggles experienced among the participants and their status in accessing justice. This aims to present the environmental violations experienced by the Lumad farmers in Davao City and how these affected their families and sustenance. This follows a qualitative multiple-case study approach. The participants are the Lumad farmers of Marilog, Davao City selected through a critical sampling method. Also, their status in accessing justice is explored. The study concluded that the most common struggles the participants experience are illegal logging and improper waste disposal, which affect their farms, family, health, and income. Their preferred means to accessing justice is through barangay settlement; the rigors of accessing courts, such as distance, expenses, fear of ruling, and the hassle of being called to be present in court, are the most prevalent barriers that hinder the lead farmers from accessing justice or seeking legal action. Nevertheless, the participants believed that the government would help them in accessing justice.

**Keywords:** Environmental Justice, Environmental Struggles, Access to Justice, Lumad Farmers, Davao City, Criminology, Philippines.

### INTRODUCTION

The indigenous people and the Lumad communities of Mindanao primarily rely on the environment for their sustainability. The neo-liberalized globalization of the world as the driving force for extreme consumption, mass pollution, environmental violations, and ecological degradation has left the Lumad communities to frequent attacks and exploitations of their ancestral domains (Espiritu, 2017). In the Philippines, institutions tasked to institute justice are present yet are substantially weak in their performance in terms of citizens' access to justice in addition to erroneous court decisions. Delays in proceedings, lack of information about the judicial system, prohibitive cost, and the dependence of poor litigants on public defenders with overstrained services exemplifies this (Co et al., 2010).

Further, communities relying on natural resources for livelihood have experienced systematic marginalization due to neo-liberal economic globalization (Berlinda, 2017). The environmental struggle is a condition arising from the various harmful action done to the environment and severely affecting the people involved. Though not achieving universal recognition, these actions are generically denoted as



a term describing the various activities that harm the environment and are aimed at benefiting individuals, groups, or companies (Kobajica, 2020).

The largest problems the world is facing are a result of globalization, turning local problems into global environmental issues such as acid rain, air pollution, global warming, rainforest destruction, water degradation, and ozone depletion (Hemlata, 2020). These problems affect everyone on this planet. The continued apathy to the state of the world's ecosystem will only lead to the eventual depletion of natural reserves and resources on which all living things rely to. In the Philippines, natural resources play a pivotal role in the country's source of income. The USAID stated that the country's natural resource account for about ten percent of the total gross domestic product and almost 30 percent of employment. As a primarily agricultural-dependent nation, the state relies on the progressive upliftment and innovation of agricultural methods to meet the growing demands of a growing population. Further, such environmental concerns also lead to them losing their traditional way of living, governance, and culture. The notion of environmental justice began around the early 1980s in the USA in connection to the issue of the racially discriminatory practice of dumping harmful toxic waste in areas where cultural minorities reside.

The term was interchangeably used with environmental racism. Both notions define the unjust distribution of negative environmental burdens (Magallanes, 2022). The homeland of Indigenous people interests both the government and business entities; this resulted in their struggles of enforcing and maintaining their human rights and fundamental freedom leading to the destruction of the indigenous system of resources conservation, loss of culture, and intra- and inter-tribal conflicts. Despite this, the Southeast Asian governments persisted in massive natural resource exploitation to proliferate industrialization and economic aspirations.

In the apparent deprivation of Southeast Asian indigenous people's rights and culture, they are alienated in the process of making laws and discriminated against the justice system, its remedies, and mechanisms, in addition to the limited legal services and institutions where their concerns may be resolved (Asia Indigenous Peoples Act, 2013). The inability to access justice and legal services though the data is limited and is found to correlate with the disproportionate impact on low-income and other disadvantaged groups due to their lack of individual economic resources. This can further hamper their capacity to enforce their social rights to assert their position to a clean and healthy environment since, as humans, all deserve as such. Thus, it is necessary to establish that the furtherance of access to justice is a critical dimension for inclusive growth and a means to tackle inequality in environmental rights (Magallanes, 2022). Environmental justice affirms the pivotal position of Mother Earth in the lives of every living and non-living thing, ecological unity, the interdependence of all life forms, and the capacity to be safe from any event of ecological destruction, its effects, and other harmful implications (Celeste et al., 2016).

Further, environmental justice also establishes the right to the responsible and ethical use of Earth's natural resources for the sustainability of human lives and all living entity on the planet. The right to the environment is a fundamental right of man that ought to be protected. The principle of environmental justice arose from this



growing recognition (Bueta, 2012). The indigenous people are communities who are at the greatest risk from this phenomenon due to their reliance on the environment for sustenance.

A distinct formulation of Indigenous environmental justice is necessary to tackle the various forms of crisis, violence, and injustices dealt with by the Indigenous people. This method of justice needs to be in accordance with the Indigenous philosophies, ontologies, and epistemologies (McGregor et al., 2020). Whatever the forms, strategies, or laws promulgated to address the environmental issue, the ability to access justice is of tantamount importance. The judicial branch of the Philippines has formulated strategies for dealing with these issues. Efforts to improve environmental law enforcement and adjudication are the designations of “green courts” by the supreme court to address environmental cases with the complementation of the Rules of Procedure for environmental cases in 2010. The five pillars of the justice system are set to increase coordination through capacity-building training and seminars. Further, the government has implemented stricter laws and punishments to deter or apprehend violators, non-governmental and civic organizations have raised their awareness campaigns; and the citizens also participated in their responsibility to protect and preserve the ecosystem (Bueta, 2012). Environmental justice has no unified notion defining its parameters because it is a system.

The concept of environmental justice is diverse and varies among different groups and people. The principal goal is the development of the people's involvement and ensuring access to justice (Bueta, 2012). In the broadest sense, access to justice means having a case be tried, settled, or heard in a tribunal or court. There are several approaches to access to justice. One of which is through procedural access to justice. This notion concerns the securement of people's rights through the use of tribunals and courts. The focus therein is the obstacles people face in trying to appeal their case to a court (Gerards & Glas, 2017).

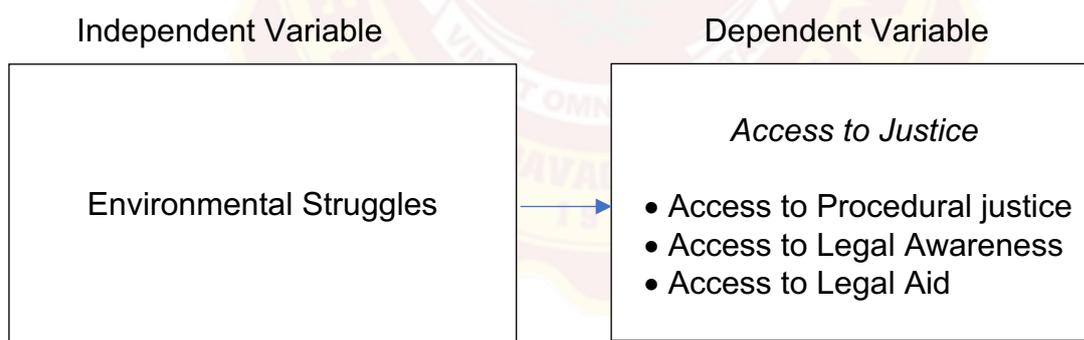
Furthermore, the broader sense of procedural access to justice is not limited to the capacity to access the legal proceeding but also concerns the outcome of proceedings and whether the decision is based on fairness and justice (Gerards & Glas, 2017). Access to justice means that ordinary citizens can avail the instruments of law concerning their quest for justice measurable through the affordability of judicial proceedings, the dispense of justice without lengthy delays, availability of legal information with little to no cost (Co et al., 2010). Thus, access to justice becomes both a process and a goal (Publications Office of the EU, 2016). For society to have access to justice, legal awareness should be promoted. This involves making them understand and aware of their rights as well as the means of claiming them (United State Institute of Peace, n.d). Legal awareness, also known as legal consciousness, is the capacity of the people to be aware and empowered by issues concerning the law. Knowing one's legal right is pivotal in the promotion of consciousness of legal culture, participation in the resolution of laws, and the rule of law. Indigenous communities all around the globe suffer alienation and are often deprived of their fundamental rights.



