

Environmental Struggles and Justice Among Lumad Farmers of Davao City

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ABSTRACT : The study described the various environmental struggles experienced among the participants and their status in accessing justice. The study followed a qualitative multiple-case study approach; the participants are the Lumad farmers of Marilog, Davao City selected through a Critical sampling method and aims to present the environmental violations experienced by the Lumad farmers in Davao City and how it affected their families and sustenance further, their status in accessing justice is also explored. The study concluded that the most common struggles the participant 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 : *access to justice, criminology, environmental justice, environmental struggles, lumadfarmers*

I. 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). The objective of the study was to determine the status of access to environmental justice and the experiences of environmental struggles by the respondents. 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 Lumad access environmental advice and services, participate in legal processes, and what extent their needs are achieved, to identify information gaps relating to the demand for, or reluctance of the use of the judicial process. The study provided an in-depth description of the experiences narrated by the Lumad farmers. The research is advantageous for the policy-making body of Davao City to create initiatives and ordinances that will strengthen the access and involvement of Lumad communities in the environmental justice system. The study provided data for the Department of Environmental and Natural Resources for intervention strategies on the cases of environmental issues in Marilog Davao City. Further, the research provided a clear picture of the lived cases of environmental offenses in Marilog Davao City through the lenses of the Lumad farmers. This is favorable to the Lumad communities and other ethnic tribes of Mindanao as the exposition of these experiences will provide tangible and in-depth data for policy-making bodies, community leaders, and local and national institutions in implementing initiatives and strategies that will comprehensively address the situation. Barangay Marilog District also benefits from the study as the data collected will provide a baseline input for barangay officials and tribal leaders to utilize for providing support, enforcing, and safeguarding the welfare and rights of Lumad communities, the protection of their ancestral zones, and ecological resources. Future researchers can benefit from the result of the study for further research and reference use.

II. METHODS

Research Respondents 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 the respondents were selected through the 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.

Design and Procedure The study is a qualitative method and used a 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 Multiple Case-Study 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 researcher's 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 the Thematic analysis method. The Thematic analysis method is a design used to analyze patterns and meanings in qualitative data (Braun & Clark, 2006). In furtherance, the research 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 this included permission and terms of agreement of confidentiality. Next, an interview was conducted to collect information, through a tape recorder, the whole conversation was recorded if the participant 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.

III. RESULTS AND DISCUSSIONS

The 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 respondents also stressed that downtown areas are at stake if the forest lands are destroyed.

The various environmental struggles the society experience The researchers asked the participants to identify the different kinds of environmental struggles happening in society below are their responses. The researchers found out that most of the participant's answers were about the illegal logging of trees especially those that are considered as good lumbers, prohibited by the DENR for commercial or residential purposes these violations are in furtherance to flooding and threat of landslides in the farmlands where their crops and vegetation is at stake. Further, some participants identified improper disposal and segregation of waste as one of the problems in their community.

The environmental violations or its impact personally experienced. The participants were interviewed this time about the struggles they experienced in their immediate surroundings, farmlands, or area. The researchers observed that most of them experienced illegal logging.

The knowledge of who are the responsible individuals, entity, or group behind these struggles or violations. The participants are aware of the violations committed by members of the same community yet, do not know who they are, some also refuse to disclose their names. Another commonality between the respondent's answers is that it is the people that include them who are responsible for the struggles and violations in the environment.

The impact of environmental struggles on their income and family. The majority of the respondents answered that the struggles in the environment can affect them primarily in income and family but the damage also extends to their agricultural products, health, occupation. However, for those respondents who have other sources of income they said that it doesn't severely affect their income but only the well-ness of their family.

The presence of awareness campaigns or programs conducted by the government and other organizations toward the citizen's right to a clean and safe environment. The participants were asked whether there are awareness programs, campaigns, or information given by agencies such as the government

and other organizations concerning their rights to a clean and safe environment, these are their responses: Most of the participants answered that the Barangay conducted seminars and offers programs in addressing these rights more commonly with regards to the disposal, segregation, and collection of waste. The Barangays conduct programs to both inform and enforce this right all the people must do is to participate and follow.

The knowledge or idea of laws or ordinances promulgated by the government concerning the environment. 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 lumber strictly prohibited by the DENR. Further, some are aware of the ordinances regarding proper waste disposal, segregation, and keeping the environment clean including the bodies of water they are also knowledgeable of the impact of burning of lands. However, there are few who say that these programs are not properly implemented in their area or that they have already forgotten these laws.

The knowledge to accessing to courts or alternative interventions in issues involving, especially environmental rights and welfare. In terms of their knowledge of accessing courts or other alternative means of intervention concerning cases of environmental rights and well-fare the respondent answered that though 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 respondents also have access to tribal settlement if the matter involves two parties of the same tribal group. Some also say that they will refer to the Public Attorneys' Office to help them in their case.

The immediate action done in case environmental abuses or violations is experienced. Most of the participants, upon answering the questions 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 respondents 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.

The presence or access of assistance to handle legal matters especially concerning cases of 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 respondents also said that tribal councils also aid them. The respondents said that these people are easily accessible and prompt in their aid. However, you can only get help if you purposely seek 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.

Immediate access to courts. Immediate access to courts pertains to whether the participants' concerns will be catered to in court promptly. The respondents have mixed responses. Others said that they immediately access the courts through PAO and other government bodies that will assist them. Others believe that the court do not immediately settle their concerns because there are procedures to be followed. In addition, some respondents also 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.

The perceived hindrances to seeking court actions. The majority of the participants said that the financial aspect such as the distance and travel expenses is 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 the respondents prefer settling environmental issues in the Barangay to avoid the rigors of a court action.

The perception of towards the integrity of court decisions. Regarding the perception of the integrity of court decisions. The participant's 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 because of their rights are overshadowed.

IV. CONCLUSION AND RECOMMENDATIONS

The researchers concluded 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 lumber 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.

To the Government, they may empower the accessibility and efficiency of environmental courts, which specialize in 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.

To the Barangay government units, they 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.

To the Lumad farmers and locals of the area. As beneficiaries of the environmental resources, they 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.

To future researchers. They 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.

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