Their inability to understand what is rightfully theirs proves to be a hindrance to the enjoyment of their social rights. Often, this vulnerability is exploited by sectors, entities, and organizations. Indigenous people are among the most neglected and the poorest sector of society. They are often the most prone to discrimination of their basic social services by the government (Carino, 2012). Legal awareness is key to countering this misunderstanding and will enable these communities to access justice (United State Institute of Peace, n.d). Another pivotal aspect of access to justice is the availability of legal aid, which is a fundamental element of access to justice.

Through legal assistance, the poor, the marginalized, and the disadvantaged get access to justice. It aids them in navigating the justice system that is overwhelming for those who are uneducated about it. It impacts society in a multifaceted manner, such as reducing the length of time detainees are deprived of liberty, wrongful convictions, bribery, mismanagement of justice, and recidivism. Legal aid includes legal advice, representation, legal education, and access to legal information (United Nations Office on Drugs and Crime, n.d). This study is anchored on the Needs-Based Partial Theory of Human Injustice by Michael Dover.

This normative social science theory relates human injustice to human needs. The theory argues that oppression, mechanistic dehumanization, and exploitation are the driving force behind human injustices. This further creates a gap in the satisfaction of human needs and the imbalance of opportunities in achieving it, thus leading to grave harm and needs deprivation (Dover, 2019). The lead farmers, as primary victims of exploitation and injustices in the environment, are victims of injustice. As their main source of livelihood continues to be destroyed and maliciously consumed, their most basic human needs are deprived. Figure 1 shows the conceptual framework of the study where the independent variable is the environmental struggle while the dependent variable is access to justice.



**Figure 1.** Conceptual Framework of the Study

This paper aimed to determine the status of access to environmental justice and the participants' experiences of environmental struggles. The goals were satisfied through the exploration of the various environmental issues dealt with by the Lumads, measuring their knowledge about the existing environmental laws of the Philippines, exploring how the Lumads access environmental advice and services, participate in legal processes, and the extent of their needs achieved, to identify information gaps relating to the demand for, or reluctance of the use of the judicial process. The study



provides an in-depth description of the experiences narrated by the Lumad farmers. The research is advantageous for the policymakers of Davao City in creating initiatives and ordinances that strengthen the access and involvement of Lumad communities in the environmental justice system.

## METHOD

### *Design and Procedure*

The study uses qualitative method and Multiple Case Study approach. The design enabled the researchers to have an in-depth investigation of a particular event or phenomenon within a small geographical area or through a very limited subject for the study (Zainal, 2010). The design is appropriate if the purpose of the study is to compare or replicate the findings of the study or do both. This approach provides a solid foundation and compelling evidence establishing the validity of the study for generalizations (Yin, 2017). In writing the multiple case study, the summary of all individual cases was collected, gathered, compiled, and analyzed by the researchers to formulate cross-case reports and cross-case conclusions. With evidence from multiple cases, researchers may have generalizable findings and develop theories (Bryman & Liao, 2003).

The design was appropriate for the study because the researchers' objective is to describe in a detailed manner the status of the respondents in terms of the environmental struggles they experienced and their access to justice. The qualitative data collected through interviews and reduced through writing was analyzed through thematic analysis, which is a design used to analyze patterns and meanings in qualitative data (Braun & Clark, 2006).

Further, the researchers followed a systematic procedure during the conduct of the study. The first was to confirm the validity and reliability of the research questionnaire through the approval of the expert and research adviser. Second, a letter was prepared and addressed to the Barangay Captain of Marilog District, Davao City for permission to conduct the study in the locality the letter included the approval of the Dean of the College of Criminal Justice Education. After the approval, a letter of agreement to participate in the study was distributed to the selected research participants. Next, an interview was conducted to collect information, through a tape recorder. The whole conversation was recorded if the participant so agrees. After which, the recorded conversations were reduced to writing for data analysis. Lastly, the data were interpreted using codes indicated by the main idea of the participant's responses.

### *Research Participants*

The participants of the research were the Lumads in Marilog Davao City. The study was conducted in the locality of Barangay Marilog District. The researchers selected fifteen participants through a critical sampling method. The sampling method has its strength if a small number of cases can be sampled and those small cases can provide feasible information (Strewig & Stead, 2011).



### *Materials and Instruments*

Interview questionnaires were utilized in the study to extract the data from the participants. The questionnaires were based on relevant studies and literature. Recorder, notes, and writing materials were utilized to reduce the information given by the respondents to writing for the data to be analyzed.

## RESULTS AND DISCUSSION

### Importance of the Natural Environment

The participants were asked about the importance of the natural environment for them. The participants placed an indispensable value on the environment their source of living, medicine, fresh air, and habitat. Some participants also stressed that downtown areas are at stake if the forest lands are destroyed. This is how they responded:

*“Importante gyud kay dha man ta naga base sa atong mga panginabuhi, kung wala ang environment asa man ta padulong diba?”* [It’s important because this is where our livelihood comes from, where will go without the environment right?]- **Participant 2**

*“Usa man gud sa importansya sa kinaiyahan no kay kana man gud siya, dili lang man gud na sya nga naa ta sa bukid, kay kung atong pasagdaan ang kina iyahan ang ma ikotar ana ba kay tong mga naa sa syudad, suma gud sa niaging panahon gud, ang yuta tumpagon dili lang kay kita nga naa dri sa bukid, asta ang katong naa sa syudad ma apektuhan man pud, maong importante gyud nga atong protektahan ang atong kina iyahan.”* [One importance of the natural environment is that regardless of if we are here in the highlands, if we will not take care of the environment, the ones that will also be affected are those who reside in the downtown area. Just like in the past, if the soil erodes, it’s not only us here who will suffer but also them in the city. That is why it is truly important to protect our environment.]- **Participant 4**

*“Daghan oi, kay ngano, kaming mga tribu, naay mag sakit sakit sa amoa, diha mi mangguha ug mga tambal diha sa palibut lang ug mga herbal. Mao nang importante kaayu sa amoa. Maong dili namo abusaran ang palibut, importante magamit sa among pangglawas.”* [There is much importance in the environment for us tribals. Should there be diseases we acquire our medicines and herbs from the environment. That’s why it is essential for us so, we must not abuse our environment as our medicines come from there.]- **Participant 8**

*“Para sa amoa pud no labi na sa among pamilya, labi na sa panguma namo, labi na sa tambok na yuta, mu buylo jud imong tanom ba, panggartahan nimo.”* [It is important for us and for our family specially in farming and having a well-fertilized soil it boost the growth of the crops, and we can earn from them.]- **Participant 10**

*“Ahh kuan man gud na sya nag start man gud na sya sa creation so diha man gud sa environment nato ma raise atong pamilya, kanang maka kuha, dha ang source of income, naa dha tanan ba, nga kanang pwede nato sa ma benepisyo sa atong kaba taan so importante kaayu sya. Kay ang environment importante jud na sya nga unsaon nato sya nga maalagaan.”* [It began in creation, it is through the environment that our family is raised, and our livelihood also comes from there, everything is found in the environment, the next generation can also benefit the same from it, so that’s why it is vital to take good care of it.]- **Participant 12**



*“Kailangan ang kinaiyahan man gud murag mag kinahiusa ba ang tanan tao. Kaila kanang paglabay ug basura dapat lahi tung mga plastic ug dili plastic para maisa siya ba hapsay kaayo dapat kanang limpyo ba”.* [Everyone needs to be conscious and work together towards a common goal. For instance, segregating garbage properly should be practiced, and there should be a distinction between plastic and non-plastic materials. This will lead to a more organized and cleaner environment.]- **Participant 15**

## Environmental Struggles of Society

The researchers asked the participants to identify the different kinds of environmental struggles happening in society. Most of them discussed illegal logging of trees, especially those that are considered as good lumbers, prohibited by the DENR for commercial or residential purposes. These violations result in flooding and threat of landslides in the farmlands where their crops and vegetation are at stake. Some participants identified improper disposal and segregation of waste as one of the problems in their community.

*“Pamutol og kahoy, gina dili mana sa DENR.”* [The cutting of trees, it is prohibited by the DENR.]- **Participant 1**

*“Kanag sa mga kalasangan, mga illegal logging, katong mga good lumber, katong mga lawaan. murag nangahurot na kay gina putol.”* [In the forest lands, illegal logging especially those good lumbers such as “lawaan” seems like they are already endangered as they are being struck down.]- **Participant 3**

*“Illegal logging, naa pay daghan nga violation naga kahitabo dri sa atoaang lugar, awa karon, ug ulanon, walay maka depensa sa atong lugar.”* [Illegal logging, there are still many violations happening in our locality, such as when it rains hard there is no defense (to landslide and flooding) to our place.]- **Participant 4**

*“Ang mga problema lang dri sa atoa dapit, kanang mga basura bitaw kanang mga gi kalat lang kanang bisag unsaon pag kuan sa mga basura bitaw nga e segregate, mu balik-balik man gihapon”.* [The problems here in our area are the garbage found everywhere, despite efforts of segregating them they keep on coming back.]- **Participant 8**

*“Number sa una issue sa illegal logging, kato pung kuan risky na kaayu atong kuan, kasagaran mahitabo kay mga landslide.”* [Number one issue is illegal logging; our environment is at the very risk of the frequent occurrence of landslide.]- **Participant 12**

*“Kanang tag init, kana Malaya ang mga tanom, ug mga baha, mga anud ang mg tanum, mga humay, ang humayan namo didto sa bukid mao sad nang gi suffer namo sa una kay baha.”* [Extreme heat causes the withering of crops and flooding which takes the vegetation and crops with it. Our crops suffered the same when our farmland was struck by a flood.]- **Participant 13**

*“Parehas anang kuan boss patakakag labayg basura dapat clear limpyo gyud ang atung area.”* [Such as the irresponsible disposal of garbage, our place should be clean.]- **Participant 15**



## Environmental Violations and their Impacts on Personal Experiences

The participants were interviewed about the struggles they experienced in their immediate surroundings, farmlands, or areas. The researchers observed that most of them experienced illegal logging. These are their responses:

*“Ah sa akoang yuta, wala man koy na engkwentro ug kanang problema wala man kaayu pro sa uban noon makita nako sama pananglitan dri nga ge pangusgan man gyud na dapat mananum tag kahoy pero ang uban wala man nananum, ako naka tanom ko ug kahoy, akoa ra pud nang personal na kahoy pud..... oo ge kuan gyud nas gobyerno na maka tanom ta ug kahoy, pro ang uban wala nag paka bana. Ako nag tanom kog kahoy personal man nako ni, pero sa katapusan akoa ra man pud ning ma kwartahan, kay naa may mupalit ana, dili ingon nga e baligya nmo didto syudad kay bawal man, diri lang pd gud dri lang sakop sa marilog. Pro kanang mga kahoy nga endangered sama sa lawaan, di gyud nmo na kuanaon, kay bawal mana pero sama anang mahogany, jemelina, pwede ra kay pang kuan ramana sya, pag abut sa panahon pwede ra pud na croppingon nimo tapos naa naman puy mo subol ana mao na syang mga kahoy nga dili ingon endangered sya.”* [I did not encounter these problems, but I know others have experienced them. For example, the local government encouraged the people to plant trees, but they did not comply with it. I planted trees but only for personal use because some will purchase them. However, you will not sell the same downtown as it is prohibited. For trees that are endangered like Lawaan, you must not exploit them. However, if it's just Gemelina or Mahogany it is allowed since these are allowed to be sold by the DENR. Over time these trees can undergo cropping, and the new branch will sprout from it. These are the types that are restricted.]- **Participant 1**

*“Kaning mga kuan gani sa palibut nato murag kuan hugaw na kaayu tan awon, init na kaayu, wala nay mga kahoy kahoy na maka protekta.”* [The environment is very untidy, it is so hot, there are no trees that can protect us anymore]- **Participant 5**

*“Ahh pananglitan kanang bahin sa yuta nga gi pasanginlan mi nga nangilog mig yuta, mao nang naka abut mig korte hangtod karon wa pa na sulbad.”* [Ahh for example concerning lands, we are accused of stealing lands that why we reached court and even until now it has not yet been resolved]- **Participant 6**

*“Kanang makita gyud nako, kanang wala natay punoan wa nay supply sa hangin, mu init na ang kalibutan kay wa nay kahoy. Kani sang land slide ug wa nay kahoy wa nay mo pugong ba wa nay mu depensa. Pareha sa among pag uma jud dili namo na gina putol ang ipil ipil, amoa noon na syang buhion para kadtong kakao dili sya ma landslide. Mao na ditoa sa amoa.”* [I have observed that we do not have any more trees, the fresh air is depleted, and the environment is extremely hot because of the lack of trees. There are also landslides there are no trees to protect us from them. For us we do not cut down Ipil-Ipil we nurture them to protect us from landslides]- **Participant 7**

*“Kanang tag init, kana malaya ang mga tanom, ug mga baha, mga anud ang mg tanum, mga humay, ang humayan namo didto sa bukid mao sad nang gi suffer namo sa una kay baha... O climate change.”* [In extremely hot seasons crops get withered then floods washed away our vegetation and rice fields. We suffered from it in the past in our lands. Yes, climate change.]- **Participant 13**



## Impact of Environmental Struggles on Income and Family

Majority of the respondents answered that the struggles in the environment affected primarily not only their income and family but also extends their agricultural products, health, and occupation. However, for those who have other sources of income, the struggles do not severely affect their income but only their family's wellbeing.

*"Sa akong pamilya murag di na kaayu ko ka tumbok na nay violation, kay karon akong panginabuhian, mag uma og mananggot ug kanang suka og tuba mao na akong negosyo. Mao nang sa akong pamilya di na kaayu ko ma mahay nganong na upaw ning kabukiran oi, karon kita sa atong henerasyon, ug unsay naa mao rasay atong dawaton. Lisod man sad kaayu nga kitay mag kuan, wa man tay gahom, may mag presidente ta nga ug unsay mando maoy ma tuman, nya kita yano raman tang lumolopyo wa gyud tay mahimo."* [In my family, we really cannot feel the impact of these violations because my livelihood is harvesting coconut vinegar. Hence, I do not worry if the mountains get deforested. We must make the most out of what is left to us, there is nothing we can do, we do not have power. We are ordinary citizens, and we can do nothing.]- **Participant 1**

*"Maka apekto kay kung, di man ta kalihok kung mag ka sakit ta, ana tungod sa atong makuan na dili na presko ba tong mahanggab."* [Yes, it can affect us because we cannot work if we get sick because of the lack of fresh air to breathe.]- **Participant 5**

*"Maka apekto oi, tan awa ra gud nang kahoy mag lisod kog putol ana. Kapila nami hapit ma dat-ugan ani, maglisod kog putol ana kay ang DENR basig paylan kog kaso. Ako silang gipasabut nga kung muagi nag karsada sila nay mu kuan ana sila nay bahala ana di nako manghilabot ana."* [Yes, it can affect us. Many times, we were in danger of the fallen trunk of that tree near our house, but we were afraid to cut the same because DENR might file a case against us.]- **Participant 7**

*"Oo, maka daut gyud sya, maka daut sya kay pananglitan dako kaayu kag area, naa kay cacao, nag inter cropping naka, nya nag landslide lang sya nya nag tuo ka nga nindot ug tubo ang imuhang tanom pero dili ka maka kuan kay kulang sa shading nya isa pa pud kasagaran karon mag tanom kinahanglan pa ug fertilizer."* [Yes, it can impact, such as when you have large areas of cacao and you are already in the phase of intercropping, then suddenly a landslide strikes your land. Then, there are also times when your crops will not produce the best product because of lack of shading especially when you do not rely on fertilizer.]- **Participant 11**

*"Oo ma apektuhan gyud among trabaho pareha anang pamilya inig gawas nimo ana mga basura kuntahay nakay anak, ako waman jud koy anak. Pero sama ananbg bata pa ana, mag ka sakit sakit tungod sa hugaw nga palibut tungod sa mga basura, then another gasto napud pampa-ayo ug tambal so kailangan limpyo gyud na ang palibot."* [Yes, it can impact our work. For example, if you have a child. Then they will get sick because of the dirty and untidy surroundings from the garbages, so it will need another expense for treating your child or buying medicines that is why we need to keep the surroundings clean.]- **Participant 14**

## Presence of Awareness Campaigns or Programs

The participants were asked whether there are awareness programs, campaigns, or information given by government agencies and other organizations concerning their rights to a clean and safe environment. Most of the participants



answered that the barangays conducted seminars and offers programs in addressing these rights more commonly about waste disposal, segregation, and collection. Barangays conduct programs to both inform and enforce this right. People just need to participate and follow.

*“Kuan na dris sa Barangay, kini si kagawad \*\*\* aw si kuan diay si Kagawad kining lalaki sya tig correction mahitungod aning basura, muingon sya nga kining basura I segregate ninyo, ang malata ug dili malata I lain, kanang malata pwede rana sa inyong palibut kay abuno mana sya, kanang dili malata hiposa ninyo, I recycle ninyo or pick upon rana sa dumptruck.... ang gobyerno nag paka bana japun.”* [Here, a kagawad is the one overseeing matters about waste disposal such as segregation of the biodegradable and non-bio. Biodegradable wastes can be used as fertilizer for your plants while the non-bio can be recycled or placed for collection by the collection truck. Thus, the government cares for this matter.]- **Participant 1**

*“Oo naa man, naga kuan mana sila sa basura, gina kolekta mana nila kada birnes sabado, naa man gyud diras barangay gyud, komitee na nila, nya ang gina kuan gyud nila ang basura. Para kuan gyud limpyo, kay makahatag man gud ug kadaout sa atoa, ug dili limpyo naa gyud dha lamok, sakit, naa dha.... Oo nya butangan ug sako aron maka karga.”* [Yes, they collect garbage every Friday and Saturday. There is a committee in the barangay for that to keep the surroundings clean because it can bring harm if it isn't. If the place is not clean, it may carry sickness and mosquitos, so they collect garbages or waste.]- **Participant 4**

*“Oo pareha anang, I explain gani sa imuga nga dapait I lahi jud ang basura, naga hatag gyud sila dri ug programa o pahibalo mo attend lang kag meeting. Nya kinahanglan mukuan jud ka ilahi lahi ang mga basura.”* [Yes, such as explaining to us the segregation of waste, you only need attend these programs or meetings and then abide by these.]- **Participant 5**

*“Oo dha sa org. sa Crossing Balah naga undergo silag mga meeting ana ana pero naa gyud syay kalahian pag naa ka mga remote areas ang kahibalo nila technically pero naa silay kaugalingon nilang kahibalo ng murag sciencsya lang ba, murag experience lang nila ba dili sila naga tuog mga technology, so bisan pag unsaon nilag pag pasabut, pero dili tanan naa puy mga modern nga maka sabut sila, pero katong mga karaan na jud na kuan ah dili oi kay kami, diba naanad na through experience, sila mimso naka experience na samantalang tung nag unsa, nag experiment pa.”* [Yes, the organization in Crossing Balah conducts meetings about these matters, but there is a big difference in remote areas. Their knowledge is greatly coming from their experience. The knowledge of these rights and preserving the environment is very fundamental to them and not just coming through the technological influence.]- **Participant 12**

*“Oo naga inform unsay dapat buhaton mga balaod na ihatag sa imu para ikaw makabalo pud ka ug imung iingon pud sa mga kapwa nimo mga ba sa mga tao kailanga imu pud e share.”* [Yes, they inform us what to do. Also, they inform us of the laws so that you will be aware of it. We also need to share it with others so that they too will be informed of these.]- **Participant 15**

### **Knowledge of Environment Laws or Ordinances**

The participants were interviewed about their ideas or knowledge of the laws set by the government to protect the environment. Their answers commonly refer to the law on illegal logging especially those considered as good lumbers strictly prohibited by the DENR. Further, some are aware of the ordinances regarding proper waste disposal, segregation, and the keeping of the environment clean including the



bodies of water. However, there are few who say that these programs are not properly implemented in their area or that they have already forgotten these laws.

*"Kanang dili pwede mamutol ug kahoy nga good lumber, bawal musolod ug area nga dili imuha."* [Like you cannot cut down good lumbers and trespassing.]-

**Participant 3**

Knows that good lumbers are prohibited by the law to be cut down.

*"Illegal logging, naa pay daghan nga violation naga ka hitabo dri sa atoang lugar, awa karon, ug ulanon, walay maka depensa sa atong lugar."* [Illegal logging, there are many violations happening in our place, such as when it rains, there will be no defense here.]- **Participant 4**

*"Naa sir, ang manglimpyo, dili mag patakag labay sa basura, ug sa tubig kinahaglan ampingan tanan... atong palibut hinlo."* [There is sir. Keeping the environment clean, proper disposal of waste, taking care and maintaining of the bodies of water, and our surroundings should be clean.]-**Participant 6**

*"Kanang...naa gyud pud ilabi nang mag uma ka nya dapat naa gyuy mga kahoy, dapat dili pa mutlon, dapat gina dunggan gyud noon, mao manay ginabuhad sad namo mananum mig mga prutas, para proteksyon sa yuta aron dili ma landslide."* [There is, such as in farming you cannot cut down trees, instead plant more. That is what we do in our lands, we cultivate fruits and trees to protect the place from landslides.]- **Participant 8**

*"Mga balaod, kabalo pud kanang pataka kag labay bawal mana, ahm kanang aso makuan sa bata ba kanang sunog makuan satong lungs body satong lawas."* [I know some laws such as the prohibition of improper waste disposal and the irresponsible burning of mountains, which could be a health risk, especially among children.]- **Participant 15**

## Knowledge of Accessing to Courts or Alternative Interventions

In terms of their knowledge of accessing courts or other alternative means of intervention concerning cases on environmental rights and welfare, the participants answered that, although they were mostly inexperienced when it comes to court litigations, they are aware that it requires a step-by-step process of which you need to settle the matter first in the local barangay. Secondly, the participants also have access to tribal settlement if the matter involves two parties of the same tribal groups. Some also say that they will refer to the Public Attorneys Office to help them in their case.

*"Unang una, wa pa jud ko... Ang una jung daganan nato ang atong jung barangay kapitan, Di sa ka muadto sa korte kay mangayo pa man tag konsulta, Mo ditso pud ta asang korte, wa apud ta katood asang korte."* [First, I do not experience using courts, but the first one to be approached is the barangay captain. You cannot go to courts yet; we must consult first the barangay. If you go to court directly, I don't know where to find it.]- **Participant 1**

*"Kabalo, kay ge tudlo mana sa atoa. Naa may purok leader diha, ang purok leader nay bahala ana, ug di gyud matabang aw adto gyud mos korte ana, proseso man daw na, di man ka pwede mu adto dayon sa korte, kay wa man kabalo ang korte sa inyong problema, ma ngayo sa jud kag endorsement letter ana. Kung unsa nga kaso."* [I know because it was taught to us. There are purok leaders who will settle it first. If it is not settled there, then you need to proceed to a court. It is a process; you cannot just go directly to court. You will be needing an endorsement letter for these types of cases.]- **Participant 2**



*“Di, unang una man gud dha kay, dha sa gyud ta sa barangay lider nya 15 days bago ta mu adto sa lupon, pag human nga dili ma settle, mo file action ka didto sa pulis, then korte ka.”* [The first thing to do is you go to the barangay leader for 15 days before going to the Lupon. If it still cannot be settled, you can file an action with the police, then proceed to a court.]- **Participant 4**

*“Kung lihokon gyud nako mu adto ko didto, adto lang ko sa justice diha sa ecoland, adto dayun ko dha sa PAO.”* [If I really pursue it, I will go to the Hall of Justice in Ecoland, then I will talk to lawyers in PAO.]- **Participant 5**

*“Mo report ka didto sa dunay katungdanan pareha anang mga kapitan ba mo report ka patabang ka syempre kuanon man jud ka ana tagdon. I patawag tung nag abusar sa imong tanom. Mag pa husay mo.”* [I will report it to the authorities, such as the captain, then the concern will be catered to. The one responsible is called so you may settle the issue.]- **Participant 8**

*“Kuan pareha anang sa Bagobo, nay husay husay pareha anang di makaya sa Barangay, kuha kag kuan sa Barangay aron ma saka sa Korte, kung dili makaya sa Bagobo, sa Barangay kung dili pa jud sa Korte na.”* [Like in the tribal settlement, you can settle it there. There are also cases when you may resolve it in the barangay. If the same is not remedied still, then you will have to do it in court.]- **Participant 11**

*“Una ana I report jud na sa Barangay kay trespassing mana ilang gi buhat, after ana mangayo nako ug guide ug unsay buhaton.”* [Firstly, you should report it to the barangay because it is trespassing after it, you may ask the court for guidance in the next step.]- **Participant 13**

### Immediate Action for Environmental Abuses or Violations

Most of the participants said that they will confront the violator in person first and talk to them as to why they did it. Some also like to do this by calling their attention to the barangay authorities and settling it there. Other participants also prefer to seek the intervention of the tribal council to deal with the matter. On the other hand, a few also said that if the matter cannot be settled in the Barangay, the best way to proceed is to call an attorney and settle the matter in court.

*“Mo sinta sa kasuko, pananglitan dri sa akong yuta, nag tanom ko og lubi, nya ang ubang tag iya sa kabaw pataka rag higot sa ilang so ma kaon akong tanom..... wala nalang nako gina pa barangay, pero storyahan nalang.”* [I will express my anger, like here in my area I planted coconut trees, then there were loose carabaos eating my seedlings, then I would confront the owners. I will not go to barangay, but I will talk to them.]- **Participant 1**

*“Ay, ipatawag tung nang hilabut, tung nanghilabut, ipatawag nimo sa purok leader o sa barangay.”* [I will ask the purok leader or barangay official summon the violator.]- **Participant 3**

*“Adto lang ko sa justice diha sa ecoland, adto dayun ko dha sa PAO.”* [I will just go to PAO in Ecoland.]- **Participant 5**

*“Mo report ka didto sa dunay katungdanan pareha anang mga kapitan ba mo report ka patabang ka syempre kuanon man jud ka ana tagdon. I patawag tung nag abusar sa imong tanom. Mag pa husay mo.... Syempre, ug atong katungod na ang makuan, depensaan gyud nato no.”* [You must report it to proper authorities, such as the captain, for the matter to be resolved. If it is your rights violated, you must defend your rights.]- **Participant 8**

*“Labi na karon nga panahon nga daghan na kaayug naga pangilog ug yuta samut na dha sa among area nga steward lang sya, pero naa sa law nga gi ugmad na nimo*



*sya within 9 years naan aka sa imong posisyon nga maka panaigya naka kay stewardship lang man sya, kanang gihimo lang man ka dha nga ikaw ang mag bantay ikaw ang mag a muma, ikaw ang nag ugmad. Nya karon man gud daghan kaayug nag claim nga ahm amua na, ang pangutana asa sila anang pila ka mga dekada, asa man sila, nganong karon pa man sila mamalik na murag na improve na gamay. So maoy lang na syay pinakalisod.*” [Especially these times, many lay claims on lands like in areas known as steward lands. The law says that if the area is already developed or nurtured for nine years, then you are already in the position to own the steward land. However, this time, many lay claims in our area, but the question is where are they when the estate was still under-developed?]- **Participant 12**

*“Kung mag away away una ana kung mag away away sa barangay saka, paghuman barangay kung di mahusay pinakakuan ana magkuha nalang mog abogado ninyo tapos mag adto mog court mag pahusay mao nay sakto.”* [If there are conflicts or trouble with another, we must deal with it first in the Barangay. If in the worst-case scenario, the matter cannot be resolved there, then the best way to proceed is to get a lawyer, then settle the lawsuit in court.]- **Participant 15**

### **Presence or Access of Assistance in Handling Legal Matters Related to Environmental Abuse or Struggles**

In the presence or access to assistance in legal matters, most of the participants answered that the government, the barangay officials, PAO, DENR, and other private or public attorneys assist them in these matters. Other participants also said that tribal councils also aid them. They further said that these people are easily accessible and prompt in their aid. However, one can only get help if he or she purposely seeks it from the right agency. A few responded that there is no one to help them or they do not want to seek assistance because they are afraid of going to a trial and thus prefer to settle the matter personally instead.

*“Ako na operhan man kos tiyan, katong di pako ka trabaho ani, nangayog kog hinabang sa gobyerno, ni adto kos opisina sa mayor, g hatagan kog cash 2000, og grocery.”* [I underwent a stomach operation, and I was unable to work. I asked for assistance from the government and went to the Mayor’s Office. They gave me 2000 pesos cash and grocery.]- **Participant 1**

*“Depende man gud na ug wa kay kwarta pud, unya mo dool ka sa PAO, mao manay mutabang sa imo dri Dri wala may problema dri kay ma settle raman, dri wa may mu daog way ma pildi, ang ilaha lang dras barangay settlement lang. (Dali raba ni sila mu tabang kol? Naa bay response dayun?) .... Oo dali rana, pro bintang mn gud nang ang kapitan ang muhusay kay sya gyuy muhatag ug idea ug unsaon og asa ka.”* [It depends if you have money. If you do not have it, then you can go to the PAO, and they will help you. There are not many problems here because they can just be resolved in the barangay. Their help and response are also speedy. The captain also gives his take and advice to settle disputes.]- **Participant 4**

*“Oo kadtong sa amua daghan man mi, naa ni tabang sa amoa abogado taga Bukidnon.... Abogado, ge tabanggan jud mig kuan sa kaso, advice oo unsay buhaton, oo sa financial wala na.”* [Yes, in our case, there is an attorney from Bukidnon who helped us. They assisted us on the case and what to do about it but, in the financial aspect there is none.]- **Participant 6**

*“Alangan mangita gyud kag maka depensa sa imo, maka tabang sa imuha.... Sa ka tribuhan lang pud na mga sa mga DATU’s... (Unsa pud ang tabang nga ilang mahatag nay?) ... Husay, sila ang mag husay. (Dali ka lang ba maka pangayog tabang panahon nga kinahanglan nimo kini?) ... Dali ra, kay i patawag man pud to (Ang ka arabyado).”* [Of course, you will need to seek help in protecting your rights.



Here in our tribes, we have the Datu's they are the one who settles the issue among us. They also respond quickly and can easily be asked for assistance. The other party will be called, and the matter is discussed to be settled.]- **Participant 8**

*"Oo naa number one diha kay DENR, agriculture, kung manginahanglan ta ug tabang tabangang pud ta sa mga ahensya nga in lign pud sa imong problema.... (Dali ra mn pud sila mu tabang maam no?) .... Mu tabang mana sila basta mag patabang lang pud ka."* [Number one, there is the DENR concerning agriculture, if you ask them for help, the right agency will help you, they will assist if you ask for it]- **Participant 12**

*"Oo kay ang mga staff didto sa barangay kay dali ra jud sila ma duolan, naka experience ko ani sa una pero dili lang sya about sa environmental issue. Pero dali ra jud kaayu sila mapagayoan ug tabang.... (Dali kalang ba makapangayog tabang niinini nila?) Oo dali ra jud kaayu igo ra baktason, actually silingan namo ang barangay captain."* [Yes, the staff in the barangay are approachable. I experienced this before though not in environmental matters, I can just quickly ask for the assistance of these people because the barangay is only a walking distance of us, and we are neighbor with the captain.]- **Participant 13**

*"Naa kanang mga amigo nato nga attorney mag pa kuan ta mangayo tag tabang ba nga ingani nahitabo, naa may mga amigo na attorney private ug public naa tay mga amigo, di lang nato panganlan pero naa koy kaila na attorney na silingan lang namo"* [Yes, there are those who will help us such attorneys that are friends with us. Public and private attorneys that can give advice to us.]- **Participant 15**

### Immediate Access to Courts

Immediate access to courts pertains to whether the participants' concerns will be catered to in courts promptly. The participants have varied responses. Others said that they immediately access the courts through PAO and other government bodies that assist them while others believe that the courts do not immediately settle their concerns because there are procedures to be followed. In addition, some believe that they cannot promptly access courts because of financial matters. Others also said that they cannot access them because there is no one to help them or they do not know what to do.

*"Sa panahon nga naa mga problema nga dili na nimo ma sulo, mangayo man kag tabang sa kapitan, ahh mo tabang manang kapitan."* [When there are problems that you can't solve, ask the captain for help then the captain will assist.]- **Participant 1**

*"Dili, kay daghan pa man kag proseso again."* [No, you can't access them immediately because its a process.]- **Participant 3**

*"Dili oi proses gyud na, lisod man kaayu ug mu didtso ka didto, basi palag ma desisyonan ka didto."* [Not immediately, it is a process, you cannot go directly to the court, your case may also be at stake.]- **Participant 4**

*"Kana man gud, mga ing ana nga problema nga di na ma dag husay husay, mag kina hanglan naman kag dako nga kantidada ana naa naman jud kay kwarta nga magamit, kay di mana lalim nang korte no, mag bayad man jud kag ensakto."* [In that kind of problem wherein it cannot be resolved with a mere settlement, you will need a considerable sum of money because courts are expensive, and you need to pay an amount for it.]- **Participant 8**

*"Oo, kay naa man tay PAO mao mana silay madali dali pero ug kalaban nimo is kwartahan naam gyud na silay mga private attorneys, pero kung access atong hisgotan maka access man ta sa PAO."* [Yes, because we have the PAO, but if the



opposing party is wealthy of course they have private attorneys, but if the access is the concern we can go to the PAO.]- **Participant 12**

### Perceived Hindrances to Seeking Court Actions

Majority of the participants said that the financial constraints such as the distance and travel expenses are the most common hindrance for them to seek court actions. Some also are afraid of the possible ruling of the case that may not go in their favor, and others also are intimidated of a court action. This is the reason why most of them prefer settling environmental issues in the Barangay to avoid the rigors of a court action.

*“Oo ako sa una na kuhaan man kog lisensya, nya kina hanglan mn kag abogado ana kay nay pa pirmahan, ahh adto dayon kas korte kong asay nay abogado, diha sa PAO o, pag abut didto naa may mo tudlo asa ang opisinas sa abogado, pirmahan mn dayun na niya, mo ana sya o humana. Mu tabang mn ang korte.”* [Yes, there was a time when I processed a license. I needed a lawyer to sign a document, then I immediately went to a place where there is a lawyer such as PAO. As I arrived there, a guide told me where the office of the lawyers was. Then, they immediately signed my document. Justice does help.]- **Participant 1**

*“Ing ana gyud, pariah anang kaso-kaso kailangan man gyud nag kwarta ba... oo labi nag imong kontra dato, nya kwarta, nya ikaw maski pailiti lisod gani... (So, kung ing an ate dili nalang ka no?) ... oo ing ana gyud, pro naa man juy mutabang ana... Lisod oi kay proseso mana, mao ganing nay purok leader og barangay no, kay ug mo deretso kag korte magastuhan pa gyud ka, maong proseso sa ba kay daghan man sad na silage gina atiman.”* [It is that way when there is a lawsuit you will need money especially if the other party is wealthy as compared to you who even find it difficult to pay for the travel expenses. If that's the case, I try to avoid elevating the issue to the court but then, there is still someone who will help you in your case. It is a drag to go to court, that's why there is a process, there are purok leaders, and barangay captains because if you proceed directly to court it is costly.]- **Participant 2**

*“Depende sa kaso, kay naa man say ubang mga judge nga muingon nga pwede man siguto ninyo ni ma pangitaag paagi nga mabalik sa barangay o sa tribal aron dili maadto sa taas, pangitaan nalag paagi, kung makaya dri sa ubos, pero ug bug at bug at gyud aw, padayun nalang.”* [It depends on the case because there are judges who will say that it is better to settle the matter at the barangay level or the tribal if the problem can be dealt with there, but if it is a serious case then continue the lawsuit in court.]- **Participant 4**

*“Wala, man sa akoo, ug kanang gustuhon jud nako na mu adto sa korte, lihokon jud nako, para tabang sa kahusayan.”* [There are no hindrances for me because if I really want it, I will pursue the case and settle the matter in court for peace to prevail.]- **Participant 5**

*“Kana man gud, mga ing ana nga problema nga di na ma dag husay husay, mag kina hanglan naman kag dako nga kantidada ana naa naman jud kay kwarta nga magamit, kay di mana lalim nang korte no, mag bayad man jud kag ensakto... (Kanang sa pinansyal wala jud puy mu tabang sa inyo ana pud personal gyud na ninyo?) ... oo personal gyud na... oo tungod sa pinansyal, plete pa, dili biya basta basta no... (What if maka experience gyud tag dako dako na problema nay unsaon mana ninyo?) .... Ahh mag rebelde ang tao mao nang daghan nag mag pa NPA kanang di na kasabot bitaw mao na usa na problema pud nga dili gyud ma sulbad.”* [In those cases where it really cannot be dealt with barangay settlement, you will need a considerable sum of money as the court is not an easy matter you need to pay a lot. The financial aspect is a personal concern no one will help us such as with



the travel expenses. In scenarios like this, where there is a deliberate lawsuit and we have no money to defend our rights, this is the reason why people rebel because they can't understand the situation anymore. This is also one of the issues in the nation that lacks recognition.]- **Participant 8**

*"Oo financial, pero ug naa jud kay prinsipyo unya barogan gyud nimo imong katungod mangita jud kag paagi. Dili man ingon, sa tanan man pamaagi kinahanglan mn jud ta ug kwarta ug ma kinaghlán nga ma settle na dili na mu abot sa court dili nalang paab ton kay sa court pila pana ka tuig bago ma solve."* [Yes, the financial, but if you have to stand for your rights then you will find a way. In all aspects and endeavors money will always be involved, but if the matter to be settled can still be dealt with in the barangay without elevating the issue to the court, then better resolve it there, because it will take many years before the merits are awarded by the court.]- **Participant 12**

*"Kung ahmm naay kuan halimbawa kuan nahitabo sauna kadtong naay nahitabo sauna gubot gubot boss ba kadto murag makuan jud to siya hapit barangay.ahh ammmhh. Hapit maadtog courti, gi husay lng to para kung sa barangay man gud ug mahusay mo dra dinamo mag courti mao to wala nalang nako gi tawagan akong amigo kay nahusay na sa barangay."* [There was a case that was almost elevated to court. However, it was only settled in the barangay. Hence, I did not call my friend who is a lawyer.]- **Participant 15**

## Perceptions on the Integrity of Court Decisions

Regarding the perception of the integrity of court decisions, the participants' opinions are divided. Some say that it is just while others believed that it is not, especially if your opponent is a wealthy or powerful person. Sometimes, the participants feel that their rights are overshadowed.

*"Ahh wala fair jud equal, dili ingon nga ang korte, ah kining tawhana ni ubos ra ni d nato ni tagdon. Mo atiman gyud na sila."* [The verdicts are fair and equal It doesn't mean that you are poor, then the court will not cater to your rights, they really look after you.]- **Participant 1**

*"Depende pud oi, depende sa sitwasyon, depende sa problema. Like kanaang Makita nato sa TV, ang pobre mapriso maskin walay sala nya ang kalaban dato, nya wa sad silay mahimo kay mao man ang desisyon sa korte.... (D gyud pud nimo ma sulti nga fair o patas gyud?) .... oo ana jud."* [It depends on the situation. It depends on the problem. Such what we see on TV, the poor gets imprisoned even if he is on the right side of the law because his opponent is rich and yet. They can't do anything with that decision. That's why I cannot say that the judgment is fair.]- **Participant 2**

*"Kung sa settlement lang murag ma fair siya kay I areglo raman mo pareho, pero sa korte ah, mabal an man jud nimo didto kinsay mali, didto man nimo ma baw kung sad-an ba o dili.... Oo, Sa barangay fair man pud."* [If it is in the barangay settlement, it is fair because there will be a compromise between the two parties. But, in the court, you will know who is at fault. So, it is still fair.]- **Participant 3**

*"Ang sa barangay pareha ra, pero abut ka sa korte kong wala kay kwarta, wala jud kay mahimo, priso jud ka. Pangilitan ako mu kuha kog abogado nya wala koy kwarta aw lugy jud ka kay sila ra biya mag sabut sabut dha, compare ra mana sila. Isa pud sa rason ngaonong dili nalang mo adto sa korte kay basig ma desisyonan paka didto ug di mao, kay ang mu daog biya kay ang but but jud, dapat bantayan gyud nimo imong katungod didto, kay gamayng ligas lang mao rama nay bantayan nila, kay ug manikas wala, lisod na kaayu bawion, samut nag wala kay kwarta jud. Sama sa istorya na nga priso ba ang mga dato ron?, wala ang pobre gyuy kasagaran, tan awa diha sa kuan, pero kanang nay mga patay, nay ebidensya ok to, pro kining mga environment issues wala tay kaya mao nang atoa bahalag daog daogon ta."* [If you



go to court without much money, you will be at a disadvantage compared to your rich opponent because they can just negotiate with the people who handle the lawsuit, who also often are their companions. Another reason I avoid court is the fear of the ruling of the judge when it does not go in my favor. Falsehood can prevail especially if you are not mindful of your rights and even what you say and admit. In these times, are there any wealthy individuals that are in prison? No, they are mostly poor, except in cases such as murders because there is really strong evidence for it, but with regard to these environmental matters, we cannot do much about it they can just bully us.]- **Participant 4**

*“Pero diri sa Pilipinas, 50 50 jud, dili jud ka ma ka sure kay dri mn gud sa Pilipinas kay pag once lawyer mn gud ka bisag sala sa imong kliyente, kina hanglan mg ipa tama mn jud nimo. So mangita jud kag way nga padaugon ko gyud ni sya, mao mn gyud nay, pila nalang say lawyer karon nga loyal kaayu sa ilang kuan ambut ug naa bana silay code of ethics. Pero dili gyud ta mawad an ug pag laom kay naa man gyud mga honest jud.”* [Here in the Philippines, it is 50/50. You can't be sure because the lawyers, even if the client is at fault they will exhaust all possible to win the lawsuit. There are only a handful of lawyers nowadays who maintain their integrity. I don't know if they have a code of ethics. But still, we must not lose hope because some are really honest.]- **Participant 12**

## CONCLUSION AND RECOMMENDATIONS

The researchers conclude that the natural environment is integral for the Lumads. It is their source of food, medicine, and habitat. The environment is intertwined with the lives of these Lumad farmers. The destruction of the surroundings will detriment the lives of these people. Further, the people in urban areas who rely on the products of the Lumad farmers will also suffer its impact. However, environmental violations and abuses continue to be the primary concern which severely impacts the well-being, safety, and livelihood of the Lumad farmers. The most common violations that they are aware of or are personally experiencing are the illegal cutting of trees, such as those considered as good lumbers prohibited by the DENR for commercial or residential purposes.

These acts are linked to flooding and the threat of landslides in the farmlands where their crops and vegetation are at stake. Further, they also identified improper disposal and segregation of waste as one of the struggles happening in their community which derails their health and wellness. The persons responsible for these violations vary; the scope includes personalities and entrepreneurial entities from the past which are claimed by the respondents to have maliciously obtained permits to cut down trees leading to the major depletion of good lumbers in Marilog; local settlers are also the ones responsible for these violations resulting to the struggles the Lumad experience. Further, individuals living in the same locality are also responsible for violations such as logging of endangered trees for residential and commercial purposes. As they are the one who planted these trees, they demand the right to benefit from them despite being barred by the DENR. The research also concluded that the people in the same locality are also the ones who are irresponsible in disposing of waste or neglect the practice of proper waste disposal and management.

Concerning their access to justice, the Lumad farmers believe that the government will help them in cases where their rights to the environment are gravely



abused or violated, they are confident in the service of PAO and the proper government agency to assist them in the matter. However, there are still barriers that discourage them from accessing court litigations. The most common is a financial problem, travel costs, the distance of courts from their locality, and their fear of the ruling of the case, which they believe can be exploited maliciously.

Because of this, they prefer to settle the dispute only in a Barangay or in a tribal settlement to get away with the hassle of legal process, rigors, and expensiveness of court litigations. In terms of access to legal information, the Barangays in their respective areas conducted seminars, programs, and action plans to preserve the cleanliness and order of their locality; in this way, the Lumad farmers are protected and informed of their rights toward a clean and safe environment. However, its reach is only available to those who can participate in these programs. The Lumads are most familiar with the law of anti-illegal logging, which they found to be the most common problem that the society is experiencing, especially in the rural communities, in addition to their accessory consequence such as landslides and floods, which in turn detriment their crops and livelihood. Lastly, the Lumads have mixed perceptions towards fairness and integrity of court litigations; some admit to the integrity and justness of court rulings, while others view the complete opposite. These perceptions are fueled by what is being represented in the media and their common belief that the rich and powerful can cheat their way out of justice, leaving the poor on the losing end of the bargain. Because of this, the Lumad prefers not to escalate the matter to court, especially if the other party possesses wealth or significant influence.

The government may empower the accessibility and efficiency of environmental courts, which specializes and specifically handle cases concerning environmental violations and abuses. They may also continuously strive to improve the confidence of the poor and the indigenous people towards the dispense of justice in the country, not just in environmental aspects but in all cases, through producing more competent attorneys, judges, and litigators who stand firm with the right ethical and moral dispositions. They may also institute more courts in the local provinces or near remote areas to minimize the financial barriers preventing the people from this locality from seeking accessible and convenient court actions. The government may also strive for partnership among the local indigenous chieftains in creating laws, ordinances, and strategies that better suits the needs of the indigenous community concerning the preservation of the environment as their primary source of life and living.

The barangay government units may strive towards the wider participation and involvement of their constituents in their programs, ordinances, symposiums, or agendas in maintaining the cleanliness and orderliness of their locality as well as improve their knowledge about the laws, their rights and responsibility in maintaining the environment, to reach out to those who rarely attend or participate to these programs. They may also empower the reforestation of their respective forest zones by providing free tree seedlings available for planting and merit incentives to farmers who participate toward such an end.

The Lumad farmers and locals of the area, as beneficiaries of the environmental resources, may participate or be called to participate in drafting ordinances providing insightful opinions, strategies, and action plans that better address their needs and general issue toward environmental violations such as illegal logging of trees and



improper waste disposal. Further, the locals should also be the ones to be responsible in their actions towards the treatment of the environment; they should adhere to programs and agendas set forth by the barangay council in protecting the environment. The farmers and the locals may cut down trees provided that they may immediately replace the same.

Future researchers may deepen the study by gathering more data from more respondents around Davao City. They may also conduct the same framework in the scope of the whole of Mindanao and describe more exhaustively and extensively the information towards the issues faced by the Indigenous group as well as the mechanism they employ in attaining justice and settlement. Further, they may also explore matters of tribal resolution systems to provide more input into the matter, as it was not explored in this study.

## REFERENCES

- Asia Indigenous Peoples Pact. (2013). *Indigenous women in Southeast Asia challenges in their access to justice*. <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/EMRIP/StudyAccessToJustice/AIPP.pdf>
- Bueta, P. (2012). *Citizens handbook on environmental justice*. Philippine Judicial Academy. <https://www.ajne.org/sites/default/files/resource/guides/7183/citizens-handbook-environmental-justice.pdf>
- Celeste, B.L., Condino, C., Raquelyn D., & Amoroso, V. (2020). Forest care, interconnectivity and maintenance of ecological resources among the Manobo-Matigsalug people of the Southern Philippines. *Environmental & Socio-Economic Studies*. <http://dx.doi.org/10.2478/enviro-2020-0015>
- Co, E., Malaluan, N., Neame, A., Manuel, M., & Musngi, M. R. (2010). *Philippine democracy assessment. Rule of Law and Access to Justice*. <https://www.idea.int/sites/default/files/publications/philippine-democracy-assessment-rule-of-law-and-access-to-justice.pdf>. ISBN 978-971-92014-8-9
- Dover, M. (2019). A needs-based partial theory of human injustice: Oppression, dehumanization, exploitation, and systematic inequality in opportunities to address human needs. *Humanity and Society*, 43(4). <https://doi.org/10.1177/0160597619832623>
- El-Khoury, J. (2011). Environmental criminality field and legal study. *Energy Procedia*, 6, 704-710. <https://doi.org/10.1016/j.egypro.2011.05.080>
- Hemlata, P., Varma, J., & Surya, S. (2020). *Environmental issues: Local, regional and global environmental issues*. [https://www.researchgate.net/publication/345674317\\_ENVIRONMENTAL\\_ISSUES\\_LOCAL\\_REGIONAL\\_AND\\_GLOBAL\\_ENVIRONMENTAL\\_ISSUES](https://www.researchgate.net/publication/345674317_ENVIRONMENTAL_ISSUES_LOCAL_REGIONAL_AND_GLOBAL_ENVIRONMENTAL_ISSUES)



- Jerez, M.M.(2021). *Challenges and opportunities for indigenous peoples' sustainability*.<https://www.un.org/development/desa/dspd/2021/04/indigenous-peoples-sustainability/>
- Kobajica, S. (2020). The phenomenology of registered environmental crime in Bosnia and Herzegovina. *Journal of Criminal Justice and Security*, 5-6. [https://www.researchgate.net/publication/343190177\\_The\\_Phenomenology\\_of\\_Registered\\_Environmental\\_Crime\\_in\\_Bosnia\\_and\\_Herzegovina](https://www.researchgate.net/publication/343190177_The_Phenomenology_of_Registered_Environmental_Crime_in_Bosnia_and_Herzegovina)
- Lewis-Beck, M., Bryman, A. E., & Liao, T. F. (2010). *The Sage encyclopedia of social science research methods*. Los Angeles, CA: Sage.
- Magallanes, C. (2022). Indigenous environmental justice: Access to environmental justice for Māori. *Vermont Journal of Environmental Law*, 1(22). [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4166459](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4166459)
- McGregor, D., Whitaker S., Stritharan M. (2020). Indigenous environmental justice and sustainability. *Current Opinion in Environmental Sustainability*. <https://doi.org/10.1016/j.cosust.2020.01.007>
- Struwig, F. W. & Stead, G. B. (2011). *Planning, designing & reporting*. Pearson Education: South Africa.
- Yin, R. K. (2017). *Case study research and applications: Design and methods*. Los Angeles, CA: Sage.
- Zainal, Z. (2010). *Case study as a research method*. <https://core.ac.uk/download/pdf/11784113.pdf>